

**The impact of the legal system on parental alienation syndrome.**

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## **Abstract**

The purpose of the present study was to examine Parental Alienation Syndrome (PAS) and to expand the research based knowledge in the area. PAS entails both psychological processes and legal dimensions as it occurs primarily within the context of custody litigation. False allegations of abuse (FA) are commonly associated with PAS and similarly entail both psychological and legal issues. The research comprised two separate studies. First, interviews with target parents were conducted to attain their unique perceptions and experiences of PAS and on the way their cases were handled within the legal system. Second, a quantitative comparison between PAS and FA was performed to identify any similarities and differences and examine a possible relationship between the two. Results highlighted inherent difficulties for successful joint custody arrangements for PAS families as communication was difficult and litigation was prominent. In spite of well-established parent-child relationships before the divorce, these were negatively impacted with the onset of litigation. Parents and children were negatively impacted from the PAS, including reported mental illness for both. In FA cases the children were found to be significantly younger and from one-child families compared with PAS families. Women were found to more likely be the alienators or accusers of FA. In spite of having the legal authority to deal with the PAS, judges reportedly rarely utilized this power. The limitations of the research are discussed and direction for future study given.

## **Résumé**

Le but de la présente étude était d'examiner le syndrome parental d'aliénation (PAS) et d'élargir la recherche basée sur la connaissance dans ce domaine. PAS nécessite tant des processus psychologiques que des dimensions judiciaires puisqu'il survient principalement dans le contexte du litige de garde. De fausses allégations d'abus (FA) sont communément associées au PAS et peuvent aussi entraîner des séquelles psychologiques et judiciaires. La recherche comporte deux études distinctes. D'abord, des entrevues ont eu lieu avec des parents cibles afin d'obtenir leur perception unique et leur expérience avec le PAS et la façon dont leur cas a été traité par le système judiciaire. En second lieu, une comparaison quantitative entre le PAS et le FA a été effectuée pour identifier toutes les similitudes et différences ainsi qu'examiner un rapport possible entre les deux. Les résultats ont démontré les difficultés inhérentes pour des arrangements satisfaisants en garde partagée pour des familles de PAS car la communication était difficile et le litige éminent. Malgré des rapports bien établis dans les relations parents-enfants avant le divorce, ceux-ci ont été affectés négativement avec le début du litige. Les parents et enfants ont été affectés par les effets négatifs du PAS, incluant l'apparition de maladies mentales. Dans les cas de FA, les enfants se sont avérés sensiblement plus jeunes et le seul enfant de la famille comparativement à ceux des familles de PAS. Les femmes se sont avérées être plus aliénantes ou accusatrices du FA. Malgré le fait que les juges ont l'autorité



judiciaire de traiter le PAS, ils l'utilisent rarement. Les limites de cette recherche ainsi que la direction d'une étude éventuelles sont également discutées

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## **CHAPTER 1**

### **Introduction to Parental Alienation Syndrome**

It is estimated that 25% of young adults between the ages of 18 and 44 are from families whose parents are divorced. The rate of divorce has reached approximately 45% in the United States (Wallerstein, Lewis, & Blakeslee, 2000).

Following the dissolution of a family, litigation may ensue in cases where the parents cannot agree on post-marital or post-relationship arrangements regarding the children. Some parents who may become emotionally dependent on their children come to believe that without them they have no one. They reportedly become depressed when their children visit with the other parent (Wallerstein et al., 2000). The goal for these parents may develop into the elimination of the other parent from the children's lives and the courtroom is the venue in which to achieve this goal (Gardner, 1998a).

Dr. Richard A. Gardner, a forensic and child psychiatrist, observed in his custody evaluation casework that some divorcing families shared specific characteristics, which he labelled as Parental Alienation Syndrome (PAS). He defined PAS as a syndrome in which one parent (usually the custodial parent) engages the child or children in a series of conscious and subconscious techniques like brainwashing and alienates the child or children from the other or target parent. The child also contributes to this denigration of the allegedly hated parent (Cartwright, 1993; Gardner, 1998a). PAS may also entail false allegations (FA) of abuse (Cartwright, 1993; Rand, 1997b) which can be a powerful alienating

technique (Waldron & Joannis, 1996). PAS and FA are two powerful techniques that can be utilized to achieve the elimination of the target parent. Although these techniques are primarily played out within the legal arena, the impact on the family members can entail not only legal but psychological repercussions as well (Gardner, 2002b).

Few have conducted studies to help explain the PAS phenomenon, however several clinical observations and assumptions have been discussed in the literature. In addition, there has been debate ranging from the name of PAS to its very existence. The primary objective of the current study is to expand the research-based knowledge of PAS. It is hoped that this study will contribute to the research on PAS by providing greater insight into its development and identifying relevant influences on PAS that can help determine and develop interventions for the families of PAS. There are a few other objectives of this study, one of which is to ascertain possible assumptions and to explore legislative issues.

One assumption that has been proposed is that the FA of abuse that occur in custody disputes are also common occurrences in PAS (Cartwright, 1993; Rand, 1997b). Thus a subsequent objective of the current study is to explore the co-occurrence of these two phenomena and to compare the two quantitatively to determine commonalities suggestive of a relationship. One study by Dunne and Hedrick (1994) found an association between the litigation process and PAS, specifically, that a court-ordered change of custody could help terminate PAS. The

possible implications for such findings include not only the psychological impact of PAS but legislative issues as well, such as the viability of joint custody.

### ***Defining PAS***

The cluster of symptoms that are usually displayed by PAS children, particularly in moderate and severe cases of PAS have been described by Gardner (1992, 1998a) as comprising: (1) a campaign of denigration; (2) unfounded rationalizations on which they base their denigration; (3) dichotomization of the parent (i.e., one parent is perceived as encompassing only positive qualities and the target parent is believed to encompass only negative qualities; (4) the independent thinker phenomenon; (5) automatic love of the alienating parent; (6) absence of guilt; (7) borrowed scenarios (e.g., the children use language and expressions that are clearly not their own); and (8) generalization of animosity to the target parent's extended family (Gardner, 1998a).

Another aspect of PAS is its frequent association with allegations of abuse. Waldron and Joanis (1996) contend that PAS at times includes fictitious or false allegations (FA) of physical and/or sexual abuse as part of the alienator's technique for alienating the child from the target parent. Further, Cartwright (1993) suggested that often allegations of abuse may be virtual. Virtual allegations refer to cases where the abuse is simply suggested in order to cast aspersions on the target parent's character without the alienating parent having to fabricate incidents of alleged abuse. These types of allegations are subtle and, as a result, difficult to prove or disprove.

### *Causes*

Although limited research exists as to the promulgation of PAS, some (c.f. Rand, 1997a) have provided researchers with explanations. Cartwright (1993) noted that PAS is of a serious nature that may be provoked by serious emotional issues, such as custody, as well as property divisions or finances. A complex situation is believed to exist behind the PAS in that all family members contribute in some way to the alienation process (Waldron & Joanis, 1996). Rand (1997b) postulated that the child's contribution to the PAS may be due to one of several reasons. One is the child's need to protect and care for an angered and disturbed alienating parent. Second may be the child's sense of powerlessness in the conflict. In order to gain a greater sense of control and power, the child manipulates the conflicts between the parents. Third, an adolescent seeking independence may use PAS to gain greater freedom from the stricter parent. This in turn fuels the negative view that the more permissive parent holds of the other parent and weakens the more permissive parent's ability to control the child. The child then is more likely to engage in acting out behaviour which adds further stress to the conflict (Rand, 1997b).

The alienator's motivation for the PAS is most commonly associated with revenge - a need to retaliate after being hurt. Waldron and Joanis (1996) argued that the fear of loss and distrust that are normally believed to be the motives of the alienator stem from feelings of anxious vulnerability. The alienation is a means of maintaining control over the child (Lowenstein, 1999; Waldron & Joanis, 1996).

onto whom the anxious feelings are projected (Waldron & Joanis, 1996). The target parent, on the other hand, may be insensitive to the child or have limited insight into his or her own contributions to the PAS. For instance the target parent may have weaknesses in parenting or emotional difficulties that motivate him or her to want to be excluded from the child's life. Waldron and Joanis (1996) also contend that the PAS is a defence mechanism for the family system to help deal with the alienator's anger and revenge.

Although these differing postulates have been proposed for the cause of PAS, the common characteristic among them involve psychodynamic (e.g., maintaining primary psychological bond or attachment) and motivational forces (e.g., revenge) that instigate feelings in parents and children that may, in turn, lead to PAS (Faller, 1998; Gardner, 1992).

### *Severity*

As in most disorders, the severity of PAS can be described as ranging from mild to moderate to severe (Gardner, 1991). For each of the levels Gardner (1998a) described the characteristics of the alienating parent and the child. He has developed a means of determining a differential diagnosis of the three types of PAS. A summary is presented in Table 1.



Table 1

*Gardner's (1998b) Differential Diagnosis of the Three Levels of PAS*

Primary symptomatic manifestation	Levels of PAS		
	Mild	Moderate	Severe
Campaign of Denigration	Minimal	Moderate	Excessive
Unfounded rationalizations	Minimal	Moderate	Multiple
Dichotomization of the parent	Normal ambivalence	Present	Present
The independent thinker phenomenon	Usually absent	Present	Present
Automatic love of the alienating parent	Minimal	Present	Present
Absence of guilt	Normal guilt	Minimal to no guilt	No guilt
borrowed scenarios	Minimal	Present	Present
Generalization of animosity to the target's extended family	Minimal	Present	Profound; often fanatic
Transitional difficulties at time of visitation	Usually absent	Moderate	Profound or visit may not be possible
Behaviour during visitation	Good	Antagonistic and provocative intermittently	Destructive or continually proactive behaviour throughout visible if visit is possible
Bonding with alienating parent	Strong, healthy	Strong, mildly to moderately pathological	Severely pathological, Often paranoid bonding
Bonding with target parent	Strong, healthy, or minimally pathological	Strong, healthy or minimally pathological	Strong, healthy or minimally pathological

*Note.* Adapted from "Recommendations for dealing with parents who induce a parental alienation syndrome in their children," by R.A. Gardner, 1998b, *Journal of Divorce & Remarriage*, 28(3/4). p.4

The *Mild* cases of PAS involve parents who have generally healthy psychological bonds with their children. They respond to logic and reason in that they recognize that the alienation of the non-custodial parent is not beneficial for the children. Therefore, the alienating parent may be willing to take a conciliatory approach towards the target parent's requests. Gardner (1998a) also notes that mild cases of PAS require considerably less therapy than the more severe cases. Further, the children may become healthier when the intervention simply requires the child to remain in the presence of the target parent over time (Gardner, 1998a).

The *Moderate* cases of PAS describe alienating parents who exhibit more rage than paranoid tendencies. They are able to make some distinction between a child's preposterous allegations as opposed to those that may have some validity. However, as in severe cases, an alienating parent in a moderate case of PAS will also undertake a campaign of denigration against the target parent and will tend to prevent the target parent's exercise of visitation rights. Prior to the divorce, the moderate alienating parent is more likely to have been a good child rearer. The children of moderate PAS tend to be less persistent with their campaigns of denigration, they are more likely to abandon them in the presence of the target parents, especially after long periods of time. In this type of case campaigns of denigration by younger children in the presence of their target parents can only be sustained with the help of older siblings who function as surrogate parents during visitation. The alienated children's primary motives for maintaining campaigns of

denigration are to maintain “healthy” psychological bonds with the alienating parents (Gardner, 1998a).

In *Severe* cases of PAS, according to Gardner (1998a) the alienating parent demonstrates paranoid thoughts that may be limited to the target parent or generalized to others. However, prior to the divorce, the alienating parent may not have demonstrated any paranoia. Another characteristic includes the alienating parent’s obsession with preventing the target parent from having or exercising any visitation rights via any means necessary. Further, alienating parents project their own negative qualities onto the target parents, reinforcing their own paranoia and portraying themselves as victims. As a result of this paranoia, alienating parents do not respond to appeals of logic or reason, or even to confrontations with reality. Those who do not support the alienating parents’ beliefs, whether they are mental health professionals, lawyers, etc., are believed either to be against them or to be paid by the target parent. The children in severe cases of PAS share the alienating parent’s paranoia about the target parent. They will refuse to visit the target parent and often demonstrate panic and hostility that renders visits impossible. Further, if visitation does occur, once they are in the target parent’s home they may run away, become paralyzed with fear, or become destructive to the extent that they must be removed from the home (Gardner, 1998a).

Cartwright (1993) noted that the time spent alienating the child may be an indicator of the degree to which the child is alienated; the longer the alienation, the more alienated the child. Further, the excessive alienation may “build up” or

increase the risk of mental illness in the child. As a result, the sooner the children are removed from the alienating situation, the healthier it is for the target parent and the PAS children.

### *Prevalence*

The prevalence of the disorder is believed to occur in 90% of custody disputes and almost exclusively occurs within the context of litigation (Gardner 1998a). Further, the prevalence with respect to the severity differs in PAS. Specifically, Gardner has estimated that only a small percentage of PAS cases, approximately 10%, can be classified as severe and even fewer are classified as mild. Moderate cases, according to Gardner, are the most common. However, others such as Clawar and Rivlin (1991), found that as high as 80% of divorcing parents engaged in some form of parental programming. Although their definition is not as specific as PAS, it lends support to the relevance of PAS within the context of divorce. Some form of alienation may be occurring in a large number of divorcing families.

Gardner (1998a) and others have argued that the alienator is more frequently the mother. More recently, however, Gardner (2001b, 2002b) observed that the prevalence of fathers as alienators had increased though mothers remained to be the primary alienators. Lowenstein (1999) proposed that in cases of PAS women were alienators in 75%, and men 25% of PAS cases. However, data from an empirical studies have yet to determine the prevalence of this specific phenomenon nor the gender distribution of the alienators.

### ***Onset and Course***

To date, a set age for the onset of PAS in children has not been specified. Gardner (1998a) contends that PAS can begin at any age for the children. Others, such as Lowenstein (1999) argue that younger and passive children may be more susceptible to PAS than older and more assertive children. However, one may also argue that a sufficient level of verbal ability present in older children is required for the campaign of denigration. Interestingly, older children have been frequently reported to use the alienating techniques on their younger siblings (Gardner, 1998a).

The course of the syndrome can vary, may easily progress from mild to severe, and may last into adulthood without abatement (Gardner, 1998a). There is some indication that the PAS may begin before the onset of divorce (Clawar & Rivlin, 1991; Waldron & Joanis, 1996). In addition, extended family members, such as grandparents, may also contribute to the PAS (Cartwright, 1993; Gardner, 1998a). Cartwright argued that prolonged litigation may influence the development and extent or severity of the PAS.

### ***Parental Alienation (PA) versus Parental Alienation Syndrome (PAS)***

In the literature there is some debate as to whether PAS should be considered a syndrome or whether it should simply be termed parental alienation (PA). Gardner (2002a) and O'Leary and Moerk (1999) hold opposing views on several issues.

First, the symptoms of PAS, according to O'Leary and Moerk, are too general to be classified as a syndrome. They contend that PAS symptoms are typical in most, if not all, divorces in which a child exhibits a preference for one parent over another, a preference that can be observed in intact families as well. O'Leary and Moerk failed to consider, however, the eight specific symptoms of PAS as described by Gardner (1998). Gardner (2002b) argued that PA and PAS are distinct. He stated that PA refers to a generalized form of alienation from the parent that can include a wide variety of symptoms, much like the generalized list of symptoms described by O'Leary and Moerk. For example, Gardner's (1998a) definition of PAS involves more than a preference for one parent. It includes a hatred of the parent who is seen as all bad by the child, while embracing the other parent who is seen as all good. The preference that O'Leary and Moerk advance does not account for the intensity of the PAS symptoms.

