



## **Overcoming Parental Alienation**

Reconciling Parents and Children

**Dialogue in Growth (D.i.G) Pty. Ltd** ABN: 83 151 471 742

*"Reconcile with Your Children, Reconcile with Yourself if you Cannot"*

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### **Response to Call for Inputs- Custody Cases, Violence against Women and Violence Against Children**

**Issued by: Special Rapporteur on violence against women and girls, its causes and consequences**

#### **Context**

This author is a clinical sociologist and clinical counsellor in Australia. He recently completed a qualitative and quantitative research PhD into parental alienation as a social issue. The research used a sample population equally representing mothers and fathers who identified as alienated parents.

The research found that the lived experience of parental alienation equally impacted alienated mothers and fathers. Gender did not significantly differentiate their experiences or how their experiences affected them. Parental alienation is an alienating discourse driving narratives that exploit children to vilify, stigmatise and reject a parent.

He is also the principal consultant of a consulting group in Australia specialising in alienation assessment and remediation in an Australian Family Law setting. The client base represents alienated mothers and fathers regardless of family configuration or sexual orientation.

He is also a member of two international organisations whose missions are to advocate parental alienation as a presentation affecting all parents and all family configurations.

#### **Executive Summary**

The Special Rapporteur's Call for Input on Violence against Women and Violence Against Children is ideologically biased against parental alienation. It relies on faulty and false presumptions and denies the long-established evidence and research base for parental alienation to frame responses.

Parental alienation is a non-gendered behavioural process. It is a form of coercive-controlling family violence affecting mothers and fathers of all sexual orientations and family configurations.

Parental alienation theory gives equity to mothers and fathers to help their children. The Special Rapporteur's Call for Input fails to recognise that men and women can engage in harmful and abusive behaviour toward each other and their children.

Gendered family violence theories and practices harm women. They do not have an assessment and evidentiary framework to support mothers' parental alienation situations. They force mothers and fathers to implicate themselves by defending themselves when making valid parental alienation allegations.

Recent research finds that parental alienation is a discourse that shapes lived experiences. The evidence to uncover it is primarily narrative. It is not based only on objective facts. Support services for mothers and fathers should provide specialised services to curate parental alienation evidence in narrative form.

The United Nations Charter of the Rights of the Child supports parental alienation concepts. It supports the child's right to have a relationship with both parents, to have their identity and to provide state support to parents to fulfil their child's best interests.

Family Law in Australia embodies parental alienation concepts. It uses those concepts in a non-gendered functional description of "*preventing the family member from making or keeping connections with their family, friends or culture*" as an example of Family Violence.

Structural change is required for institutions, primarily legal and child protection, to develop parental alienation, family violence, sexual abuse, and trauma-informed policies and practices.

### **Introduction: False Presumptions**

The Special Rapporteur's Call for Input starts with a presumption that there is something wrong with the concept of parental alienation and its conceptualisation as psychological maltreatment and family violence. This false presumption supports the Special Rapporteur's claims that parental alienation may cause mothers to lose custody (parental care and responsibility) of their children.

This outcome occurs if legal processes find that parental alienation behaviours harm the children. The same result applies in validated cases of family violence and sexual abuse, especially where the children remain in danger. The presumption the Special Rapporteur implies in the Call for Inputs, "mothers have been penalised for making allegations", is that women do not alienate. Long-standing prevalence evidence falsifies this presumption.

Another presumption that women's allegations of family violence are always credible is as false as a presumption that all men's claims of parental alienation are also plausible. For example, a recent article (<https://bit.ly/3u9PB9p>) quoted current Australian studies identifying that a significant proportion (nearly 25% of a case study sample) of allegations of child sexual abuse are deliberately misleading. Mothers make most such allegations.

No comparable study cites evidence for men's false or misleading allegations of parental alienation. Nonetheless, practice-based evidence suggests men also make false claims.

Antagonists of parental alienation and parental alienation-as-pseudoscience proponents often repeat the claim that "these concepts lack a universal clinical and scientific definition". Students of Alice in Wonderland recognise this practice as a "woozle".

