

BRIEF ON PARENTAL ALIENATION

Primary VAWA 2021 Bill Sponsors:
Representative Sheila Jackson Lee
Senator Dianne Feinstein

Brief Produced by:

A consortium of experts representing a large network of international organizations (see below)

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1. Background

1.1 It has come to our attention that the U.S. Violence Against Women’s Act recently signed into law by President Biden in March of 2022 contains a law titled “Kayden’s” law. This law states,

“scientifically unsound theories that treat abuse allegations of mothers as likely attempts to under fathers are frequently applied in family court to minimize or deny reports of abuse of parents and children. Many experts who testify against abuse allegations lack expertise in the relevant type of alleged abuse, relying instead on unsound and unproven theories.”

1.2 Kayden’s law is based on the premise that mother’s claims of abuse in family court are “discredited” when fathers claim they are being alienated by the mother. As we will describe below, there has not been credible scientific support for this claim. Without specifically naming a theory, the law also indirectly references what is termed “parental alienation,” and we are very concerned that the misuse and misrepresentation of the scientific research on this topic has led to the creation of a law that will seriously harm millions of children. This law needs to be amended immediately.

1.3 This briefing paper, produced by a large network of organizations representing international experts in many professional and scientific fields, sets out that Kayden’s Law represents a gender biased position on the topic of family violence. The law relies on misinformation about parental alienation, and on the work of advocates and poorly conducted research.

1.3. In this brief, we will also describe what parental alienation is and why it is a form of both domestic abuse and child psychological abuse., We will also explain that it is *not* an unsound or unproven “theory” as implied by the law.

1.4 We hope that this information is useful to you correcting assumptions about this problem and in revoking or amending the law to protect children and families, regardless of their gender, from all forms of family violence (including parental alienation).

2. Executive Summary

2.1 Parental alienation refers to an outcome “when a child’s resistance or hostility towards one parent is not justified and is the result of psychological manipulation [through a range of abusive behaviors] by the other parent.” The behaviors that lead to parental alienation are called “parental alienating behaviors.”

2.2 Parental alienating behaviors are both child psychological abuse and domestic abuse, with the latter clearly being coercive and controlling behavior. Fathers and mothers are just as likely to be perpetrators and victims of parental alienation, as well as other family members; the child is always the victim. As with other forms of abuse, parental alienation does not discriminate.

2.3 There is a wide range of alienating behaviors, which may occur at the same time as other forms of domestic abuse against a background of parental disputes and disorders, and the inability of one or both of the parents to work to restructure the family in a healthy manner after separation.

2.4 Some writings on parental alienation are flawed and biased, and work against recognizing and supporting those mothers, fathers, grandparents and children who are victims of parental alienation. These writings apply a gender bias to the topic of family violence that has not been supported by the majority of research on this problem.

3. The False Premise Underlying Kayden’s Law

3.1 There has been a large body of published academic and professional research on parental alienation and parental alienating behaviors from around the world over the last 35 years. The Center for Knowledge Management at Vanderbilt University Medical Center in the USA has indexed over one thousand scientific and peer-reviewed papers, book chapters and other resources pertaining to parental alienation (see <https://ckm.vumc.org/pasg/>). The Parental Alienation Study Group (www.PASG.info) also has several annotated bibliographies of the published literature for public reference.

3.2 Numerous critics of parental alienation have created briefings about parental alienation that are ideologically driven (e.g., all violence is gender based violence, and women are victims) based on selective and biased literature reviews. These documents have largely ignored the vast amount of scientific evidence that has accumulated about parental alienation, and some have deliberately conveyed misinformation about the problem or made ad hominem attacks against those who have been working in the field. There have been hundreds of scientific studies of parental alienation across the world, with over 40% of what is known having been published since 2016 in some of the top scientific journals published by the American Psychological Association and the Association for Psychological Science. It is a form of violence that does not discriminate and is not localized.

3.3 The misinformation about parental alienation that has been spread by domestic violence and child abuse advocates has gotten so bad that an international organization (the Global Action for Research Integrity in Parental Alienation (<https://garipa.org/>)) was recently formed to hold publishers and organizations accountable for publishing false and misleading misinformation

about the problem. The scientific record needs to be accurate in order to develop empirically based policies and laws that serve and protect people.

3.4 The briefings and other writings of these critics have also focused on a small number of research studies that have not been replicated and have serious methodologic and statistical flaws, making their conclusions unreliable. These writings also appear to serve as the basis for Kayden’s law. Two examples are provided below.