A second difference between PA and PAS pertains to the cause of the alienation. Specifically, in PA cases the child is alienated from a parent due to the parent's own actions. For instance, a child may be alienated from the parent who initiated the divorce or because the parent is being abusive toward the child. In essence, the alienator and the alienated parent are one in the same. In PAS cases, however, the alienator is distinct from the target parent. For example, one parent denigrates the other parent and engages the child to do the same. Further, in cases of PA, a child will have a true reason to be alienated from a parent through the parent's actions or parenting skills, such as true physical or emotional abuse that

is caused by the alienated parent. In PAS cases, however, the targeted parent's weaknesses may be exaggerated for the sake of denigrating him or her, is initiated by the alienator, and occurs without justification (Gardner, 2002).

According to Gardner (1998a) PAS can be diagnosed under several different disorders in the Diagnostic and Statistical Manual for Mental Disorders-4<sup>th</sup> Edition (DSM-IV). Some disorders he listed included separation anxiety disorder, adjustment disorder, and parent-child relationship problems. O'Leary and Moerk (1999) interpreted Gardner's position as indicating that PAS is not a distinct disorder. They failed to acknowledge that symptoms can overlap across disorders and this neither negates nor proves the existence of PAS nor the possibility of eventually classifying it as a syndrome. For instance, depression and anxiety disorders both share symptoms of changes in appetite or sleep patterns. Another argument made by O'Leary and Moerk against PAS as a syndrome is that PAS is not a disorder of the child but the result of a problem or disorder of the alienating parent. However, these researchers have not accounted for reactional disorders that are already included in the DSM-IV<sup>1</sup> such as Adjustment Disorders that occur in response to a stressor.

Finally, O'Leary and Moerk argue against PAS as a syndrome because of a lack of a specified number of symptoms necessary to diagnose PAS. In fact Gardner never stipulated the number of symptoms necessary for a diagnosis.

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<sup>1</sup> PAS is not currently included in the DSM-IV and as a result cannot be labeled as a disorder. Disorders such as Autism and Tourette's were initially labelled as disorders for several years before being included in the DSM (Gardner, 2002).

However, all of O'Leary and Moerk's arguments are weak and do not support valid reasons for dismissing PAS as a syndrome.

Similarities between PA and PAS exist as well. In both there is alienation of one parent in the eyes of the child, however the degree and reasons behind the alienation differ significantly. Both PA and PAS can entail emotional abuse, however in PA the abuse may be the cause of the alienation whereas in PAS the alienation caused by the alienator is the source of abuse. PAS, however, is a term that encompasses specific symptoms and characteristics that tend to cluster together and can be differentiated from general parental alienation. The specific symptoms of PAS, as outlined by Gardner (1998a), can be grouped by their repetitive co-occurrence (i.e., within custody litigation) and are believed to have a common course, pathogenesis, or intervention options. As such PAS corresponds to the term syndrome as defined in the DSM-IV. Therefore, for the purpose of this dissertation the term PAS, with its eight specific symptoms, as defined by Gardner (1998a) will be used.



## **CHAPTER 2**

### **Literature Review**

Parental Alienation Syndrome (PAS) is a complex issue that involves psychological processes occurring usually while a family is undergoing custody litigation, as do false allegations (FA) of abuse. Both of these areas have received limited attention in research, as a result in this chapter PAS and FA will be discussed with a review of predominantly divorce literature that is relevant to these two topics. Also included in this chapter is a description of the current two studies and their research based hypotheses.

#### ***A Psychological Perspective***

The family dissolution is the basis of a divorce and the backdrop to PAS. However, the family system itself lays the groundwork for such psychological components as socio-emotional development, including attachment, which can have repercussions for children into their adulthood (Lewis, Fiering, & Rosenthal, 2000). Certain aspects of divorce that are also believed to occur in PAS, such as interference in visitation, or the change in parental roles post-divorce, among others, can also influence the psychological development and well-being of parents and children.

#### ***The Change of Roles in a Family Following Divorce***

The effect of divorce itself on the family can be significant. What was once decided between the parents is now decided by third parties like lawyers and judges (Girdner, 1985). Further, access to the children by each parent changes.

Whereas everyone lived together before and parents and children had the freedom to interact whenever they wished, divorce dictates they must now abide rules set by others. The most common effect of divorce is that the child remains primarily with one parent while the other parent becomes a “visitor” who is only allowed to see the child on certain occasions. Following divorce, the majority of children live with their mother, reported rates have ranged from 84% (Cherlin & Furstenberg, 1994) to over 90% (Seltzer, 1991).

The Children’s Rights Council in 1994 reported that after divorce the children visit with the non-custodian parent for only four days a month, compared with seeing them 30 days a month prior to the separation – that is a drop of almost 77%. In theory, this “visitor” is allowed to have parental authority, that is, to engage in the decision-making process regarding the children (e.g., what school they should attend) (Turkat, 1994). However, divorce often occurs because the parents are unable make decisions together. Consequently, the visiting parent does not always have the visitation that he or she would like and may be unable to participate in the decision making process for important issues in their children’s lives (Vassiliou, 1998). One time significant parents can become an unwanted visitor in their own children’s lives. Such changes resulting from divorce can have a significant impact on children.

The United States Department of Health and Human Services (1999) report that almost 17 million children in the United States do not live with their father. Further, girls without a father are 2.5 times more likely to get pregnant and

53% more likely to commit suicide. For boys, the statistics show that they are 37% more likely to abuse drugs and are 63% more likely to run away from home. High school drop out rates and the risk of going to jail are double among boys and girls of divorce compared with peers from two parent homes. Furthermore these children are almost four times more likely to require assistance for behavioural or emotional problems. Such statistics highlight the long-term consequences that children who have limited involvement with their father may encounter, which comprises the majority of the children of divorce.

Wallerstein, Lewis, and Blakeslee (2000) conducted a 25 year longitudinal study where they interviewed children of divorce up until adulthood. Some of their findings included that children of divorce were burdened with increased responsibilities for one or both parents. The children tended to be left with taking greater care of their parents, due to the diminished parental capacity of parents who were overwhelmed with the crisis of divorce. These children reported feeling not only the loss of the intact family but frequently also the loss of friendships when they moved elsewhere. Further, the world around them was found to be perceived as less reliable and more dangerous due to the lower stability of their closest relationships. Adolescence reportedly occurred earlier and lasted longer for children of divorce as compared to those children from intact families and more likely included earlier sexual experiences for girls and higher levels of alcohol and drug abuse for both girls and boys (Wallerstein et al., 2000).

The impact of divorce was most negatively felt in adulthood, and the children reported feeling unprepared for adult relationships. They reported difficulties with sexual intimacy, commitment, and lacked an image of a stable relationship between a man and a woman (Wallerstein et al., 2000). The impact of the parental divorce affected them through their developmental trajectory and throughout their life span primarily in a negative manner (Wallerstein et al., 2000).

The initial divorce is only the beginning of the transitions the majority of these children encounter. The children also undergo further transition, as the divorce rates of remarriages are even higher than that of first marriages. A high proportion of the divorced parents (65% of mothers and 75% of fathers) remarry and those who do not, frequently cohabit with partners (Bumpass & Raley, 1995; Cherlin & Furstenberg, 1994). Children of divorce who experience the most adverse consequences in adjustment are those who have undergone multiple marital transitions (Capaldi & Patterson, 1991). These risks increase since the likelihood of divorce for second and third marriages is higher (Wallerstein et al., 2000).

Hetherington and Stanley-Hagan (1999), in a review of the literature, postulated that in coping with divorce, diverse developmental trajectories for children (which are associated with the children's vulnerability or resiliency) may be undermined by the interactions of the children's environment that includes the individual family members, extra-familial risks, and protective factors. In PAS

cases it may be that having to actively reject a once loved parent (Cartwright, 1993), renders it difficult for the PAS children to cope with the situation. They not only have to cope with the divorce itself but with their own actions as well as the stress of the alienator's influence. These children may engage in the denigration of the target parent to appease the alienator (Rand, 1997a). Such circumstances can therefore impact the developmental trajectory of the PAS children.

### ***Frequency of Visitation***

At the time of separation the issue of the visitation schedule must be decided and problems arise even after an agreement has been reached. The Children's Rights Council in 2000 reported that an estimated 6 million children in the U.S. were victims of interfered visitation by their custodial parents. Arditti (1992) found that as many as 50% of fathers (usually the non-custodial parents) reported that the visitation with their children had been interfered with by their ex-wives. Further, as many as 40% of custodial mothers admitted denying their ex-husbands their right to visitation as a means of punishing them (Kressel, 1985). In PAS families, the interference with child visitation is but one of the symptoms, though important. It is believed that the goal of the alienating parent is to interfere not only in the target parent's visits but to eliminate both the visits and the visiting parent from the child's life (Gardner, 1998a).

Vassiliou and Cartwright (2001) found that interference in the frequency of visitation for PAS families led to a perceived degradation of the relationships between the target parents and their children. Their results indicated that not only

was there a reduction of visitation for the target parent but a gender difference with respect to who received primary custody at the onset of divorce. Specifically, at the onset of divorce custody was given to the mothers, and fathers were given a consistent visitation (e.g., one weekend every two weeks). However, the final custody arrangements resulted in the alienators receiving full custody and the target parents receiving a significant reduction in their visitation schedules from half the original plan to no contact at all. Moreover, the target parents described limited relationships with their children to whom they often wrote without reply. Such results strengthen the contention that the parental alienation process is an effective means of eliminating the target parent from the family.

### ***High Conflict Situations***

Divorce and the ultimate dissolution of the family are frequently associated with a heightened level of conflict among the family members. Several repercussions of the conflict have been identified as resulting in difficulties at the individual level such as problems in social development, emotional stability, and cognitive skills. These difficulties may instigate long-term consequences that may persist long after the finalization of the divorce (Amato, Loomis, & Booth, 1995; Hetherington & Stanley-Hagan, 1999). Ongoing and heightened levels of conflict, whether in divorced or intact families, have been found to affect members as evidenced by reports of feelings of lowered self-esteem, increased anxiety, and diminished self control (Slater & Haber, 1984). In cases of divorce, conflict has been found to increase in the first few years following the divorce. This is the time

that couples negotiate such issues as their finances, custody and access, as well as the parents' rights and responsibilities (Hetherington, 1993). Coinciding with this stressful time, a higher incidence of problems in adjustment was found to occur in children of divorced families compared with those children from non-divorced but high conflict families (Hetherington, 1993).

In their review of the literature, Hetherington and Stanley-Hagan (1999) noted that, aside from the difference at the onset of divorce, overall difficulties in children's adjustment, such as externalizing disorders, occur at similar rates in children of divorce and in children from intact families with a high level of conflict. The level of family conflict is an important dimension that can alter the family structure, thus having an important impact on the children's well-being (Demo & Acock, 1988). In addition, the combination of long-term high conflict and divorce are associated with decreases in the long-term well being of children (Amato, Loomis, & Booth, 1995).

Riggio (2004) explored the effects of high conflict in intact and divorcing families on the relationships and social and psychological development of young adults between the ages of 18 and 32 years. She found that those young adults who were exposed to high levels of conflict experienced more negative effects on their parent-child and parent-adult relationships. The participants from families with higher levels of conflict, whether intact or divorced, reported that they had fewer social supports available to them, and reported greater levels of anxiety in their personal relationships compared with young adults from lower-conflict

families. Interestingly, and unique to this researcher's study, the young adults from divorced families reported lower levels of anxiety with respect to personal relationships and it was hypothesized that it may have been due to a greater willingness to terminate the relationships. In addition, those participants from divorced families also fared better in terms of their social support which was believed to be attributable to lowered parental ability of their divorced parents. Riggio also found that the young adults from the divorced families were more likely to have lower affective quality and emotional support in their relationships with their fathers. She postulated that that this was likely due to the higher rate of primary physical custody awarded to the mother.

PAS is a syndrome that is usually associated with a heightened level of conflict (Vestal, 1999) and may be the basis of the alienation. For instance, Johnston and Roseby (1997) argued that children of divorce become aligned with one parent and alienated from the other in circumstances where the children become enmeshed in the parental conflict. The children in PAS families not only are present in the conflictual situation (such as in the denigration of a parent) but also can contribute additional conflict to the situation. These conflicts tend to occur in conjunction with long custody proceedings but tend to occur in a minority of divorces (Johnston & Roseby, 1997). Further, chronically violent and conflicted families are believed to be associated with parental alienation and its associated psychopathology (Johnston & Roseby, 1997). However, these authors



did not provide any data and they did not specify that these are associated with PAS specifically but rather utilized the term “parental alienation.”

Johnston, Gonzalez, and Campbell (1987) examined the behaviour of children from separated and/or divorced families who were subjected to “entrenched” parental conflict regarding their custody. These researchers assessed 56 children between the ages of 4 and 12 during custody disputes and 2.5 years later. The assessment consisted of three measures: (a) parental conflict as measured by the Straus Conflict Tactics Scale; (b) clinical rating scales completed by each family’s counsellor; and (c) the Achenbach Child Behaviour Checklist which measured the children’s adjustment on four scales: Depression, Withdrawn/Uncommunicative, Somatic Complaints, and Aggression, as well as an overall score for problem behaviours. They found that at the time of the custody disputes, overall behaviour problems and aggression could be predicted by (a) the extent to which children became involved in the custody dispute and (b) the occurrence and extent of role reversal between the child and parent. Specifically, aggression between parents, both physical and verbal, was found to be a significant predictor of overall behavioural problems two years later. Involving the child in the custody dispute was a stronger predictor of overall behaviour problems when it was the father who involved the child rather than the mother. If both parents involved the child in the disputes, then the child was more likely to have a tendency to display more withdrawn and uncommunicative

behaviours two years after the dispute. Finally, overall behavioural problems and depression were also predicted by the role reversal between father and child.

These findings, although not specific to PAS, can be related to it in that PAS children are believed to be exposed to heightened levels of conflict (Vestal, 1999), in addition to they contribute to the denigration of a parent (Cartwright, 1993; Gardner, 1998a). As a means of coping with the heightened levels of stress, PAS children may copy the alienating parent's behaviours primarily by denigrating the target parent. In doing so, they reduce some stress by believing that one parent is bad while the other is good (Rand 1997a). Subsequently, they focus on pleasing the alienating parent who is usually the custodial parent. Therefore, they ensure their survival in the alienating home by supporting the alienating parent's beliefs. Children who do not adapt in this way also run the risk of being rejected by the alienating parent and losing that parent's love (Vassiliou & Cartwright, 2001).

A qualitative study by Vassiliou (1998) examined the target parent's perceptions of PAS. One area of focus was on themes that were common in the marriage dissolution of these PAS cases. Their results indicated that the dissolution of the PAS marriages occurred with varying degrees of conflict, from high levels of conflict including physical aggression, to situations with absolutely no conflict. Irrespective of level of conflict, the resulting relationships with their ex-spouses were strained in the majority of cases. Specifically, most participants

had had little or no contact with their ex-spouses due to the degradation of communication between them.

There may also be other elements aside from initial marital conflict that contributes to the occurrence of PAS. Lund's (1995) findings indicated that an elevated number of conflicts occurring during the divorce rather than during the marriage heightened the likelihood of PAS. Vassiliou and Cartwright (2001) also postulated that other elements during the dissolution of the marriage and subsequent custody proceedings or the time of the conflicts with respect to the divorce may play the more significant role in PAS.