Not only is the claim simply wrong, but it is also an example of a disinformation strategy at the institutional level. Alienating parents employ similar methods to "gaslight" their children and entrap alienated parents in implicating themselves by defending themselves. Therefore, this response will not engage in a piecemeal repudiation of such false claims.

The Special Rapporteur relies on false presumptions despite ample research and independently validated evidence for parental alienation as a behaviour and family violence. This practice is an example of using false ideology to constrain responses on terms the Special Rapporteur imposes. The Special Rapporteur's Call for Input succumbs to confirmation bias because its ideology ignores ideas that do not support it.

### **The Call for Input Harms Women by Denying The Validity of Parental Alienation**

Denying the apparent validity of parental alienation as a psychological problem and a social and public health issue harms mothers whose children are alienated from them. Their claims often must rely only on narrative evidence about their lived experience. Denying parental alienation as a form of discursive, coercive controlling family violence prevents mothers from using narrative evidence to substantiate their case.

The Special Rapporteur claims there is no such thing as parental alienation. There is no basis within current family violence theory and practice for mothers to formulate a defence against parental alienation. The Special Rapporteur's false claims may leave women and mothers vulnerable because they cannot substantiate that their ex-partner coercively influences the children against them.

### **Gendered Family Violence Ideology Harms Women and Children**

The conventional understanding of gendered family violence formulates that a social mandate and social construction of disrespect for women sanctioning violence in all forms against them organises men's identity.

No gendered family violence theory explains how women use parental alienation behaviours as discursive violence against fathers and children or mothers and fathers in same-sex relationships. The absence of such a theory leads to the Special Rapporteur's views that mothers are penalised for making claims of family violence and child sexual abuse. There is no reliable evidence to support such a claim.

The Special Rapporteur cites a dangerous and ideologically driven presumption that all claims of violence and abuse against the claims of parental alienation are valid. This claim has no basis. There is reliable evidence that mothers and fathers make allegations that are

primarily valid and substantiated but may be malicious and deliberately misleading in a significant proportion of cases (<https://bit.ly/3u9PB9p>).

In claims of family, violence and child, sexual abuse and parental alienation, the evidence is narrative and discursive. We have long experience in bringing evidence together to demonstrate behaviour patterns and their effects on children and parents in cases of parental alienation.

### **The United Nations Charter of the Rights of The Child**

This charter is often misquoted and misapplied to defend a presumption that it is acceptable for a parent to coerce a child to reject the parent and interest in their safety.

The charter supports the child's rights to their identity and a relationship with both parents. It also places responsibility on the state to support parents in maintaining relationships with their children because that is in their child's best interest. The state can execute its responsibility by including parental alienation concepts in determining what is in the child's best interest and supporting parents in fulfilling them.

### **How Mothers and Fathers Fail in Alleging Parental Alienation, Family Violence and Sexual Abuse**

Family violence and child sexual abuse rely on forensic investigation. Forensic investigators may not support allegations of family violence and sexual abuse. Children may not describe behaviours that fit definitions of sexual abuse, use adult language, or cannot provide consistent detail commensurate with lived experience or as a first-person witness. Forensic investigators often find children stating they either do not like one of their parents or even hate them but cannot explain why.

Our experience in successful alienation cases is that such claims are well formulated as child protection matters using evidence-based models. Their success does not rely on parenting gender. A key success factor is a discourse and narrative analysis in an evidence-based framework to strongly evidence the case.

We also have experience with alienated mothers too traumatised to continue their case (<https://bit.ly/3Hf9i7p>). The process of parental alienation is psychologically and socially brutalising. Yet, men and fathers have integrated support services to assist them, and that implicitly accept the possibility of alienation subject to substantiation. Women and mothers' peer groups may adversely judge mothers whose children reject them. They attempt to shoehorn their experience into family violence models that blame them and do not provide an appropriate assessment and evidentiary framework.

Mothers and fathers making false family violence, abuse, or parental alienation claims against the father (or mother in a same-sex relationship) are usually disorganised, inconsistent and contradictory. Parents who make such false claims lose their credibility.