The work of Professor Joan Meier

- a. In 2019, Professor Joan Meier and colleagues published a paper in a paper series at her home institution (George Washington University, <https://ssrn.com/abstract=3448062>). The editors of this paper series recently confirmed that the paper had *never been reviewed*. This “study” was therefore not peer-reviewed by anyone, least of all by any scientists.
- b. This 2019 paper reported that when mothers make allegations of abuse in court, their allegations of abuse are often “discredited” and not believed, and that mothers are likely to lose custody to abusive fathers. The authors also reported that the mother’s claims are most likely to be rejected when abusive fathers claim to have been alienated from their children by the mother.
- c. In the scientific journal *Psychology, Public Policy and Law* published by the American Psychological Association, Harman & Lorandos (2021) (<https://psycnet.apa.org/fulltext/2020-96321-001.pdf>) identified over 30 methodological and statistical flaws on the Meier et al. (2019) paper. Harman and Lorandos also identified several other issues with the work once more details about the study was made public. These flaws include very questionable research practices and biased methods, such as:
 - a. Admitting to having “amplified” (aka manipulated) their data to get the results that they desired;
 - b. Not reporting any statistical models or detailed outcomes associated with them;
 - c. Coding any case where the court determined *both* parents were being abusive as meaning that the mother’s allegation was discredited;
 - d. Sampling only a narrow range of cases that cannot be generalized to other family law cases.
- d. Harman & Lorandos (2021) directly tested the findings reported by Meier et al. (2019) in a separate, more transparent and scientifically rigorous way using open science practices, and they found **absolutely no empirical support for Meier et al.’s conclusions**.
- e. Meier was unable to publish a response to the Harman & Lorandos (2021) paper because it did not pass scientific peer review. After being provided multiple opportunities to revise her comments, she submitted her response to a non-scientific journal that is also known for publishing misinformation about parental alienation (see Bernet, 2021: <https://doi.org/10.1080/01926187.2021.1972494>). This action is an attempt to make it appear her “rebuttal” was a valid scientific response to the original critique, when it is not.

- f. The Meier et al. (2019) paper is continuously cited in support of anti-parental alienation legislation, and the conclusions are directly reflected in the language of Kayden’s law. Biased and methodologically flawed studies such as this should *never* be used to support any change of legislation because their conclusions are not trustworthy.

The work of Barrister Nola Webb

- a. In 2020, Barrister Nola Webb and colleagues published a paper reporting on Australian court cases where child sexual abuse was alleged. In cases where child custody was changed, the authors reported that the court had determined that the allegations of abuse made by the “protective” parent (typically a mother) were “deliberately misleading.” In their discussion, the authors reported that the courts were not believing mothers, and they cited original work by Meier et al. (see above).
- b. One scientist (Dr. Jennifer Harman) directly contacted the authors to ask how they concluded that courts were discounting the allegations and not believing mothers. There was no description in the methods about how the authors came to that conclusion. One of the authors responded by providing a weblink to their dataset and told the scientist that they would respond at a time when they were less busy. Two months later, another author wrote back to describe why they used the work of Joan Meier to explain their results. The scientist then repeated the original question, and asked where, in the dataset provided, the authors coded for whether the claim of abuse was accurate. The scientist pointed out that the judges (and juries) had more information about the facts of the case than the researchers—so how could they draw their conclusion?
- c. The authors did not respond to the scientist’s question. Conclusions that cannot be supported by empirical evidence should **not** be cited by others as fact. In this case, it is not possible to conclude from this study that mother’s claims of abuse are not being believed by the court. In fact, there is other data reported in the same study that indicates the opposite conclusion. Yet, this study’s faulty conclusions are being used by advocates critical of parental alienation to support laws such as Kayden’s law.

3.5 These two studies illustrate that the “research” used to support the claim that court decisions are rejecting mothers' allegations of abuse, particularly when there are counterclaims of parental alienation by a father, are ipso facto wrong. This biased, gendered agenda also acts against women who are alienated parents, and those who are related to the alienated father and are thereby also affected by the alienation of the child. Yet, Kayden’s law reflects this biased and unscientific opinion.

3.6 The voices of male victims of domestic abuse and parental alienation are rarely included in the briefings and materials created by these critics. Rather, a “red flag” that the position of these individuals and groups is biased is that the primary focus of their arguments and the research presented focus almost exclusively on female victims and male perpetrators of violence. This position is biased because population based research in many countries demonstrates that there are **not** gender differences in male and female domestic violence victimization.