### ***Attachment***

Given that divorce ultimately changes the level of contact between parent and child, it is relevant to examine any changes in parent-child relationships, particularly between the child and the now less available non-custodial parent (Cherlin & Furstenberg, 1994; Seltzer, 1991; Turkat, 1994; Vassiliou & Cartwright, 2001), and the possible impact to the child's development. Conflicts that occur in custody litigation and in cases of PAS may impact the parent-child relationship, which can play an important role in the social and psychological functioning of the children and alters their developmental trajectory into adulthood (c.f. Riggio, 2004).

The parent-infant bond has been referred to as attachment. Attachment theorists (e.g., Bowlby, 1982) postulate that the attachment style at infancy can have a significant impact on the child's development and relationships from

infancy into adulthood. The infant's attachment style is believed to be the beginning of a child's socio-emotional development (Lewis, Fiering, & Rosenthal, 2000). Attachment relationships in infancy are said to lead to representations in adolescence and adulthood, which are also known as internal working models (Bowlby, 1982). These internal working models, if developed from an insecure attachment style at infancy, have been shown to be associated with psychopathology such as conduct disorder, anxiety, substance abuse, antisocial personality, mood disturbance and psychological distress (Riggs & Jacobvitz, 2002).

Lewis, Fiering, and Rosenthal (2000) studied the continuity of attachment classification from age 1 to 18, as well as the relations between attachment and autobiographical recollections at age 13. Their goal was to determine whether these classifications remained consistent over time and examined divorce as a measure of the caregiving environment. In addition, to identify the child's functioning in adolescence, as an indication of past and current attachment representation, they measured maladjustment. They found that attachment patterns did not remain the same at 18 years as compared to age 1. Even though early attachment did not relate to attachment later in life, they found that it did relate to maladjustment in adolescence. These researchers found that an early secure attachment was found to not buffer the children from the negative repercussions of divorce on their adolescent attachment. For example, infants with secure attachments who experienced divorce were just as likely to have insecure

attachments in adolescents as those children who had insecure attachments as infants and experienced divorce. Their results suggest that marital conflict is related to insecure attachments. Lewis and his colleagues (2000) postulated children of divorce lack the model of close and reliable relationships, which has also been found by others such as Wallerstein and her colleagues (2000).

Divorce, in its nature, results in the decrease in the availability of a parent, and according to Lewis and his colleagues (2000), to increased negative interactions between the parent and child and therefore can increase the likelihood that the child will form an insecure attachment. PAS can be associated with primarily negative interactions with the target parent because of the denigration of that parent by the child (Gardner, 1998a), but the target parent may or may not be the primary caregiver with whom the attachment relationship will develop. The alienator can be said also to have negative interactions with the child as he or she is utilizing alienation techniques on the child. For instance, the child is burdened with a need to protect and care for the angered and disturbed alienating parent, or it may be the child's sense of powerlessness which can lead him or her to manipulate the conflicts between the parents and cause the negative interactions (Rand, 1997b).

Since Bowlby (1982) first introduced the theory of attachment several measures have been developed to assess attachment relationships at different ages from infancy to adulthood. Bretherton and his colleagues (1990) developed the Attachment Story Completion Task, an attachment-based projective instrument

for children between the ages of 3 and 6. The instrument, a representational measure of attachment security, consisting of semi-structured narratives that include mildly stressful events likely encountered by young children, was revised and adapted for children from post-divorce families and named the Attachment Story Completion Task-Revised (ASCT-R). Page and Bretherton (2003) initially utilized the ASCT-R instrument for their study, to examine pre-school children's portrayal of attachment to mothers, who were the custodial parents, and to fathers, the non-custodial parent, and collected teachers' ratings of the children in social competence. Interestingly, they found that there was a gender difference in that girls who reported a higher frequency of attachment to their non-custodial fathers were also found to have lower ratings in social competence as compared to either boys in the same attachment group or to girls with lower frequency of attachment to their fathers.

To further explore the difference described above, and to provide an explanation of the results, Page and Bretherton (2003) expanded their study further in 2003. They found that the girls with a higher frequency of attachment to their fathers were rated lower in social competence by their teachers. These girls also showed fewer representations of attachment behaviour toward their mother but enacted marginally more representations of the mother as endangered. These girls' behaviour, according to Page and Bretherton (2003), suggested apprehension regarding their mother's availability. The researchers contended that the combination of representations of mothers (also the primary custodial parents)

as low on attachment and high on endangerment suggested a higher prevalence of anxious attachments to these mothers. Further, these girls with stronger attachment to their fathers experienced family instability. Interviews with these girls' mothers indicated that the mothers experienced more difficulties in their relationships with the fathers and that the fathers had lower parenting skills. In light of their results, Page and Bretherton (2003) suggested that instability in these girls' families combined with an insecure attachment to the custodial mothers likely increased the girls' anxiety regarding the non-custodial fathers' availability hence contributing to poorer psycho-social outcomes.

PAS cases can be described as circumstances in which there is high instability, lower attachments to the custodial parent, and no relationship to the other parent or limited contact. Thus the findings above suggest that the social development of these children can be seriously impacted and observed in their social interactions with others. In PAS cases, one may argue, the parent-child relationships can be significantly more damaged than those of an amicable divorce. Children of PAS are encouraged to hate a particular parent. Although research on the link between attachment and PAS are lacking, one can only theorize that the attachments to the target parents are compromised and may lead to implications in the future development of these children.

### ***Mental Health***

Researchers have indicated a link between marital status and mental health in that marriage appears to be a protective factor as long as an individual remains

married. Specifically, married individuals have been shown to have lower rates of mental disorder than non-married individuals (Gove & Shin, 1989; Robins & Regier, 1991). The main culprit has been identified as the dissolution of the marriage and disorders have been shown to occur in both men and women (Anthony & Petronis, 1991) with major depression being diagnosed three times more frequently in separated women and nine times more frequently in separated men compared with married women and men (Bruce & Kim, 1992). Similar trends have been found with individuals of various ethnic backgrounds (Bruce & Kim, 1992). Distress levels proliferated after separation and divorce, according to a number of longitudinal studies on marital dissolution and well-being (Aseltine & Kessler, 1993; Booth & Amato, 1994). Post-marital increased levels of difficulty with care-giving and finances were found to be related to subsequent levels of distress in individuals when compared to their level of distress during the marriage (Menaghan & Lieberman, 1996; Nelson, 1989). Subsequently, remarriage has been found not to result in a significant improvement of the mental health of previously divorced individuals (Kitson & Holmes, 1992; Spanier & Furstenburg, 1982). Although a higher rate of depression has been found in men, a number of studies have focused on the rates of depression in single mothers most likely because single mothers are more frequently designated as the primary caregivers of the children (c.f. Wade & Cairney, 2000).

One may argue that similar patterns can be observed with PAS. Gardner (1998a) has reported that through his casework he saw a number of PAS cases in



which a parent exhibited symptoms of a psychopathology, most frequently hysteria, paranoia, or psychopathy. Although in some cases the psychopathological symptoms were mild, Gardner contends that the stress of the custody litigation can intensify such symptoms. The psychopathology may then be considered as reactive to the environmental stresses encountered during the litigation. Dunne and Hedrick (1994) also postulated on the relationship between PAS and a possible psychopathology of the alienating parent. Specifically, they contended that PAS was primarily a function of the pathology of the alienating parent as well as his or her relationship with the child. With respect to the child's susceptibility to the PAS, Dunne and Hedrick suggest that the alienator's success is more likely when the child perceives that that parent's emotional survival or parent-child relationship is dependent on the child engaging in the degradation of the target parent.

Further, mental health professionals have not been perceived positively by target parents. Mental health professionals involved in PAS cases often take on the role of custody evaluators or family therapists at times. In a qualitative study in which Vassiliou (1998) interviewed a small sample of target parents, she found that the parents reported a general lack of satisfaction with the mental health professionals. In particular mental health professionals generally lacked knowledge of PAS and omitted gathering pertinent information prior to drawing conclusions (e.g., in relation to making their recommendations to the court for custody). Without all of the relevant information, the mental health professionals

are then limited in their ability to recognize the symptoms which further impedes their ability to provide appropriate treatment to the PAS families. As a result, the target parents perceived that the psychological services they received failed to help in the alienating situation.

Dunne and Hedrick (1994) argued that mental health professionals may play a role in the entrenchment of PAS in a family if the mental health professionals do not identify and intervene with such families at an early stage. Failing to intervene can provide an alienator with professional support in the alienation process and can increase the child's need to maintain or increase the degradation of the target parent. Consequently, PAS can become more firmly established and more severe within a family. Difficulties in treating PAS persist. The alienators are responsible and in order to ensure that PAS is terminated the alienator must be treated. In order to do so the alienator, similar to the alcoholic, must recognize that she or he is in need of help and this is unlikely (Gardner, 2001). In recognition of this problem Gardner has proposed an intervention technique with children even if they still are in contact with the alienator. Gardner suggested that the children be treated as though they have been in a cult that continues to influence them (as the alienator has a continuing influence). He recommends debriefing (i.e., interrogation techniques) and deprogramming within a therapeutic setting.

### ***A Legal Perspective***

Interference in child visitation, false accusations of abuse, lawyers, litigants and the litigation process have all been identified as components of the legal system that may have contributed to the alienation process (c.f., Cartwright, 1993; Vassiliou, 1998).

### ***Legal Presumptions***

Gardner (1998a) has attributed two reasons behind the increase in child custody litigation since the 1970s. First, the replacement of the “tender years presumption” with the “best-interests-of-the child presumption”; second, the increased use of the concept of “joint-custody”. The tender years presumption held that by virtue of being female, mothers were considered intrinsically “superior” nurturers, particularly with younger children (Gardner, 1998a; McCahey et al., 1986; Stamps, Kunen, & Rock-Faucheux, 1997). Under this assumption, in order for the father to gain custody he had to provide sufficient evidence in court that the mother was seriously impaired as a parent and/or a person (Gardner, 1998a). The best-interests-of-the-child presumption, as a replacement, brought changes to court decisions. The gender of the parent played less of an emphasis in the courts’ decision regarding custody (Gardner, 1998a; Stamps et al., 1997). Over time, increased changes in societal values also began being reflected within the courts with an increase in custody awards to the fathers (Jacobs, 1988; Stamps et al., 1997). In theory, the courts were obligated to ignore

the gender of the parents and base their decision of custody on the evaluation of each person's parenting capacity. Now there was the possibility of fathers becoming primary custodians as the courts were left to answer the question: "Who is the better parent for the child?" Therefore the risk of losing custody by the mother increased with the lowered burden of proof (Gardner, 1998a; Vassiliou, 1998).

Stamps et al., (1997) examined judges' beliefs regarding child custody. To identify judges' beliefs regarding such custody issues as whether the best interests of the child or tender years presumptions were upheld these researchers surveyed judges in Louisiana. They found that although the laws had changed, from the tender years presumption to the best interests of the child presumption, and thus have moved to a less gender biased presumption, the judges surveyed did report a strong preference toward the tender years doctrine. In their decisions there was a strong maternal preference to awarding custody. Therefore, although societal movements and legal presumptions are gender neutral, the judges who have the ultimate responsibility of shaping the newly divorced family are more likely to award custody to the mother rendering the best interests of the child presumption less functional than its predecessor.

The second influence on the intensification of child-custody litigation involved the popularity of the concept of joint-custody that further weakened the mother's stronghold over primary custodianship in the eyes of the court (Gardner, 1998a). Joint-custody has gained popularity on a seemingly fair premise: that both

parents contributed to the child's upbringing in the matrimonial home prior to the divorce and this should continue post divorce (Vassiliou, 1998). Although the basic premise of joint custody appears to support the best interests of all involved there are inherent problems. As Gardner (1998a) noted, in order for joint-custody to be effective then the parents must be able to communicate, co-operate, and share child-rearing responsibilities. Some parents are able to do so after the divorce. However, Girdner (1985) noted that parents' often seek divorce precisely due to their difficulties in these areas, like communication. Further, the stress, the change in roles of each parent, and the emotionally charged situation that influences each decision a parent will make regarding the children, makes it even more difficult for the parents to participate in the process of joint guardianship. Joint-guardianship implies that the divorce be ignored -something that cannot be done. Consequently this can frustrate each parent more and thus may contribute to one parent initiating parental alienation techniques.

Difficulties with joint-custody arrangements have been highlighted by such studies as those of Cloutier and Jacques (1997). They found that although the majority of children in any type of custody agreement (70%) did not change arrangements, 50% of those children in joint custody did change. Their findings also revealed that it was the younger children who more frequently had changes in their custody arrangements. Girls with fathers as primary custodians tended to change custody more often and the girls who changed custody most frequently went to their mothers. Boys, however, who changed custody, would go equally to

their mothers and fathers. Finally, the researchers found that over time there tended to be a move toward sole custody. The reasons for this may be that there is a greater openness among parents to change custody or that there are more conflicts between the parents making shared custody difficult (Cloutier & Jacques, 1990; Johnston, Kline, & Tschan, 1989). However, other studies have shown that contact with fathers can spiral downward, the less frequent contact the father has and the less satisfied he is. Further, the less satisfied he is with access to his child, the less he visits. Over the years, the non-custodial father increasingly would have less contact to almost total withdrawal from the child (Buehler, 1989; Weitzman, 1985). On the other hand, in another study by Careau and Cloutier (1990) joint custody was judged by the children as being the most satisfying arrangement. Therefore, joint custody has been associated with a greater change, which may be due to greater parental availability and greater openness to change.

Comparing the benefits of mediation to litigation has also yielded significant differences with psychological dimensions. Emery et al., (2001) conducted a twelve-year longitudinal study where they compared families who had litigated to those who had undergone mediation. These researchers found that with mediation there was a greater maintenance of contact between the children and their non-residential parents with respect to their frequency of visitation, telephone contact, and parental decision making (when the parents communicated). For instance, 30% of non-residential parents who had undergone mediation had weekly visitation with their children whereas of those parents who

had litigated only 9% enjoyed the same amount of visitation. Further, litigation resulted in a higher number of parents (35%) who had not had any contact with their children compared with those who had gone through mediation (11%). Families who had undergone mediation were also found to experience more changes in the children's living circumstances and engaged in more flexible living arrangements, similar to those of joint-custody situations (c.f., Cloutier & Jacques, 1997). Mediation has improved the process of divorce but high conflict divorces and PAS cases continue to exist and be played out in the courts.

### ***Allegations of Abuse***

The very process of divorce litigation, as it has been in the United States and is to date in Canada, emphasizes division. There is a division of the financial assets such as the matrimonial home, the money and any other items accumulated throughout the marriage (e.g., televisions and cars). The determination of spousal and child support can further the opposition parents encounter with one another. When disagreements arise regarding such issues then an examination may follow in a court of law. It is also not uncommon for such instances to centre on child custody matters (e.g., frequency of visitation) that are also being determined within a legal context. Child custody litigation can involve the careful examination of each parent's personality and parenting characteristics as a child's future can be impacted by the outcome of this litigation process. However, in an adversarial system, if a disagreement occurs then the litigation can intensify and lead to the scrutiny of every aspect of a parent's actions (Vassiliou, 1998).

Ordinary events that occur between a parent and child are analyzed down to the finest detail. As a result, when looking for ammunition to use against the other parent certain events can be taken out of context and given a negative connotation for the court proceedings (Cartwright, 1993).