They rigidly insist on their version of events, even when confronted with information, facts, and assessments that contradict their claims. Losing credibility when making false claims equally applies to mothers and fathers.

Some parents claim to be traumatised victims of family violence. Still, they devalue their position further by lacking empathy for their children, lacking emotional insight into their children's relationship with them, and manipulating and exploiting legal processes. They sometimes expose themselves when they recruit other agents to make formal complaints on their behalf to trigger child protection action or carry out their instructions.

This description applies to mothers and fathers making false claims of parental alienation. Women making valid allegations of family violence and sexual abuse seem to be relatively poorly supported by the services that assist them.

### **Critical Success Factors in Parental Alienation and Family Violence Allegations**

Our experience in the Australian Family Law system is that claims of parental alienation, family violence, and child sexual abuse characterise the most highly contested cases. The cases that go to trial cause judicial offices to confront stark choices shaped by the limited scope of a legislated paramount concern for the children's safety. They reverse parental care and responsibility when satisfied that the alienated parent is more credible. Alienated parents are consistent, accept responsibility, commit to changing suboptimal parenting and are convincing in their intent to foster their children's relationship with both parents.

Judicial officers sometimes face parents, including mothers, who are unconvincing and lack credibility. They also present faulty evidence and demonstrate no intention of allowing the children to have a relationship with their other parent. By this stage, police and forensic investigation have ruled out any risk the rejected parent may present to the child, including allegations of family violence and child sexual abuse.

### **Parental Alienation: Supporting Mothers, Fathers and All Family Configurations**

Parental alienation is a form of social alienation and discursive family violence. It is the one conceptualisation of social violence that includes all genders and all types of families. Mothers and fathers can find a home where their lived experience is accepted. The concept of parental alienation as a process of behaviours is non-gendered. It includes mothers' and fathers' experiences and leads to them and practitioners working together to develop strategies in remediations to respond to it across all genders and family configurations.

The concept of parental alienation accepts that it affects mothers and fathers and all family configurations equally. The field of parental alienation validates women's authentic lived experience of a form of discursive family violence. It provides women with equity in driving change and recruits men and women to address parental alienation as a social issue.

Assessment processes for parental alienation behaviours are evidence-based and screen for parents' behaviours and child presentations that meet the criteria. These assessment processes also require that the presenting behaviours and manifestations falsify a hypothesis that the parent claiming alienation materially contributed, for example, by family violence or abuse, to their rejection.

This author draws attention to the following extract from Section 4AB of the Australian Family Law Act, 1975, on which cases involving parental alienation rely. It contains an excellent non-gendered functional description of parental alienation as an example of family violence, utilising the concepts of parental alienation but without using the term:

*(2) Examples of behaviour that may constitute family violence include (but are not limited to):*

- (i) preventing the family member from making or keeping connections with their family, friends or culture*

## **A Way Forward**

The legalised processes for assessing parental alienation rely on outdated concepts of evidence. They do not encompass the relational and discursive nature of family reality. Evidence refers to how those charged with children's welfare and safety discern that relational discursive reality. Such a reality cannot be discovered only by objective facts. In most cases, there is insufficient objective evidence unless independent eyewitness accounts exist. Parents and court-appointed practitioners, and judicial officers rely more on narrative evidence that is inevitably subjective.

Cases involving cross-claims of parental alienation, family violence, and child sexual abuse require a resolution of legal contest about which version of reality is more plausible. They must now rely on the credibility of the witnesses (the parents and children) to give authentic and genuine accounts of their experiences.

The credibility of witnesses is well understood in legal practice. Parents as witnesses do not appreciate how their authenticity informs their credibility and, therefore, their narrative accounts. The parents we work with all receive coaching and preparation to curate their evidence according to evidence-based models and to engage with court-appointed assessors. They establish their credibility before they enter the witness box.

Assessment processes should use the authenticity of narrative evidence about the narrator's lived reality to test the validity of all allegations. Such a practice may assist women and alienated mothers and give credibility to their voices. Evidence of family violence, sexual abuse and parental alienation may not rely only on objective factual evidence defining a reality outside the person living it.

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