3.7 The underlying theme of the writings of critics is that when fathers claim they are victims of parental alienation, their claims are all mendacious and are intended as a means of carrying out further abuse on the mother. But the writings do not even accept the possibility that allegations by a mother of domestic abuse, or of PA, which may be no less common than allegations by fathers, may be untrue. There is absolutely no evidence that men are more likely than women to manipulate the system by making false allegations, or vice-versa, and judicial experience shows no differences. Courts make their decisions on the basis of the totality of evidence, in the best interests of the child.

3.8 It is a matter of serious concern that such non-inclusive, unscientific, one-sided writings are taken by the political and the justice community to be scientifically valid and conclusive research. It is shameful that the U.S. government accepted such writings as a basis of Kayden's law and did not fully consider the vast scientific support for the problem of parental alienation. The next sections describe parental alienation and it causes in greater detail, so that you are aware that parental alienation **not** an unsound or unscientific theory.

4. Overview of Parental Alienation

4.1 Parental alienating behaviors is a descriptive term that refers to a range of coercively controlling abusive behaviors that have been documented by domestic violence scholars for decades: particularly related to the use of children as a weapon against their other parent. Parental alienating behaviors serve to make a child believe their other safe and loving parent never loved them, is dangerous, and abandoned them.

4.2 Scholars of parental alienation have relabeled these coercively controlling behaviors as parental alienating behaviors because they are concerned with how it affects the child who is used as a weapon. The weaponization affects the child's attitudes and behaviors towards the victim of coercively controlling abuse- the outcome of this weaponization is called parental alienation. In other words, parental alienating behaviors and coercively controlling behaviors are two terms for *exactly* the same thing.

4.3 Parental alienation affects both the children who are victims of parental alienation and the alienated parent (sometimes called the targeted or victim parent), as well as their extended family and communities.

4.4 Alienating behaviors may be unintentional, in the sense that the alienating parent is unaware of the likely results. When identified such behavior must be recognized and remedied.

4.5 Both parents are responsible for the healthy development of their child, including promoting a proper loving relationship, which includes frequent regular contact between the child and both parents and their extended families. Parental alienation adversely affects the psychological development of the child in that it prevents a natural, healthy bond and relationship with a parent.

4.6 Parental alienation usually develops when parents are engaged in separation or divorce and the child allies strongly with one parent (the 'preferred parent' or 'alienating parent') and rejects

a formerly healthy relationship with the other parent (the ‘alienated parent’), without legitimate justification.

4.7. There are cases in which the abusive behavior of one of the parents is so extreme that a complete rupture of the relationship with the child is justified, but these cases are rare and are a different form of family conflict referred to as “parental estrangement.” Again, parental alienation refers to rejection for unjustifiable reasons.

4.8 The impact of parental alienating behaviors on a child’s psychosocial development is substantial. An alienated child, who has been convinced that one of the parents is bad, violent, or unworthy, and has not observed normative parenting, may believe that they are in some way unworthy, having internalized the denigration of that parent, who is part of the child. This may lead to difficulty in forming relationships and bonds with future partners and/or with their future children and has been related to several long-term negative consequences such as anxiety and depression.

4.9 It is also important to note that within proceedings following separation in the family courts, false allegations of domestic abuse and/or parental alienation are sometimes made. Each allegation must be carefully examined by the court. Sometimes there is both psychological abuse by alienation and physical or sexual abuse in the same family (called “hybrid cases”). There is no reliable scientific evidence (as opposed to anecdotes by parents who regard court decisions as being wrong) that men or women are more likely to raise false allegations or that courts systematically prefer fathers over mothers or vice-versa, or that allegations of one kind of abuse trump allegations of abuse of other types. There are rare cases in which abuse of a child is so egregious as to prohibit any form of contact between the child and the perpetrator, but it is unconscionable that the mere allegation of abuse should preclude contact of any kind.

5. Parental Alienating Behaviors and Impact

5.1 It is relevant and beneficial to further explain ‘parental alienating behaviors.’ These behaviors, which are gender neutral, have been observed by mental health professionals, family law judges and lawyers, across the world for many decades. There are hundreds of articles, book chapters and other pieces of scientific descriptive, qualitative and quantitative research around the phenomena, which have appeared in peer-reviewed publications.