The prevalence of false allegations of abuse during custody litigation has been found to vary. Thoennes and Tjaden (1990) had found that sexual abuse allegations occur six times more frequently in custody disputes compared to the general population. Examining all instances of allegations of abuse, the prevalence of false allegations during custody litigation has been found to be relatively low ranging from less than 2% up to 9% and 14% (Brown, Frederico, Hewitt, & Sheehan, 2001; McDonald 1998; Theonnes & Pearson, 1988). However, Bala, Lee, and McNamara (2001) found a much higher rate. They conducted a study of 196 Canadian judicial cases involving sexual and physical abuse within the context of parental separation. They found that the prevalence of intentional FA of abuse was 30% of the cases reviewed.

Several researchers have proposed different reasons for the occurrence of FA within divorce. For instance, Rand (1997a) proposed that many allegations of either sexual or physical abuse may function as an alienating technique. Such allegations are powerful influences on the courts' decisions for custody and therefore are an invaluable tool to the alienators. Cartwright (1993) identified such an occurrence and labelled it "virtual allegations of abuse." Under these circumstances, the child may knowingly or unknowingly contribute to the



alienation by sharing with the alienating parent events that can be misinterpreted as abuse by the target parent. On the other hand in FA cases, events that were relatively harmless prior to the divorce, such as diapering or helping the child with toileting, can become grounds for devastating allegations of abuse.

Leonoff and Montague (1996) have offered several reasons for FA occurring as a manipulation of the situation. The majority of the reasons primarily involved emotional responses to the other parent or situation such as mistrust, aggression and hatred, and fears centred on the conclusion of the marriage. Other reasons included suggestibility to find abuse and thought distortions by mentally vulnerable parents. Reasons provided by these researchers linked to PAS include the accuser's wishes to denigrate, humiliate, and punish the ex-partner, and a strong desire to eliminate their ex-partners by winning custody.

Allegations of abuse are believed to be due to either some form of misunderstanding or are true allegations. For instance, Bala et al., (2001) have argued that FA may not be a result of a deliberate falsification of abuse but the hostility or distrust between parents. This distrust can produce misunderstandings that lead to allegations of abuse, particularly when the parent makes allegations regarding a young child. Others argued that the majority of allegations of abuse that occur in divorce proceedings are true whereas other researchers have argued that abuse does not manifest itself during a divorce. McDonald (1998) listed in a literature review some of the arguments for the incidence of reports of abuse in divorce. She argued that abuse during divorce is more likely to be reported

because (a) abuse leads to divorce; (b) abuse is revealed during a divorce; (c) abuse is precipitated by divorce; and (d) improbable allegations are made during a divorce situation. These reasons (except for the first) do not exclude the reporting of abuse as a tactic in divorce proceedings. Even though debate exists as to the nature of FA, they do occur in custody litigation, and the identification of true versus false cases of abuse can help to discover and intervene in the detriment of each type of allegations.

In order to gain a better perspective as to what is occurring with FA it is relevant to explore who is making the allegations. Most frequently it is the mother who has been identified as making the allegations of abuse. Thoennes and Tjaden (1990) found that in 67% of cases it was the mother who accused the father 48% of the time, stepfathers were accused in 6% of cases and 13% were accused by third parties. On the other hand fathers made accusations in 22% of cases and they accused the mother in 6% of cases and stepfathers were accused in 10% of cases whereas third parties were accused in 10%. The remaining 11% of accusations were made by third parties such as grandparents. In summary, the predominant accuser was the mother who most frequently accused the father.

Bala and his colleagues (2001) in their study of judicial cases that included child abuse within the context of parental separation also found that the majority of accusers of abuse were mothers in 71% of the cases, 17% were fathers and the 12% were from third parties such as grandparents or foster parents. Further, they found that the majority of the victims were between the ages of 5 and 9 (46% of

the sample), while the second largest group (32%) were under the age of 5, in 13% of the cases the victims were 10 or older and the age was unspecified in 9% of the cases. Sexual abuse was most often alleged, in 74% of the sample.

The Ontario Incidence Study (OIS) (Trocmé et al, 1994) involved a survey completed by child protection workers on a sample of children investigated by a number of Children's Aid Societies (CAS) across Ontario. The OIS revealed that 46% of the children investigated by the CAS were from separated or divorced families. Bala et al., (2001) further examined their data and found that of those cases that were unsubstantiated by the CAS in 50% of them it was the fathers that were falsely accused and 72% of mothers made the allegations. True allegations of abuse within the context of parental separation were found to occur in approximately one quarter of the judgments Bala and his colleagues (2001) reviewed. However, these results included all forms of abuse and did not focus on allegations of abuse in custody litigation and thus is likely an over representation.

Another difficulty in FA is that it is a parent who makes the allegation after a report of such questionable behaviour by a young child (Bala et al., 2001). The children are often used to confirm the allegations of abuse. The extent of the use of children in fuelling the conflicts and the alienation process was examined by Clawar and Rivlin in 1991. They conducted a twelve year study regarding the parental programming of children "to influence the outcome of disputes" which was commissioned by the American Bar Association Section of Family Law. They found that 80% of divorcing parents practiced parental programming to varying

degrees; 20% of these did so at least once a day. Increasing the duration of the court proceedings can increase the time these parents have to program and alienate the children.

The consequence of an allegation of abuse, whether false or true, can have some negative psychological outcomes for the child and for either parent (Bala et al., 2001). Gardner (1998a) placed great emphasis on distinguishing between a false and a bona fide allegation of abuse. The importance of this distinction is due to the impact of an allegation to the child and parent. A true allegation of abuse can have devastating effects on the child if undetected, effects that can last into adulthood (Gardner, 1998a). Studies have shown that child abuse can entail several symptoms but most likely symptoms similar to post-traumatic stress disorder (Gardner, 1998a). However, a false allegation of abuse can also have a significant and devastating impact on the child and accused parent as well (Bala et al, 2001), perhaps shattering the all important parent-child relationship without a valid reason.

Gardner (1998a) has based the differentiating criteria on the primary symptoms of PAS children and those of truly abused children. Each group exhibits its own sets of symptoms that Gardner compared to each other. In other words, for each symptomatology of PAS Gardner compares PAS children with those children who have genuinely been abused. The primary manifestations or symptoms of PAS are listed in Table 2 which also includes descriptions of how PAS children and abused children manifest symptoms. Table 3 involves a similar

comparison although the symptoms of truly abused children form the basis of the comparison. Some symptoms (either PAS or abuse) are similar for both groups of children. Such similarities may be due to the notion that PAS is a form of emotional abuse (Gardner, 1998a). Gardner's differentiating criteria are important tools for the therapist. By gaining all relevant information and evaluating it thoroughly with such tools the therapist may be less likely to make an inappropriate diagnosis and thus provide a more suitable intervention to the client.

Table 2

*PAS Symptoms: Comparing the PAS Child and the Child of Bona Fide Abuse*

Symptoms	PAS child	Child of bona fide abuse
Campaign of denigration	Preposterous obsession with hatred of target parent	Any expressed hatred of abusing parent is based on concrete & real examples
Weak, frivolous, or absurd rationalizations	Minor altercations or occurrences fuel the alienation (e.g., he talks too loud)	Child can produce a long list of credible examples
Lack of ambivalence	Child can only list all positive qualities about the alienator and not any negative qualities The target parent is described as the opposite: all negative with not one positive quality.	None. Child can produce a list of both negative and positive qualities of the abuser and continues to long for affection from that parent.
Independent-thinker phenomenon	Child professes that their hatred for the target parent is completely their own opinion	None
Reflexive support for the alienating parent	Not an appropriate differentiating criterion.	
Absence of guilt over degradation of the target parent	Not an appropriate differentiating criterion.	
Borrowed scenarios	The child's degradation of the target parent appears rehearsed and often incorporates language that is not age-appropriate.	None.
Spread of animosity to extended family	Animosity may be generalized to the target parent's family (e.g. new partners, grandparents, aunts, and uncles) and friends	None

*Note.* The notation "not an appropriate differentiating criterion" is used when both PAS and abused children can exhibit this symptom.

Table 3

*Symptoms Most Frequently Exhibited by Abused Children: Comparing the Child of Bona Fide Abuse and the PAS**Child*

<b>Symptoms</b>	<b>Child of bona fide abuse</b>	<b>PAS child</b>
Preoccupation with the trauma	Child exhibits a preoccupation or obsession with the trauma that may last for months or years.	Rarely. Exception: If PAS child has PTSD*, however, the content of the child's preoccupation is key in differentiating between the two.
Episodic reliving and flashbacks	An abused child cognitively and emotionally re-experiences his or her abusive encounters. This is also referred to as flashbacks and is not usually present in neglected children.	Rarely
Dissociation	Small percentage of abused children exhibit this symptom and it only occurs with severely traumatic abuse.	None
Depersonalization	Abused children who exhibit this symptom only do so if they have experienced severely traumatic abuse.	None
Derealization and psychic numbing	The world seems strange and different and almost unreal. Usually occurs after severe trauma and mostly immediately following the trauma & less likely to occur with neglected children.	None
Recreational desensitization and fantasy play	Hobbies or play activities are used to desensitize and deal with the trauma	None, if rarely
Trauma-specific dreams	Repetitious, trauma-specific dreams	None. Exception: Child with severe PAS may have trauma-specific dreams. However, the content of the dreams contain preposterous and ludicrous elements.

Table 3 (continued)

Symptoms	Child of bona fide abuse	PAS child
Fear of people	Not an appropriate differentiating criterion.	
resembling the abuser		
Hyper vigilance and/or frequent startle reactions	Generalized fear to individuals and places associated with the abuse	None. Exception: Child in severe PAS may show this symptom if paranoid.
Running away from home or the site of the abuse	Run away to escape from abuse	None. Exception: Severe PAS may run away
Pessimism about the future	Anticipate future trauma at any time & which may shorten his/her life	None. Exception: child claims that the target parent has no future in his/her life

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*Note.* PTSD represents Post-Traumatic-Stress-Disorder



### ***The Role of the Judicial System***

Cartwright (1993) noted that the court requires adequate time to assess each case in order to determine the best interests of the child. However, he cautioned that once a case is identified as PAS the court should expedite judgments to terminate the alienation process. Unfortunately, the usual procedure of court postponements and continuances permit the PAS process to continue. Goldwater (1991) had also noted that the longer children are in the alienating custodial situation, the “further they will drift away from their non-custodial parent” (p. 130).

Some researchers have argued that a forceful judgment is required to counter the power of alienation (Cartwright, 1993; Dune & Hedrick, 1994). Specifically, clear and forceful judgments are believed to deter possible alienating parents from even beginning the alienation process as they may immediately lose custody of their children. This is only possible if the judge is aware of PAS and if it has been clearly identified in the case. A second consequence of a clear and forceful judgment against the alienating parent is that such judgments can stop the alienating process from continuing (Cartwright, 1993).

Dunne and Hedrick (1994), in a qualitative study, demonstrated support for the court’s influential role in countering the occurrence of PAS. These researchers interviewed sixteen families who exhibited a specified set of characteristics that met Gardner's (1998a) criteria for PAS. The findings suggested that various family characteristics, such as the degree of PAS severity were not

indicators of the effect of alienation on the family. Interestingly, they found that an effective intervention for the occurrence of the alienation was a court implemented custody change that resulted in the children being removed from the alienating home. The various types of therapy demonstrated no improvement in any of the families that had undergone therapy; in two of these cases the alienation actually became worse. It appears that the legal system is the most effective means of terminating the process of alienation, illustrating the great influence that the legal system exerts on the continuance PAS.

The overall contribution of the legal system was found to be significant in the eyes of the target parents. The target parents' dissatisfaction with the legal system as found by Vassiliou (1998) appeared to stem from lawyers contributing to the alienation. As Cartwright (1993) noted, the prolonged legal proceedings contribute to the exacerbation of PAS. Further, many have proposed that the legal system itself contributes to the emergence of PAS (Clawar & Rivlin, 1991; Dunne & Hedrick, 1994; Gardner, 1991, 1992; Girdner 1985). The reason that the frequent blame for the occurrence of PAS is placed on the legal system may be related to the lack of confidence the target parents feel with the legal system. However, this dissatisfaction may be due to the target parents not having received primary custody for their children and have resulted in them believing that the legal system contributed to the alienation.

Further adding to the blame on the judicial system for PAS is the general sense of inaction on the part of the courts in occurrences of PAS or FA. For

instance, Bala et al., (2001) had found a lack of sanctions placed on those who make FA of abuse in 89 out of 196 cases they reviewed. In only 18 of the cases with unfounded or false allegations did the courts order a partial loss of custody for the accusers and in one case the accuser was charged with a criminal offence (the furthest extent of the law), in three other cases the accusers were found in contempt of court but primarily because of access denial.

Girdner (1985), in an ethnographic study, examined the structure of custody litigation and the strategies used by parents who were contesting the custody of their children. She embedded herself in the legal culture for 18 months. By observing court proceedings regarding custody she examined the relationships between the legal and the familial processes within the context of those proceedings. She found that the final custody arrangements were usually made with respect to the economic issues of the divorce. Specifically, her findings suggested that the factors which influenced custody agreements included: (a) the negotiating style of the attorneys involved; (b) the dynamics that entail bargaining in the legal system; and (c) at which stage of the emotional process of divorce that the clients were in. These results appear to be far from the “best-interest-of-the-child” presumption that the judges are expected to follow, thus lending more support for the role of the judicial system in the development of PAS.

### *Combination of Influences*

The most likely explanation for the development of PAS is a complex combination of influences on the dissolving family unit. A family unit does not

function in isolation. Individual characteristics of family members may also play a role on the occurrence and development of PAS. A study conducted by Calabrese, Miller, and Dooley (1987) examined the characteristics of 49 parents and their children from two fourth grade classes. These researchers assessed the parents' alienation of their children using the Dean Alienation Scale that provides an overall measure of alienation by examining the following dimensions: Isolation, Powerlessness, and "Normalesness". They also assessed the children's school achievement by examining their percentiles, as well as the children's attitudes toward school. However, the researchers found that the best predictors of alienation was not related to the children's academic attitudes or performance but rather to the characteristics of the individuals involved. Specifically, they reported that high levels of alienation were found to be associated with unemployed, single mothers, whose child was female and had only a few perceived friends. These findings appear to support Gardner's (1998a) contention that the alienator is usually the mother, however, these findings provide little support for Gardner's theory that the introduction of the "best-interests-of-the-child" presumption contributed to this phenomenon.

Lund (1995) examined factors that contributed to the development of parental alienation. She assessed families in terms of the developmental factors in the child, parenting styles, and level of stress experienced by the child. She postulated that contributing factors in the occurrence of PAS included the following: (a) *Separation difficulties that are developmentally inappropriate.*

Specifically, PAS could be related to the occurrence of pre-schooler's separation problems that may normally occur but are heightened by the stress occurring within a separated home. (b) *The child exhibiting oppositional behaviour*. With older children in adolescence and preadolescence the development of oppositional behaviour may be manifested as a rejection of the target parent in a family with conflicts. (c) *The deterioration of the non-custodial parental skills*. The alienated parent usually displays a distant, rigid, and sometimes authoritarian style of parenting, whereas the alienating parent is indulgent and clinging. The children can then more easily reject the harsher parent and defend the more indulgent one. (d) *Many conflicts occurring during the divorce*, according to Lund (1995), may prompt the child to seek means of escaping the stress related to such conflict. Therefore, the child will denigrate the target parent as a justification of the alienating parent's actions.

### ***Summary***

PAS appears to be a complex phenomenon. The literature suggests that several influences may contribute to the occurrence of PAS and these may be separated into psychological and legal influences.

### ***Psychological Influences***

Most of the psychological influences revolve around the dissolution of the family unit and include marital conflict, the process of the dissolution, and interference in visitation. Previous researchers have shown that there are several short and long-term effects of heightened levels of conflict on family members

(Kurdek 1981; Demo & Acock, 1988). Specifically, Johnston et al., (1987) found that involving the children in the disputes tended to result in the children displaying behavioural problems (e.g., withdrawn and uncommunicative behaviours). PAS is one area in which heightened levels of conflict are believed to play large roles in the lives of the family members. Therefore, it is proposed that the heightened conflict levels during the marriage and its dissolution may be relevant dimensions in the occurrence of PAS.

Divorce is a difficult time for all family members. With divorce comes a stressful restructuring where one parent, who was once involved in the child's life, may suddenly become an unwanted visitor (Turkat, 1994). This is difficult for all those involved and there are indicators that these visiting parents (usually the fathers) encounter interference with their visits. Some circumstance(s) that occur(s) in the process of divorce may result in the rejection of one parent by the other. If this occurs, it is postulated that PAS may follow. It is therefore proposed that heightened levels of marital conflict, interference in visitation, and the rejection of one parent which occurs in PAS will all have an individual and a combined impact on the child and more specifically on the child-parent (target parent) relationship. Further, there is the possibility that the mental health of the alienating parent may play a role in the occurrence of PAS. Based on Gardner's (1998a) observations of his cases, it is hypothesized that alienating parents tend to suffer from one or more psychological difficulties or disorders and negatively impacts the parents' lives.

### ***Legal Influences***

Litigation often follows a decision to separate and there may be disagreements as to the division of property, custody, or visitation. In PAS it is believed that an already conflicted family, once in litigation, is then reinforced for the conflict. Most of the literature on PAS suggests that various aspects of the legal system have contributed to the occurrence of PAS (Gardner, 2002b) and has even heightened the severity of PAS (Cartwright, 1993). Moreover, Dunne and Hedrick (1994) found that the legal system can play an important role in the termination of PAS. Specifically, a court ordered change in custody was found to be the most effective intervention that resulted in the termination of PAS with time. Others such as Rand (1997b) have postulated that false allegations of child abuse, within the context of custody disputes, may also occur in PAS families. It is therefore postulated that there are strong legal influences in the occurrence of PAS and such circumstances as the incidence of false allegations of abuse within custody proceedings may be indicators of PAS.

### ***The Study***

As Lund (1995) and Calabrese et al., (1987) found, many dimensions ranging from individual characteristics to stress on the children can be linked to PAS. The possible influences that can instigate and promote PAS are legion; therefore, two separate studies were devised to examine both psychological and legal influences in its occurrence.

Study A was designed as an exploratory study to ascertain relevant influences in PAS. The interview questions, which were semi-structured and open-ended, were directed to the target parents to elicit both the psychological and legal perspectives of their PAS experiences. The psychological components of the interview pertained to such areas as the target parents' relationships with their ex-partners and children, as well as the repercussions for the target parents and the children. Legal influences such as the role of lawyers and judges, and the participants' experience of litigation including such components as the cost and length of litigation were also probed. Six overall research questions were posed:

1. Are there similarities in the conflicts within couples of PAS?
2. What are the perceived roles of lawyers and judges in custody proceedings?
3. Are there common themes in the participants' experience of the litigation with respect to the PAS, in the occurrence of FA, and their overall experience?
4. What are the targeted parents' current relationships with their children?
5. Are there common parental perceptions of the influence of any part of PAS on the children?
6. Are there similarities in the participants' perceptions of the influence of PAS and litigation on themselves?



An interview method was adopted to allow participants to express their personal experiences of the PAS and litigation. The goals were (a) to determine if there were any common themes that occurred throughout the different individuals' experiences within the litigation process; (b) to identify issues that were particularly relevant to the participants; and (c) to identify potential indicators or links to PAS, and possibly to ascertain unexpected dimensions of PAS that may require further attention.

Study B is a quantitative study and consists of the examination of court judgments from custody and/or divorce proceedings in which either PAS occurred or there was a court finding of a FA of abuse. FA are believed to occur in PAS cases (Cartwright, 1993; Rand, 1997b; Waldron & Joanis, 1996), and the purpose in the present study was to ascertain whether a relationship exists between the two. To date, empirical evidence is limited with respect to any similarities or differences between PAS and FA cases.

Court judgments were chosen in order to gain a different perspective in the litigation process, which have rarely been studied, particularly in the field of PAS. Typically, a judgment reflects the judge's evaluation of the evidence presented by each side during the proceedings. Ideally, the judge represents an unbiased third party who examines evidence and makes a ruling/judgment according to the law. Frequently a short summary of the history of the situation is included as well as information about the dissolution of the family. In the present study four variables

were explored, the gender of the alienator, the length of litigation, as well as the age and number of children.

With respect to the gender of the alienator and accuser, as discussed earlier, the literature indicates that women are more likely to engage in FA (Bala et al., 2001) and PAS (Gardner, 1992). However, in more recent clinical observations Gardner (2001b) reported that the prevalence of males as alienators had increased though women continued to predominate. Thus, it is hypothesized that there will be a greater prevalence of females making false allegations of abuse and inducing PAS

The length of litigation is hypothesized to differ when comparing FA and PAS cases. If FA are a precursor of the PAS process they may occur earlier on in a family and the litigation. In FA the issue of an abuse accusation can be addressed with one judgment. With PAS the alienator's campaign of denigration may include return visits to the courtroom for numerous issues that can include FA, access time, interference in visitation, and child or spousal support payments which all lend themselves to opportunities for repeated and/or lengthier litigation.

With FA, however, a judge will usually rule whether there was abuse or not with a single judgment. A judge needs to make such a ruling immediately for the safety of the child. Bala and his colleagues (2001) in their review of Canadian case law involving FA had found that judges tend to "err on the side of caution" once allegations of abuse are made and will remove unsupervised access to the child until a full hearing is held. Thus, FA may be addressed within one hearing,

whereas the virtual allegations (Cartwright, 1993) and other alienating techniques may not be as easily identified by the courts and can lead to repeated and ongoing litigation.

The age of the children in cases of FA and PAS may differ. Bala et al., (2001) had found that the most commonly reported age in FA cases was between ages of 5 and 9 years. Specifically they found that of the children involved in FA the ages were as follows: 46% of their sample were children between the ages of 5 and 9, children under the age of 5 constituted 32% of the sample, in 13% of the cases the victims were 10 or older, and the age was unspecified in 9% of the cases. FA may be made by parents alone who either purposely or mistakenly misinterpret events that occurred with the target parents and may not be so easily repeated by the child. For example, a parent assisting a child with toileting tends to occur more frequently with younger children and provides the opportunity for the misinterpretation of events for the fabrication of a FA. Whereas in PAS no particular age for susceptibility has been identified, the literature does contain a number of different assumptions. For instance, Gardner (1998a) had argued that PAS can occur at any age whereas Johnston and Roseby (1997) postulated that parental alienation is most likely to occur in adolescence. Children of PAS may tend to be older than those in FA, as suggested by some of the literature because the older children may promote the alienation with younger children (Gardner, 1998a). In addition, carrying out a campaign of denigration by the children

requires them to be able to verbally express it themselves and thus may be more likely carried out by the more verbally skilled older children.

It is hypothesized that fewer children involved in making FA would decrease the chances of disproving the allegations. In PAS cases, however, as stated above it has been reported that older children can be enlisted to indoctrinate younger children and promote the PAS, particularly when visiting the target parent (Gardner, 1998a). Thus, it is more likely that families involved in FA would have fewer numbers of children compared with PAS families.

Limited research on PAS is growing, and the clinical observations that predominate the literature necessitate further study. Therefore, the goal of conducting two methodologically different studies is to accumulate a more comprehensive understanding of PAS that may lead to directions for interventions and prevention strategies for PAS families.

## CHAPTER 3

### Method

#### *Study A*

##### *Participants*

The sampling was criterion-based. All of the participants included in the study met the following criteria: (a) they were formerly part of a family unit which included at least one child, (b) had divorced or were in the process of divorce and/or custody litigation, and (c) met Gardner's (1992, 1998a) criteria for PAS (as determined by the participant's responses to a short questionnaire – see Appendix A and below).

Nine participants, 1 female and 8 males, from Canada or the United States participated in this study. Participants' ages ranged from 36 to 54 years. Two participants were from the U.S., namely from Alabama and New Jersey. The remainder, from across Canada, included 1 participant from Nova Scotia, and 2 each from Quebec, Ontario, and Alberta. Five of the participants were currently divorced, 1 was separated but not yet divorced, 1 was remarried, and 1 participant was in a common-law relationship while the final participant was single and had never married.

The participants' number of children ranged from 1 to 4, with 5 participants having two children, 3 had one child, and 1 participant had four children. Seventeen was the total number of children involved in the present

sample. The length of marriage or relationship with their ex-partner ranged from 1 to 22 years. The distribution of the years of marriage is presented in Table 4.

Table 4

*Number of years of marriage*

Participant	1	2	3	4	5	6	7	8	9
Years of marriage	13	8	1	19	20	4	3.5	7	22

***Procedure***

The participants were recruited via flyers, e-mails, and Internet site postings (See Appendix B). Letters of consent (See Appendix C) and self-addressed return envelopes were sent to those participants who responded via telephone or e-mail and had indicated that they were interested and willing to participate in the study.

Prior to the interview, interested individuals were asked to complete a short questionnaire. They were asked to rate the extent of the presence of each one of Gardner's eight criteria for PAS (see Chapter 1), as well as a question as to whether there was a finding of a false allegation of child or spousal abuse within the court proceedings. The ratings ranged from 0 (never) to 4 (frequently). In addition, space was provided within the questionnaire to allow parents to elaborate. One checklist was completed for each child from the PAS family (See Appendix A for a copy of the complete questionnaire). Upon receiving consent and completed checklists, the checklists were reviewed to identify individuals

who met the criteria. Potential participants were contacted by telephone and interviews were scheduled.

In response to the researcher's advertisement for the study, over 200 e-mails and telephone queries were received from those willing to participate. Approximately 170 packages containing letters of consent and questionnaires were sent out; the remaining thirty interested parties did not receive packages because they did not meet the criteria for inclusion (e.g., a family relative of a target parent contacted the researcher). Some other interested individuals were not included because they did not provide an address for response. A total of 20 responses were received. Of the 20, 12 met the criteria to participate in the study. Specifically, they responded with three or greater on six of eight of Gardner's (1998a) PAS characteristics that were distributed over twelve questions. Two questions included some sub-sections to address two PAS characteristics. An individual was identified as a potential participant if one child's behaviours were rated with a 3 or higher for at least 6 of the 8 PAS characteristics. This criterion was arbitrarily set high to ensure that the participants had experienced PAS, and were likely to be families with moderate to severe PAS. There was intention to pilot test the PAS checklist but because of the small sample size, all of the checklists completed and received were included in the study. Contact with three of the participants was difficult to establish and thus they were not interviewed. The remaining nine individuals were interviewed.

The responses to the checklists were collected. Eight individuals' responses did not meet the criteria specified above. Of these 8 individuals, three returned the checklists without any responses to the questions, however they did send letters explaining the reasons for not completing the checklists. Their primary explanation was that they felt that none of the questions reflected or applied to their situations. Of this group two respondents were male and the remaining one was female. Two of these individuals had one child while the other had two children.

From the remaining five respondents, classified as inapplicable, four were male and one was female. Three of these respondents had 2 children and two had 3 children. Three of these respondents did not rate any of the items 3 or above (i.e., indicating that the behaviours occurred sometimes or less), one respondent had only one item rated as usually occurring (i.e., a rating of 3), namely that the child appeared to express his beliefs in a manner that seemed rehearsed. Another respondent had 2 items rated as usually occurring namely that the child used developmentally inappropriate language and automatically supporting the other parent. The final respondent rated four of the questions with a four indicating that the following behaviours were observed frequently: a) the child negatively described once positive events; b) the other parents reinforces the child's rejection as the child's own assertion; c) the child's beliefs appeared to be rehearsed; and d) extended family members were included in the animosity. Interestingly, this



individual felt that the remaining questions were not applicable to her child's situation.

Three individuals who met the criteria to be interviewed but could not be contacted to establish an interview appointment were all males two of which had 2 children and the other had one child. The remaining nine individuals were described above and constituted the participants of the study. Of all of these individuals' 6 had one child. Three of these parents rated 7 of the 8 items with a 3 (usually ) or 4 (frequently), 2 of them had such ratings for 6 of the 8 characteristics, and one had such ratings for all 8 of the characteristics. None of the 5 participants with two children rated both children the same. Two individuals rated one of their children as exhibiting 6 of the 8 characteristics while the other exhibited seven of the eight. Two other parents also reported that one of their children exhibited 6 of the 8 while the other exhibited all 8 characteristics. One other parent reported that one child exhibited 7 of 8 characteristics while the other only 3 of the 8. The final participant had four children where two of the children both received elevated (i.e., greater than 3) scores on 5 of 8 characteristics, but the items were not identically scored for both children. For a third child the rating was 7 of 8 and the youngest child received 4 of 8.

Because of the different geographic locations of the participants the interviews were conducted over the telephone and were tape-recorded with the participants' consent. Before the interview, the researcher reminded each participant that he or she would be tape-recorded and was free to decline to

answer any question or to discontinue the interview at any time. Field notes were taken during the course of the interview. The average interview took about an hour with the longest interview approximately 1 hour and 45 minutes. Rapport was established with each participant during the initial telephone call when appointments were made and re-established just before the interview. The interview questions are presented in Appendix D.

Questions for the interview were designed to address the six overall research questions presented in Chapter 2, and specifically to explore PAS. To address the six overall questions the researcher probed specific areas of interest which included the following:

***Conflicts and communication:*** These two specific areas were probed to explore the participants' relationships with their ex-partners and to identify any common trends that could lead to a greater understanding of PAS and its development. By exploring these two areas it was hoped that insight would be gained into the relationship between conflict and PAS that is believed to exist (Vestal, 1998). To gain another perspective, participants were asked to rate the level of conflict (defined as disagreements and arguments) and communication (defined as the ability to share information, ideas, and opinions) for three time periods, namely pre-marital, marital/relationship, and post-marital or relationship. For conflict level, the rating scale ranged from 0 to 8 with 0 being no conflict and 8 being extremely severe conflict with physical violence; the ratings for the

communication level were on a scale of 0 (none) to 8 (excellent) (see Appendix C).

***Evolution of relationship with ex-partner:*** Questions were designed to explore the participants' relationships with their ex-partners, the evolution of the relationship, and determine any other relationship characteristics that may be relevant for PAS development.

***Relationship with children:*** The participants' relationships with their children was evaluated at three time periods: prior to separation, at the time of litigation, and at the time of the interview to identify any trends or changes in the parent-child relationship that might impact the children.

***Interference in visitation:*** This was explored to gain another possible perspective into the relationship between the targeted parents and their children, the alienators' role, and the treatment of the interference by the courts.

***Perceptions of mental health professionals:*** The way mental health professionals including, psychologists, psychiatrists, and social workers, conduct assessments regarding custody and the impression they leave on the parents is another aspect that was examined by the researcher. The goal was to identify any probable areas of strength or determine gaps in the services they provide.

***Impact on children:*** The outcome for children of PAS may impact the later development of children and highlights the relevance of the effects of PAS. Participants' perceptions of their children over the course of the marriage and litigation were collected.