5.2 Parental alienating behaviors are, therefore, both:

- The observable and measurable evidence within families of the process (and therefore evidence that Parental alienation exists, whichever descriptive term one prefers to use);
- The cause of the weaponizing of children and the emotional /psychological damage and harm to children, hence a form of domestic abuse/family violence/child abuse.

5.3 Children who are exposed to parental conflict on a regular basis are likely to suffer emotional harm. The fact that the parents are separated does not make the impact of harm any less concerning. It is not only overt violent and aggressive dynamics that impact negatively on child

development; hostility and conflict between parents that is frequent, intense and unresolved can also have an adverse impact, creating toxic stress within the child which will manifest over time, as psychological disturbances and even psychiatric illness. This is an Adverse Childhood Event (ACE) and is a public health issue of deep importance. The longer the child is without contact with a parent, the deeper the damage; this means that allegations of interference with child-parent contact must be dealt with swiftly, so as to prevent exacerbation. Continuing to recognize and define parental alienation as child and domestic abuse give the courts and child welfare authorities the powers needed to intervene immediately.

5.4 The range of alienating behaviors, which may involve wider family members, especially grandparents, as well as parents, include triangulation –making the child align with one of the parents and reject the other. The abuse, of the child and of the parent and his family, consists of a pattern of behaviors, sometimes of different kinds. These are some examples:

- Creating a false narrative by telling the child falsehoods and/or distorting the child's memories about the alienated parent's behavior;
- Constantly painting the alienated parent in a negative light to the child without foundation;
- Providing false information to third parties to harm the alienated parent;
- Telling the child the alienated parent is coming to pick them up, knowing that is not true, and making the child wait for hours for a parent who does not come;
- Pressuring the child to feel allegiance/loyalty to them, for example, telling the child they will not love them anymore if they 'choose' the alienated parent;
- Pressuring/rewarding the child to reject the alienated parent or to be defiant, violent or disruptive towards the alienated parent, and/or sanctioning the child for non-compliance with the wishes of the alienating parent;
- Coaching and coercing the children to say or write negative or false things about the alienated parent to child protection reporters and authorities;
- Treating the child like a best friend, seeking comfort from the child when feeling upset, placing the child in the middle as communicator and mediator, exposing the child to details of legal proceedings (Parentification or Adultification);
- Allowing the child to refuse contact with a parent on the basis of a trivial or perceived problem.

5.5 The impact of parental alienation on the alienated parent includes:

- The fear of no longer being allowed to have a meaningful relationship with the children and the fear of never seeing them again, leading to acute psychological and emotional harm;
- The psychological damage of unwanted rejection and through having the child turn against the parent and withhold affection;
- The social stigma of being recognized as a "rejected" parent;
- Increased levels of anxiety and depression; in the more severe cases, alienated parents have been known to take their own lives, or attempt to do so;
- The financial burden of having to seek continual legal redress to maintain contact and to prove that parental alienation is taking place;
- Poor performance at work or studies, and disruption of personal life and relationships, arising from ambiguous loss

6. Parental Alienation and Other Forms of Family Conflict

6.1 There can be several reasons why a child would resist contact with a parent. The nature of this resistance, and other factors in the family dynamic, help to determine the reason for the resistance.

6.2 Children who have been moderately to severely alienated from a parent frequently, persistently, and consistently reject them and refuse to communicate with or see them. In milder cases, this resistance is most often seen when the child is with their preferred parent, and less so when in the care of the less favored parent. Over time, and as parental alienation becomes more severe, the child's resistance increases.

6.3 Children who have been estranged from a parent, meaning they have a justified reason for resistance such as in cases of child abuse, do not often reject the parent persistently, consistently and frequently. Rather, children who have been abused in other ways tend to have considerable ambivalence about their abusive parent and many children minimize the abuse they experienced. These children often protect and make excuses for their abusive parent---they are not likely to reject them. This feature is an important differentiator for alienated and estranged children.

6.4 Some children are pulled into their parental conflicts and get "stuck in the middle." In this case, the child experiences what is called a loyalty conflict. This family dynamic is different than parental alienation because in this case, the child wants to maintain a positive relationship with both parents. The child is in a difficult situation because both parents try to influence the child to pick their "side," which can make the child withdrawn and less close to *both* parents. Sometimes, the child will eventually pick a side in this conflict and reject their other parent in order to stop being in the middle. In such cases, the child eventually becomes alienated from a parent.