***Allegations of abuse:*** The researcher probed this area to expand the understanding of its potential relevance and relationship with PAS. Implications and outcomes for allegations of abuse whether false or true are relevant in the overall adjustment of children (c.f. Bala et al., 2001).

***Legal data:*** The researcher examined a number of different aspects of the litigation process, such as who initiated the legal proceedings, the length of litigation, and the cost. The goal was to explore possible common characteristics of the litigation process that may have possible links to PAS.

***Role of lawyers, judges, and the legal system in general:*** Participants' perceptions of the roles played by the lawyers, judges, and the legal system were collected. The purpose was to identify likely contributions to PAS, areas of strengths and difficulties, and to achieve insight into the relationship between the legal system and PAS.

***Proposed changes in the legal system:*** This area was probed by the researcher for the purpose of gaining potential areas for improvement of the legal system from the view of those who experienced it themselves.

***Impact on the participants' lives:*** The researcher probed the participants' perception of the impact of the PAS and legal system on their lives in order to gain an understanding of their experience and the extent of the impact.

***What the participants would have done differently:*** Here the data gathered referred to the participants' beliefs of what they learned and would have changed with the PAS and litigation process.

***What the participants learned from the experience:*** The researcher probed the participants for what they perceived they had learned from the experience in order to help others better understand it.

### ***Study B***

The second study examined two groups of court judgments in which a judge made reference to (a) PAS, or (b) a finding of a FA of abuse. A third comparison group could not be established since the criteria for including such conditions as high conflict cases could not be identified as clearly as the PAS and FA conditions which are noted by the judge.

Only Canadian judgments were included in the current study. Judgments from other countries were excluded to minimize any variations due to differing laws from country to country. The Canadian Divorce Act, which encompasses custody and access issues, is a federal law that is administered by each of the Canadian provinces (Government of Canada, 2001).

### ***Procedure***

Court judgments were obtained through a combination of the following methods: (a) a call for judgments was done as in Study A for finding participants. (i.e., flyers, e-mails, and posting on various Internet sites (See Appendix E); and (b) searches on various databases were conducted. The primary source of judgments for PAS cases was from Internet databases such as that of the Canadian Legal Information Institute (CanLII) and from Quicklaw (a Canadian database for court judgments). Once the judgments were collected they were reviewed for

whether the judge accepted or stated that “parental alienation”, or “parental alienation syndrome” had occurred in the case or the judge accepted the evidence presented that PAS had occurred. For judgments of FA, the criteria accepted for inclusion was that the judge, in his or her decision, had ruled that the allegations of abuse were clearly false. Other terms for FA accepted included references that there was no evidence to support the allegations of abuse or that the allegations were groundless. The allegations made consisted of any type of abuse toward the children.

Once the judgments were identified as either FA or PAS cases they were re-read by the researcher to ensure correct identification and a second reader (a graduate student) was asked to read every judgment to ensure correct classification. If there was a disagreement then that judgment was omitted and another was substituted. One hundred eighty Canadian court judgments were reviewed and 39 were retained. Of those retained 20 were FA cases and 19 were PAS. In addition, 3 other cases were excluded as they included both PAS and FA occurring concurrently and were not sufficient in number to include for analysis. All of the judgments collected were from the following provinces: 15 from British Columbia, 13 from Ontario, 4 from Alberta, 3 from Saskatchewan, and 2 each from Manitoba and Quebec. The judgments were made between the 1990 and 2002 where the most frequent year was six judgments in 1996. The following information was extracted from the judgments:

***The gender of alienator/accuser of FA.*** This measure consisted of recording the gender of the alienator in PAS and the gender of the accuser in FA cases.

***The length of litigation.*** This was measured in years and months and was identified as the time of the initial custody arrangement or initial order issued after final separation until the date of the judgment under review. When couples had separated more than once a final separation was designated as the last separation that had led to the current judgment under review.

***The average age of the children*** (at issue in the litigation) at the time of the judgment. There were several issues to consider in collecting these data. First, the operational definition of the age of the children needed to be established. It was determined that the age collected consisted of that which was indicated in the most current judgment. This was used as a benchmark in order to provide consistency across all the cases since the ages of the children in previous judgments were not always easily calculated or available. The second issue to consider was how the age of the children was to be recorded in years or months. Not all judgments provided the children's date of birth, which rendered it difficult to determine the children's age in months. Therefore, the children's age in years was collected. For instance, if the reported age of a child was 5 then the age recorded was 5 even though that child may range in age between 5 years 0 months and 5 years 11 months. As a result the data in the current sample may be an underestimation of the ages, however, this was consistent across both groups. The

final consideration taken was that in each judgment there were different number of children and to analyse the age of the children the average age of all children in the judgment was taken in order to have one number that can be more readily analyzed. Although not ideal, it was necessary to average the ages across cases as the sample was not large enough to compare the ages of children according to the number of children in the family and the order of the children (i.e., to compare the age of the oldest child in FA cases to the age of the oldest child in PAS cases when both families had three children).

***Number of Children:*** The number of children per judgment was collected and ranged from 1 to 3. The children included in the sample were those who were considered in the litigation process, which excluded children from other parental unions (and not at issue for custody) and those over the age of 18. These exceptions occurred in a total of 3 cases -one step-child (i.e., child from a parent's previous marriage) not at issue at litigation and 2 cases where the children were over the age of 18. Therefore, the children included in the study were those that were considered in the litigation.

The hypotheses for each of the variables were as follows:

1. *There will be a greater prevalence of females making false allegations of abuse and females inducing PAS.*
2. *With respect to the length of litigation, PAS cases will be lengthier than FA cases.*
3. *In FA cases the children will be younger than in PAS cases.*



4. *The number of children in cases of FA will be less than the number in PAS cases.*

## CHAPTER 4

### Results

#### *Study A*

The interviews were audio-taped, transcribed verbatim, and reviewed for any common trends or themes in the participants' responses. Statements that reflected the natural themes or categories of the phenomenon under study were gathered. Themes that were common across cases and/or that pertained to the interview questions were grouped together. These commonalties were reviewed, and summarized. Based on these initial summaries, category names were assigned to reflect the issues identified. Following the formation of these categories the data were re-examined and each issue discussed during the interview was identified as belonging to one appropriate category. Once the data were categorized, the content of each category was summarized with the inclusion of important quotes that reflected some of the participants' responses. The summaries are presented below. The categories were:

- evolution of relationship with ex- partner
- conflicts
- communication
- relationship with the children prior and during litigation and the current relationship
- interference in visitation
- mental health

- perceptions of mental health professionals
- impact on the children
- allegations of abuse
- legal data:
  - length of litigation
  - initiation of litigation
  - estimated cost of litigation
  - custody and access
  - PAS
- role of lawyers, judges, and the legal system in general
- participants' proposed changes in the legal system
- perceived impact on the participants' own life
- what the participants would have done differently
- what the participants learned from the experience

### ***Evolution of Relationship with Ex-Partner***

***Pre-marital relationship with ex-partner.*** Six of the 9 participants reported that they had had a good relationship with their ex-partners before the marriage or children. One reported that the pre-marital relationship was “straining” and “unfaithful on both sides”, another described his pre-marital relationship as “un-intimate”, and a third participant reported that she was young and did not “see things” about the relationship or her ex-partner. Two other participants, however, reported noticing some “warning signs” prior to the

marriage, one of whom said that six months before the marriage his ex-partner was “manipulative and deceitful”.

**Marital relationship.** Six of the 9 participants reported that difficulties in their marriage or relationship began to increase as their life responsibilities increased. Specifically, 3 of these participants noted that difficulties began at the time of the birth of a child. One participant reported that the onset of the mental illness of the ex-partner in conjunction with increased responsibilities in life began the degradation of the marriage. Yet another participant reported that extenuating life circumstances, namely the illness of her parents, interfered in the marriage. This participant noted that:

*“... I was just trying to put out fires and deal with the situation so no matter what I was going on my marriage, I never really addressed it. And then I was young but there were always some crisis I had to deal with”*

The 2 remaining participants reported that during their marriage issues of trust were areas of difficulty where 1 participant reported that both parties had engaged in extra-marital affairs. Of note is that these 2 participants also reported similar difficulties prior to their marriages. Further, 2 of the 9 participants reported that the PAS was initiated during the marriage. They reported that the campaign of degradation by the alienator began before the separation.

Overall, the participants perceived difficulties in their marriages or relationships with their ex-partners even though 6 of the 9 had reported good relationships prior to the marriage or children. The results suggest that the life

events the participants experienced coincided with difficulties in their relationships.

***Conflicts:***

Most of the participants (8 of 9) reported having conflicts with their ex-partners at some point during their relationships. One participant reported that the conflicts with their ex-partner could be on any topic, while the remainder of the participants reported that their conflicts usually centered on a particular issue. However, across participants the issues raised varied greatly with the exception of 2 participants who reported that the conflicts primarily pertained to visitation with the children. Three other participants identified conflict themes centered on the time spent outside the family. One participant reported conflict issues pertaining to his ex-partner's drinking while another participant stated that both he and his ex-partner had had extra-marital affairs. A final participant felt that the conflicts were due to his ex-partner's manipulation and control over monetary issues. Overall, conflicts varied on topic with some participants reporting that the issues pertained to disagreements over family time allotted and others with respect to visitation difficulties.

***Frequency and intensity.*** The participants were asked to discuss the frequency and intensity of their conflicts. Five of the 9 participants reported increases in the frequency of the conflicts over time, particularly towards the end of the marital or non-marital relationship (for the non-married participant). One of these participants reported that conflicts occurred throughout the relationship with

a decrease in the frequency after the first child was born and then an increase after the birth of the second child. Another participant reported that the conflicts were relatively frequent throughout the relationship with his ex-partner (approximately 3 times per week) and were intense as well. The final participant reported that, although the frequency of the conflicts was not fixed, they tended to be explosive “like a volcano.”

The participants’ ratings of pre-marital, marital (which includes the relationship for the 1 unmarried participant) and separation level of conflict included some trends. Six of the 9 participants reported an increase in the level of conflict during their marriage compared with their pre-marital relationships; in 2 cases there were no differences. When comparing the level of marital or relationship conflict to the level at separation, 4 participants reported an increase, 3 reported a decrease, and 2 participants reported that the level of conflict remained the same. Thus, there appeared to be no clear pattern in the level of conflict during these three time periods. The results are presented in Table 5.

Table 5

*Participants' ratings of pre-marital, marital and separation conflict*

Participant	Conflict		
	<i>Pre-marital</i>	<i>Marital</i>	<i>Separation</i>
1	5	8	5
2	not applicable	6	4
3	4	7	0
4	3	6	6
5	2	2	5
6	1	2	6
7	4	4	5
8	2	5	6
9	3	6	6
<b>Mean level of conflict</b>	3.38	5.67	5.33

*Note.* These ratings were on a nine point rating scale ranging from 0 to 8 (see Appendix C).

**Conflict resolution.** Of the participants (six of nine) who discussed resolution of the conflicts, 4 of them reported that the conflicts remained unresolved and a fifth participant reported that the conflicts could only be resolved through the courts.

These results suggest that varying issues were raised in the conflicts in all but one case. The levels of conflict also varied and generally increased as the

relationship progressed, particularly with increased responsibility. However, those parents who discussed conflict resolution reported difficulties in this area.

### ***Communication***

The participants' were asked to rate the level of communication with their ex-partners over time, namely pre-marital, marital or relationship, and at separation. See table 6 for participants' responses.

Table 6

*Participants' rating of pre-marital, marital and separation communication*

Participant	Communication		
	<i>Pre-marital</i>	<i>Marital</i>	<i>Separation</i>
1	6	6	0
2	8	2	0
3	4	4	0
4	6	2	0
5	2	2	0
6	6	6	0
7	2	2	0
8	4	4	2
9	4	4	2

*Note.* These ratings were on a nine point rating scale ranging from 0 to 8 (see Appendix C)

Interestingly, all of the participants reported a degradation of communication following separation to no communication. Specifically, 7 of the 9



participants provided similar ratings for their level of communication with their ex-partners during the pre-marital relationship and the marriage (or relationship for the one unmarried participant), whereas the remaining 2 participants reported a decrease in communication from the pre-marital to marital stage. When comparing the participants' ratings, there was a drop in the ratings. In 7 of the 9 cases the ratings were zero – indicating no communication whatsoever. In sum, the results indicate that there was a reduction in the level of communication over time. In particular, during the post-marital stage there was lack of any communication even though these parents shared children. These results suggest that the participants were unable to communicate with their ex-partners as the separation and litigation began and the level of conflict increased instead. One participant reported that all conflict and communication would be through the lawyers.

### ***Relationship with Children***

***Prior to separation.*** All but 1 of the 9 participants reported that they had good and close relationships with their children prior to the separation or litigation. In fact, three of these fathers described themselves as the primary caregivers. Those participants who reported having a good relationship with their children described themselves as active in their children's lives by caring for the children, feeding, and teaching them sports. The one exception was a father who reported that his relationship with his child was "limited" due to the child's very young age and that the mother was the primary caregiver. Further, 1 participant

reported that her good relationship with her child began to be affected because of PAS during the marriage.

Thus, these results suggest that the target parents generally perceived they had good relationships with their children prior to the separation or litigation.

***During litigation.*** All but 1 participant reported negative outcomes of litigation on their relationship with their child or children. Specifically, 5 of the 9 participants reported a decrease in the relationship with their children where 1 of these participants reported that his children appeared to be guarded and secretive during his access time with them. Three participants reported that they had lost contact with their children as the litigation begun. Only 1 participant reported that he was able to maintain contact and a good relationship with his child. These results indicate that the parent-child relationships had been negatively impacted with the occurrence of the litigation.

***Relationship at time of interview.*** Relationships between parents and children had not improved at the time of interview as compared to the time of litigation. Four of the 9 participants reported having had no contact whatsoever with their children. One of these parents had not seen his two children since a diagnosis of PAS was made during the litigation and the alienator had disappeared with the children. Three participants reported strained relationships with their children. One of these parents felt as though he were “walking on eggshells” for what he said and did and another parent reported that his child would only speak of what the therapist had designated as acceptable. The remaining 3 participants

reported limited and strained relationships with their younger children but had somewhat better relationships with their other older children.

In sum, the participants reported degradation in their relationships with their children as the separations and litigations progressed to where there was either no contact or strained relationships with their children, in all of the cases.

### ***Interference in Visitation***

All 9 participants reported some form of interference in their visitation ranging from their ex-partner being late with dropping off the children to not providing access to the children or not allowing the children to leave with the participant, to outright refusal by the child to see the target parent. In one example a participant was told that his child was sick and could not visit but when picked up after the father's insistence the child did not display any symptoms of illness.

In 3 cases the participants called the police at the time of interference and police reports were filed. In 2 of these cases the police were called several times. The police attempted to convince the mother to allow the visitation but in the end, in all 3 of these cases, the participants were told by the police to go back to court. In 1 of these 3 cases the participant did not inform the court about the interference in visitation. In the other 2 cases where the issue was brought to courts the mothers were simply told not to repeat their actions. No further sanctions were imposed. One of these participants described the courts reaction as "ignoring" the interference.

In the remainder of the cases where the interference in visitation was brought to court, in only two cases were the ex-partners, who caused the interference, found in contempt of court but they were never sanctioned; another participant reported that the ex-partner received only a “slap on the wrist” and a warning. Three other participants reported that the courts were made aware of the interference but nothing was done. Police were also called in three of the cases but the response was that the participants should take the matter back to the courts and two of these participants did so where access orders were made and there was nothing more that the court could do. They were told by the court that if there were difficulties that they should call the police. These results suggest that interference in visitation occurs regularly in PAS cases and neither the courts nor the police reactions helped terminate the interference in visitation. All of the participants also expressed frustration with the perceived inefficiency of the courts and the police. Neither assisted the parents who experienced difficulties, according to these participants.

### ***Mental Health***

Parental mental health was another unexpected aspect that was brought forth through the interviews (even though it was not posed as a direct question by the researcher). In 6 of the 9 cases, participants reported that their ex-partners or themselves suffered from particular psychiatric disorders (not including PAS). Three of these 6 participants reported that their ex-partners were diagnosed with psychiatric disorders such as an anxiety or personality disorders and the third was

hospitalized after a suicide attempt. Two of the 3 participants reported that they suffered and/or were treated for depression and 1 participant also suffered from an anxiety disorder, the third participant suffered from phobia. One participant reported that his mental illness was directly related to the stress he was under with his ex-partner.

Overall, mental health issues were claimed in a number of cases with respect to parental mental illness, particularly depression and anxiety. This result may indicate some link between PAS and mental illness where the cause and effect as well as the extent of has yet to be determined.

### ***Perceptions of Mental Health Professionals***

Participants reported their impressions of various mental health professionals including psychologists, psychiatrists, and social workers who were either appointed by the courts or hired by each party. Four participants reported overall neutral impressions of the mental health professionals with whom they were involved. One participant reported one negative and one positive experience with two different psychologists. Specifically the one psychologist with whom a positive experience was reported was the psychologist who recognized PAS and its impact on the children. The other psychologist who reported to the court that the PAS had no impact on the children left a negative impression on the participant. Four participants reported negative experiences with the mental health professionals involved in their cases. Three of these participants had more than one professional involved in their cases, one of whom reported that of four

psychologists involved in his case, three did not interview him and their assessments presented to the courts portrayed the participant negatively. Another participant reported paying a psychologist C\$7000 for an assessment but no report was ever produced by the psychologist nor assessment results brought to court (this child was deemed old enough, by the courts, to determine the extent of visitation with the target parent). Two participants reported a sense of not being helped with respect to the PAS situation.

In sum, the results suggest a trend in a number of the participants' responses. Specifically, the impressions that the participants reported regarding the mental health professionals involved in their cases appeared to depend on the outcome of their assessment results. If an assessment was favourable to the participant then that mental health professional was seen in a positive light. However, concerns about the practices of some of these professionals were raised such as in the one case where negative reports about the participant were given to the courts when the participant was not interviewed and the cost of one assessment that was never brought to court nor a report provided for the parents.

### ***Impact on Children***

Eight of the 9 participants reported that as a result of the situation they observed some emotional or behavioural changes in their children ranging from secretiveness to violence. In four of the cases the children exhibited difficulties relating to peers including difficulties in forming friendships, conflicts with peers, and at times becoming violent with others (e.g., hurting older children in school).

In the cases of the children who were violent towards peers, one father reported that his child's externalizing behaviours occurred just before a visit with him. Another participant reported that his children became very resentful and hostile following false allegations (FA) that were made in court and although one of his children was doing exceptionally well academically he was prescribed Paxil (an anti-depressant) due to his hostility towards other children (e.g., hitting, and making derogatory comments). Two other participants reported that at least one of their children was violent towards others.

Four other participants also reported that their children exhibited particular behaviours towards them such as being secretive or guarded towards the participant. One participant reported that one of his children would cry whenever the issue of the court was raised. Another participant reported that his children began having academic difficulties. The third reported that his children were "noxious" towards him (e.g., swearing) and ignored him, particularly during transitions (i.e., changing parental homes). Another participant reported that his children became defensive and guarded and their number of friends decreased. The final participant expressed concerns about her son's well being after he had witnessed the parental conflict. She described the impact on her child as "horrible." In sum, all participants reported that their children exhibited internalizing or externalizing behaviours that began after the separation, suggesting that the children were seriously impacted by their situation.

### *Allegations of Abuse*

In all but 1 of the cases some form of abuse was alleged by the participants. Allegations of different types of child abuse were reported in 7 of the cases with 3 of physical abuse and 4 cases of sexual abuse. In addition to the allegations of some form of child abuse, in 4 of these cases allegations of physical spousal abuse were also made. In another case the participant reported that her ex-husband had physically assaulted her.

The allegations were made in affidavits alone in 2 of the cases; in 1 the word “molesting” was used in the affidavit, which was reported to be devastating for a man who worked with children. The courts, however, did not address the allegations presented in the affidavits. The courts did find that three of the sexual abuse allegations were found to be false, whereas the fourth sexual abuse case was found to be false by a bilateral assessor. In 1 of these cases the participant reported that he felt the courts were sympathetic towards the mother who was making the FA, and another participant reported that he was subjected to humiliating tests. No significant consequences were placed on the accusers by the courts. At most they received warnings from the judges to stop making FA.

All of the allegations of child physical abuse were not addressed by the courts with respect to a judgment of true or false, one of which was the case of assault, in 1 case, however, the participant received a restraining order against the other parent.



Overall, participants reported that some allegation of either physical or sexual abuse was made and the courts' reactions varied but yielded little or no consequences in the cases where the allegations were found to be false.

### ***Legal Data***

***Length of litigation.*** The number of years that the participants reported as being in litigation ranged from 2 to 18 years. Four years of litigation was the most commonly reported length of litigation by 3 of the 9 participants. Further, 3 other participants reported that they were in litigation for 10 or more years. The average was approximately 7 years in litigation. See Table 7 for the results.

Table 7

#### ***Number of years in litigation***

<b>Participant</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
<b>Years of litigation</b>	2	4	12	18	3	7	10	4	4

***Initiation of litigation.*** All but 1 participant reported that it was the mother who first initiated the legal proceedings, including the 1 female participant. Only 1 father initiated litigation.

***Estimated cost of litigation.*** Each participant estimated his or her cost for the legal proceedings. The range the participants reported was from C\$10,000 to over C\$135,000. The 2 participants who reported costs of C\$10,000 also represented themselves, thus possibly explaining their lower costs. One participant reported that in addition to the C\$20,000 he spent, he also received some legal aid

assistance. Four of the 9 participants reported that their cost ranged from C\$40,000 to C\$60,000. One of the 9 participants terminated the litigation because he felt that the money spent on the litigation was taking away money from his children. One participant's reported the following: *"Oh well it costs both sides many tens of thousands of dollars I would say she's probably spent over \$100 000 right now and I've probably spent half of that."*

The results indicate that the legal proceedings were relatively costly for the participants.

**Custody and access.** Five of 9 participants reported that they initially sought joint custody, 2 sought generous access, and the other 2 participants sought sole custody. In all but 2 cases the participants received less access time than initially sought and for 3 participants the judges ordered that the children were to decide when they wanted to see the target parent. One participant expressed his frustration as follows: "you got to keep going back [to court] and fight to get more time." Overall, the targeted parents' access was reduced and they received less time with their children than they initially sought.

**PAS.** Seven participants had mentioned PAS in the court or in their affidavits and other court documents and none were addressed by the judges. The 2 remaining participants did not discuss PAS as an issue in the courts even if it was recognized by a mental health professional. These results suggests that while PAS was identified within the courts there was a lack of action, on the part of the

judges, to address or terminate the PAS, to order sanctions for those actions, or support the target parent and children.

***Role of Lawyers, Judges, and the Legal System in General***

***Role of lawyers.*** Four of the 9 participants reported having two or more lawyers throughout their litigation process. These participants also reported that some of the lawyers were perceived to be better than others. Two of the 9 participants reported that at least one lawyer was sympathetic to the participants. However, all but 1 of the participants reported negative perceptions of lawyers they encountered. The one exception was a participant whose response was more neutral; he specifically stated that he viewed lawyers as “fulfilling the legal process” however, he went on to say that their secondary goal was to deal with the PAS and to make money. Three participants reported that they felt money was a motivational factor in their interactions with their lawyers. One of these participants reported that he felt his lawyer was “milking” the system and another reported that he felt that “the whole system... is deliberately skewed... so they [the judges] could all mine the pockets of fathers.” Further, 2 participants reported that they felt their lawyers lacked the necessary knowledge to deal with their situation. Three participants reported that at least one of their lawyers or the lawyer of their ex-partner aggravated the situation by being “adversarial” or “perpetuated the antagonistic atmosphere” or, as 1 participant phrased it, was an “accomplice” of the alienator.

***Role of judges.*** Judges were predominantly viewed negatively by the majority of the participants (8 out of 9). Three of these participants used the word “bias” in describing the judges and 2 more concurred that the judges exhibited preferential treatment to the mothers and sympathized with the mothers even if they made false allegations of abuse. One participant reported that the judge in his case was looking for faults in the father. Those participants who had appeared before several judges reported that perhaps one or two were fairer than others but overall the majority of judges did not appear fair. The 1 female participant reported that the one judge she encountered was fair. Judges were also perceived as powerless in alleviating the conflictual situation, as noted by one participant.

***Legal system.*** All of the participants’ opinions of the overall legal system were negative. Three participants described the legal system as having the focus of making money, 2 others reported that the system had a bias towards females; 1 participant reported that he felt under attack by the system, and another felt that the system lacked continuity as he had been before several different judges. Four participants’ opinions pertained to how the legal system or the courts dealt with PAS. One felt that though the courts did not cause PAS, it was absent or not helpful in the situation; another felt that judges and lawyers created the conditions for PAS as the courts make money from the conflict and ensuing, continuing litigation. Another participant felt that the courts ignored PAS and did nothing to enforce or counteract it, while another participant felt that the courts allowed manipulative parents to promote PAS because as alienators they were allowed to

“keep playing the game.” Thus, a number of participants felt that the courts either allowed the conditions for PAS to continue or were unable to counteract it.

All of the participants’ perceptions of the lawyers, judges, or the legal system in general were negative.

### ***Proposed Changes in the Legal System***

Participants proposed changes that they would like to see in the legal system. Five of the 9 participants would like to see a change in focus in the legal system. They would prefer the predominance of some form of shared parenting. The goal of those in the legal system would be to assist parents to make decisions together and resolve their conflicts as opposed to arguing who is the best parent. Some of their suggestions included the elimination of sole custody except in cases of proven abuse by one parent; and 2 of these participants wanted a change in the perceived premise that mothers are the best parents. One participant proposed that a better examination of the custody issues be conducted including interviews with parents and children. Another participant suggested that there should be continuity within the legal system with respect to having the same judge preside over the case with every return to court. Another suggestion the same participant made was that, in PAS cases, support payments should be linked to access times. Another participant proposed strong sanctions for FA cases as repeated FA were an indication of the accusing parent’s unfitness. A final participant suggested that family courts be eliminated altogether in the determination of custody, instead agreements should be made through mediation or arbitration.

Overall, the participants' comments suggested that they felt that the legal system should take a different approach to custody litigation in which there is more focus on parental conflict resolution, collaborative parenting, and stronger sanctions taken when a parent does not cooperate.

### ***Impact on the Participants' Lives***

The majority of the participants reported that their experience with PAS and litigation was negative. Words and phrases used to describe the impact on their lives included: "devastated", "traumatized", "humiliating", "raped emotionally and financially", a "financial catastrophe", and as 1 participant phrased it, the situation "ruined her life." One father stated "I lost my right, a God-given right, of being a dad" and two other participants reported similar feelings. The effects of the litigation ranged from minimal feelings to physical symptoms such as exhaustion to psychiatric difficulties such as depression and anxiety disorders. Two of these participants felt that others lacked understanding of their situation or did not take the time to find out enough about their situation. One participant reported that he has moved on from the experience and the other participant stated that he felt "bad" for his children and "sorry" for his ex-wife. Of all the participants, 2 were arrested in relation to the divorce, one for stealing when going to collect things from his former home, the other participant for domestic violence (his wife was also arrested). The latter participant also lost employment as the stress of the litigation affected his work resulting in several demotions and a physical disability that did not allow him to work.

### ***What the Participants Would Have Done Differently***

Four of the participants would have taken different legal action such as using the law more, suing the government on behalf of men, and taking more control of the litigation by earlier self-representation. Two participants would not have changed anything and one would not have married. The 2 others deferred the question.

### ***What the Participants Learned from the Experience***

Six of the participants made references to things they learned from the legal system such as their perceptions that men are treated as “second class” citizens in the courts, that the law is in “shambles” as it encourages parents to use their children within the system, and that the legal system was financially profiting from divorce. One of these participants felt that he learned that it is up to the parents in conjunction with judges to decrease PAS, but it is ultimately the parents’ role to take care of the children. Three other participants reported that they would take different actions in the future such as getting a pre-nuptial agreement if they were to marry again, not to have more children, or not to marry again.

### ***General Impressions About the Phenomenon***

The researcher was left with the general impression, from the interviews and the pre-screening calls, that targeted parents felt frustrated with the manner in which PAS was handled and how there is a lack of resources available to counteract the PAS. In spite of well meaning therapists and sympathetic lawyers

and judges, the actions taken by these professionals did not counteract the PAS. Actions by the judges were not efficient or powerful enough to fight the PAS and alleviate the situation. In addition, these participants expressed loss – a loss of their children. Fathers appeared to feel particular bias. In the pre-screening conversations two fathers expressed extremely emotional reactions. These parents were seeking help from members of the legal system to remove them and their children from their horrible situation. When this expectation was not fulfilled these parents became disappointed and frustrated.

#### ***Summary of Findings of Study A***

1. The majority of participants described good relationships with their ex-partners before the marriage. Difficulties emerged during the marriage with increased responsibilities such as work and around the birth of children for a number of the participants (6 of 9).
2. With respect to conflicts, the majority of participants reported conflict with their ex-partners at some point in their relationship, due to varied issues and with a tendency to increase during the end relationship. Further, more than half the participants reported difficulty with conflict resolution.
3. The level of communication was also rated by the participants. The results suggested that the level of communication varied at the onset of the relationships and during the marriages. However, in all of the cases there was a drop in the level of communication with more than half of the participants (7



- of 9) reporting that their level of communication dropped to none after separation in spite of continuing to share children with their ex-partner.
4. With the respect to the parent-child relationships, the majority of the parents (8 of 9) began with a good relationship, and three of the fathers reported that they were the primary caregivers. However, with the onset of litigation these parent-child relationships degraded and resulted in the participants having no contact with their children or to some kind of strain in their relationship at the time of interview. These difficulties persisted for the majority of the parents until the time of the interview. Further, those participants who reported having different relationships with each of their children all reported that the most strained relationships was with their youngest children and not the older ones.
  5. Interference in visitation occurred and resolution was not reached in all cases. When the issue of interference in visitation was brought to the attention of authorities the courts and the police tended to pass responsibility from one to the other. Consequences for causing the interference in visitation were minimal, ranging from the judges warning the alienators to not repeat their behaviour to being found in contempt of court but without any sanctions. As a result, the authorities' actions were not perceived as helpful in terminating the problem.
  6. Mental health issues were raised in a number of the cases. Specifically, in 6 out of 9 cases at least one parent in a family suffered from a reported mental illness.