6.5 Children who have been alienated from a parent manifest several behaviors that scientific and clinical research has found to be unique for them, meaning that these behaviors are not as likely to be found among children who are in a loyalty conflict or who have been estranged. These manifestations are:

- **Campaign of denigration:** The child repeatedly complains about the parent over and over again to anyone who will listen. The child has internalized the negative attitude of the alienating parent towards the alienated parent.
- **Frivolous rationalization for the complaint:** Irrational or silly reason given for not wanting to see the rejected parent (e.g., mom or dad is "boring"). Children who are alienated will also hold a grudge against a parent far longer than most children (e.g., if they were disciplined for a rule violation) and use it as justification for their rejection. For example, a child may claim mom or dad is "abusive" because they suspended social media use for a week and therefore refuse to spend parenting time with them for weeks or months.
- **Lack of ambivalence:** Good relationships always have ambivalence because no person is all good or all bad. Alienated children do not typically show signs of this: rather, they

show splitting such that the rejected parent is all bad and evil, and the preferred parent is perfect, idealized, and all good.

- **Independent thinker phenomenon:** The child goes out of their way to tell people that their opinions are their own and that their mom or dad did not tell them to think or believe what they do.
- **Borrowed scenarios:** The child will repeat phrases used by the alienating parent nearly word for word or describe stories or past events that they would have had no independent knowledge of (e.g., who the primary caregiver was as a baby, reasons for their parent's divorce). Some children will also use language to describe the targeted parent that would not normally be used by a child their age, indicating that they have borrowed the phrases from the alienating parent (e.g., a 4 year old saying that mom or dad needs "anger management classes or an 8 year old who informed a psychologist that her "voice under UNCRC Article 12 must be heard").
- **Automatic support/reflexive support:** The child will automatically choose to defend the alienating parent in any disagreement or argument. This automatic support is often most evident among children whose personal identities are lost due to being **fused** (alternatively referred to as "enmeshed") with the alienating parent, as any perceived criticism of the alienating parent is perceived by the child as being a criticism of the self, and it challenges the child's idealization on the alienating parent.
- **Absence of guilt:** The child is very disrespectful and hostile towards the rejected parent with no visible qualms or guilt. The child shows no concern for the feelings of the rejected parent and the impact of their behaviors on them.
- **Spread of animosity:** The negative feelings the child has for the targeted parent spreads to other people associated with them: step-parents, extended family, friends, even pets. Even though these individuals have done nothing wrong, the children 'hate' them with the same amount of hostility as the rejected parent. From the child's perspective, if the rejected parent is so bad, then everyone associated with them must be bad as well.

6.6 The more severely alienated a child becomes, the more behavioral manifestations the child has been found to express.

6.7 The differentiation of parental alienation from other forms family conflict can be done reliably using what is referred to as the Five-Factor Model. When there is evidence of the following five factors in the family, then it is unlikely that the child is estranged or experiencing a loyalty conflict:

- 1) The child rejects a parent or resists contact for unjustified reasons;
- 2) The child previously had a positive attachment/relationship with the rejected parent;
- 3) The child does not have a history of abuse or deficient parenting with the rejected parent;
- 4) The child has a preferred parent who has engaged in patterns of parent alienating behaviors over time; and
- 5) The child has several or most of the manifestations of parental alienation (6.5 above),

7. Conclusion

7.1 The consensus among the vast majority of academic researchers, practitioners in the mental health professions, and judicial officers around the world, is that parental alienation is a form of child psychological abuse and of domestic abuse; that its effects on children are severe and last into adulthood; that its effects on alienated parents are devastating; and that there are no statistically significant differences between women and men as perpetrators and victims.

7.2 There can be no doubt that judicial decisions in cases involving children must take account of all aspects of the family dynamic, including all types of abuse and family conflict. There is a need for qualified professionals to assist the court in assessing whether there is abuse, and if so its severity and how it should affect child-parent residence and contact arrangements.

7.3 Kayden's law reflects gross misinformation about parental alienation and is based on opinions that are unsupported by scientifically peer-reviewed research. Policies and laws should be based on strong, scientific evidence, not the opinions of well-funded advocacy groups who push a one-sided agenda. We are very disappointed that the opinions reflected in the law were not more thoroughly critiqued and researched by the legislators supporting the bill and their staff, and that other scientists studying family violence were not consulted on this matter.

7.4 Kayden's law needs to be revoked or amended to reflect accurate and transparent scientifically sound research on parental alienation and domestic violence.

Please contact info@repealkaydenslaw.com with questions or a response to this brief and the concerns raised herein.