7. The participants reported either neutral or negative impressions of the mental health professionals they worked with, which tended to depend on the outcome of the assessments.
8. All participants reported a negative impact on their children as a result of the litigation as a number of children exhibited either internalizing or externalizing behavioural changes ranging from being secretive to becoming violent.
9. In almost all of the cases there were allegations of abuse or violence made, which were either found false or not pursued by the courts.
10. The length of litigation ranged from 2 to 18 years, with one third of participants reporting that they experienced four years of litigation while another third had 10 or more years in litigation.
11. In the majority of cases it was the mothers who initiated the first legal proceedings.
12. The estimated cost of litigation ranged from C\$10,000 to C\$135,000, with lower costs (C\$10-20,000) being associated with participants who represented themselves or received financial assistance.
13. The majority of participants sought joint custody or generous access at the onset of the separation. However, their access was reduced to less than what was initially sought. In one third of the cases judges placed the power of visitation in the hands of the children.

14. PAS was not addressed nor recognized by the courts when brought to the attention of judges and the parents were not given support for themselves or their children with respect to the PAS.
15. The legal system was perceived as negative by all. The system was described as biased and by one-third of participants as perpetuating conflict for profit. Participants generally held negative perceptions of lawyers. Their most positive perceptions included descriptions of lawyers as sympathetic but the negative perceptions included perceiving lawyers as being motivated by financial gains and as “accomplices” to the alienation process. Judges were particularly viewed negatively by the majority (i.e., 8 of 9) of participants. Descriptions of judges included being biased towards mothers, and motivated by money. Further, the participants reported judges’ powers were used inefficiently, particularly in cases of interference of visitation.
16. Participants’ proposed a range of changes to the legal system. Their suggestions ranged from eliminating the courts from family matters altogether to greater focus to be placed on evaluating the family situations to linking support payments to visitation. However, more than half the participants proposed that courts promote parents collaborating for child related matters and to resolve conflicts.
17. The impact of the litigation and the PAS experience was negative and participants tended to use harsh comments such as “traumatized” and “humiliating ” to describe their experience. The impact ranged from physical

illness to psychiatric difficulties. External impacts on the participants included loss of employment and being arrested.

18. The majority of the participants reported that they would have taken various different routes if given the chance, particularly different legal actions.
19. Greater than half the participants reported that the legal system benefits parents who use their children, is unfair to fathers, and profits financially from divorce. The remainder of the participants reported that they would take different personal actions in future (e.g. not remarrying).

### ***Study B***

#### ***Data Analysis***

The judgments collected were identified as being part of one of two groups, namely PAS (assigned the number 1 for analyses) or FA (assigned number 2). The information gathered from each of the judgments consisted of the four dependent variables: gender of alienator/accuser, length of litigation, number and average age of the children. Separate analyses were conducted for each of the dependent variables. The results were as follows:

***Gender of alienator/accuser.*** To examine whether there were any gender differences with respect to the alienator or accuser of FA Fisher's Exact Tests were performed as the number of cases in a cell of the group was less than five. Results revealed a gender relationship as was hypothesized. Specifically, females were significantly more likely to function both as alienators and accusers of FA compared with males ( $p = 0.003$ ). However, another comparison was made to

determine whether there were gender differences between the two groups. The results indicated that there was no significant difference in the gender of the alienator or accuser in the FA group compared with the PAS group ( $p = 0.153$ ). See Table 8 for the frequency and expected frequency of males and females as the alienators or accusers in PAS and FA cases. It should be noted that although for a sample of fewer than 100 it is technically inappropriate to use percentages, percentages were used here in order to provide the reader with a familiar view of the results.

Table 8

*Frequency of Males and Females Alienators and Accusers in PAS and FA Cases*

		Male	Female	Total
PAS	Frequency	7	12	19
	Expected	3.41	15.59	-
	Percent	17.95	30.77	48.72
FA	Frequency	0	20	20
	Expected	3.59	16.41	-
	Percent	0	51.28	51.28

**Length of litigation.** To examine whether the length of litigation differed in PAS cases compared with FA cases a *t*-test was conducted with an alpha level of 0.05. No significant difference in the length of litigation was found ( $t = 0.36$ ;  $p$

= 0.72). Both PAS ( $M = 2.85$ ,  $SD = 2.88$ ) and FA ( $M = 2.56$ ,  $SD = 2.16$ ) lasted a similar number of years in the courts, thus not supporting the hypothesis.

***Average age of children.*** The average age of children in judgments in PAS cases compared with the FA cases was analyzed via an independent  $t$ -test. The results supported the hypothesis and were significant ( $t = 5.01$ ;  $p < 0.0001$ ) in that the average age of children in PAS cases was higher ( $M = 10.37$ ,  $SD = 2.36$ ) than that of children in FA cases ( $M = 6.27$ ,  $SD = 2.72$ ).

***Number of children in judgments.*** To examine whether the number of children differed in PAS cases compared with FA cases the Fisher's Exact test was performed, as the number of children is discrete and the number of cases per cell was less than five. No significant differences were found ( $p = 0.12$ ) for the overall number of children. However, a closer examination of the one-child families revealed a significant difference, namely that one-child families were more likely to be involved in FA than in PAS ( $p = 0.008$ ). Thus the hypothesis was partially supported. See Table 9 for the descriptive statistics and the results.

Table 9

*Frequency of 1, 2, and 3 children in PAS and FA cases*

		Number of children			
		1	2	3	Total
PAS	Frequency	5	9	5	19
	Expected	8.28	7.31	3.41	-
	Percent	12.82	23.08	12.82	48.72
FA	Frequency	12	6	2	20
	Expected	8.72	7.69	3.59	-
	Percent	30.77	15.38	5.13	51.28

***Summary of Findings of Study B***

In this second study it was found that: (a) females were significantly more likely to make allegations of abuse or to be alienators; (b) there was no significant difference in the length of litigation cases whether the cases involved PAS or FA; (c) the average age of children was significantly higher in PAS cases compared with FA cases; and (d) there was no significant difference between the overall number of children in PAS cases as compared to FA cases, however, FA families were significantly more likely to have only one child compared with PAS families, even though there was no significant difference between the two groups in the overall number of children.

## CHAPTER 5

### Discussion

The purpose of this thesis was to explore Parental Alienation Syndrome (PAS). The research comprised two, separate studies to achieve this goal from two different perspectives. First, interviews with target parents were conducted to attain their unique perceptions and experiences of PAS and on the litigation process. Second, a quantitative comparison between PAS and False Allegations (FA) (another psychological process occurring in the legal system) was conducted to identify any similarities and differences between the two and to explore their possible relationship. The results of the present study concern: (a) the perceived relationship between PAS and high conflict situations; (b) the influence and effectiveness of the judiciary in combating PAS; (c) the possible implications of PAS on attachment based on the target parent–child relationship; (d) the possible relevance of the age of the child of PAS; (e) the impact of PAS on the children and target parents; and (f) the relationship between PAS and FA. The results are discussed below with respect to relevant research in the fields of divorce and PAS, possible implications for interventions are suggested, and future directions for research into PAS are given.

### *Study A*

The results of Study A are grouped and discussed with respect to the research questions posed and presented in Chapter 2.



### ***The Conflicts Within Couples of PAS***

The results indicated that prior to marriage the majority of participants described having good relationships with their ex-partners. As the unions progressed, conflicts occurred. Themes common to the conflicts that were reported by one-third of participants pertained to disagreements over increased responsibilities (e.g., birth of a child, illness). These results imply that the life events participants experienced coincided with difficulties in their relationships, which in turn degraded over time. Gardner (1998a) had also postulated that parents exposed to the stress of the divorce may manifest mental illness that he believed is associated with PAS. Thus, parents may benefit from training and/or support in coping with life events. To help families, support services such as counselling need to be readily available. For instance, psychological services offered free (i.e., covered by health care assistance) or a mandatory period of counselling before being allowed to legally separate might benefit some families. If further study reveals that the stressors of family life are indicators for divorce and PAS then assistance during critical times, such as the birth of a new baby, may help alleviate the stress and perhaps reduce the likelihood of PAS and/or divorce.

In the current study, the participants rated the levels of conflict across their relationships with their ex-partners. According to the participants the levels of conflict varied across the cases. These results are similar to those of Vassiliou and Cartwright (2001) whose results did not reveal commonalities in the conflicts

among PAS couples. However, in the current study conflicts tended to increase when comparing the participants' ratings of pre-marital and marital conflict. The level of conflict then varied again at the time of separation. This is contrary to the assumption that many such as Vestal (1999) hold that PAS is associated with high levels of conflict associated with the separation. Specifically, that assumption asserts that conflict between the parents can lead to PAS as a legal technique for winning custody. The current results and those of Vassiliou and Cartwright (2001) suggest that this basic assumption may be incorrect. Instead of the level of conflict as, there may be other characteristics of PAS couples that are more indicative of the likelihood for PAS. However, conflict itself needs to be operationally defined. In the present study conflict was defined as a disagreement, however, in the literature conflict was synonymous with litigation (Gardner, 1998a; Cartwright, 1993; Vestal, 1999). In most cases it was not operationally defined and reasonable comparisons across studies may not be possible.

Pre-marital and marital communication levels, although varied, decreased to virtually none at separation in a substantial number of cases in this study. Physical separation of the couple may account for the decreased conflict and communication at separation; other explanations are also plausible. Specifically, though a high proportion of marriages end in divorce (approximately 45%, Wallerstein et al., 2000), only a small proportion, approximately less than 10% of divorcing couples, resort to litigation (Turkat, 2002b). Of these between 80 and 90% may be PAS cases of varying degree (Gardner, 1992). Therefore, it is

possible that couples who have specific communication and conflict management styles may be more prone to engage in litigation and PAS than other divorcing couples. As this was an unexpected dimension of PAS some elaboration may be necessary.

Personality traits have been hypothesized to affect one's ability to manage conflicts with others. For instance, Baum and Shnit (2003) examined the relationships between two personality traits and conflict styles in divorced couples. The two personality traits examined were self-differentiation and narcissism. Self-differentiation, as defined by Bowen (1990), refers to the ability to distinguish and integrate one's intellect and emotions - which also involves controlling one's impulses. Narcissistic individuals tended to have extremely fragile self-esteems that need to be protected by rigid defences (Baum & Shnit, 2003). These defence mechanisms may be provoked by slight criticisms and result in responses of rage and contempt (Baum & Shnit, 2003). This reaction is believed to lead to cognitive distortions and the use of defence mechanisms that, in a marriage, can create intense conflicts (Feldman, 1982). Baum and Shnit (2003) had found an association between these personality traits and the conflict management styles in divorcing couples. Not only were the parents' own personality traits affected by their conflict management style but it also affected the other parent's response to disagreements. Specifically, the higher a parent's level of self-differentiation, the less likely they were to use an "attack mode" in conflicts. Higher levels of differentiation were associated with a greater use of

compromises in conflicts among mothers and among fathers who were also rated higher on narcissism but not with fathers who were rated high on narcissism and low on self-differentiation. Further, when fathers were rated high on narcissism the mothers were found more likely to use an “attack mode” in their conflict management styles. Thus a highly narcissistic father with an alienating mother, low on self-differentiation, may be more likely to be subjected to attacks by the alienator during litigation.

With respect to PAS, alienators may indeed hold a narcissistic personality. Researchers have proposed that narcissistic individuals cope with the trauma of divorce through their relationships with their children (Jacobs, 1988) and tend to perceive their children as theirs alone as opposed to belonging to both parents (Baum & Shnit, 2003). Further, Johnston and Campbell (1988) had found that these individuals tend to be involved in perpetual conflict. These are similar characteristics believed to be those of the alienators in PAS families. One of the primary goals of the alienator is to eliminate the target parent from the child’s life (Gardner, 1998b). In essence, the alienator wishes to be the child’s only parent and may use his or her relationship with the child to achieve this goal by engaging the child in the alienation process. There may be a link between the alienators and certain personality traits. Parents who are found to be high on narcissism, and low on self-differentiation, and who may be more prone to engage in an “attack mode” during conflicts may be more likely to be alienators. Their attack mode may also entail more alienation type techniques than those parents who are low on

narcissism. This is a dimension that has been neglected in the literature on PAS and may offer some explanation as to the characteristics of PAS parents and their conflict management style.

In two cases of the current sample PAS occurred during the marriage and before litigation and highlights that PAS does not exclusively occur within the context of litigation as postulated by Waldron and Joanis (1996).

Implications for the results of the current study pertain to legislative issues. Specifically, lack of communication and conflict resolution are typically not associated with the ability of parents to participate in successful joint-custody arrangements. Joint custody requires that the parents share the responsibility of raising their children via communication, co-operation, and sharing child-rearing responsibilities (Gardner, 1998a). Without communication between the parents, then the co-operation and the sharing of responsibilities that are necessary for successful joint-custody arrangements cannot occur. Thus, these results lend preliminary support to the proposed reasons for the notion that joint custody is not likely to be feasible in PAS families. They also imply that other options for these parents need to be identified. Vestal (1999) outlined these difficulties for PAS families and proposed a mediation model for practitioners. She proposed that, after a pre-screening, suspected PAS families undergoing mediation have four areas of concern that must be addressed. Namely, the mediation process must provide for these families (a) mental health expertise, (b) swift action by the courts when the alienator engages in such alienating techniques as false

allegations, (c) a system to balance the power between the parents, and (d) the adoption of a model to manage the manipulative behaviours present in PAS. In addition, a mechanism to monitor the situation is necessary, however, no empirical research has been conducted to ascertain the effectiveness of this proposed model.

In sum, conflicts entail more than just a level but can also involve conflict management style or personality traits. Further, in order to make comparisons and build from multiple research studies better operational definitions of conflict and the different levels need to be outlined. With an appropriate definition of conflict and the exploration of the different components involved when a family is in conflict then perhaps the research can suggest whether there are specific characteristics in PAS families that are unique to them so they may be targeted for intervention. For instance, developing systems for communication in parents at the onset of separation may thwart some from engaging in PAS and may help those experiencing a mild form of PAS evolve and come to some agreement.

### ***The Perceived Roles of Lawyers and Judges in Custody Proceedings***

***Role of lawyers:*** Turkat (2000) argued that a well-chosen attorney, although costly, could provide valuable advice for litigants' options and possible outcomes. A wrong choice can lead to less desirable legal actions which can result in higher emotional and financial costs. In the current study, all but one of the participants reported negative perceptions of lawyers. Money was perceived as a motive for lawyers and they were also described by some as antagonistic with

respect to the litigation. These results lend support to one stressor of litigation that Turkat identified as contributing to what he termed “custody battle burnout,” namely difficulties with the lawyers hired. He argued that lawyers could vary greatly with respect to their competence, style, empathy, and effectiveness. A client hiring an attorney may not know how he or she rates on these attributes but once the litigation is in progress and the client has already paid the lawyer a substantial amount these attributes may come to light. Being unhappy with the way the lawyer handles him or herself in the litigation process, together with the money that has already been spent, may make the client think it too late to switch lawyers adding another stressor. On the other hand, even a competent lawyer may be unable to fulfil unrealistic expectations of a client and this too may lead to a client’s unhappiness with the lawyers and compounds the stress of the situation (Turkat, 2000).

Furthering the negative perception, lawyers are accustomed to a win-lose environment that promotes aggressive tactics in order to achieve a goal for their clients (Braver, Cookston, & Cohen, 2003). This may or may not work for the client but in the process the aggressive tactics may have negative repercussions on the parents’ ability to communicate and cooperate with one another, and thus on the ability for these families to function effectively post-divorce. As a result, codes of conduct have been established in an attempt to decrease the adversarialness of attorneys as many have argued that lawyers’ conduct can raise

the level of conflict between parents before and after the divorce (Braver & O'Connell, 1998; Emery, 1999).

Braver et al., (2003) in a survey of family law attorneys, found that attorneys perceived their opposing counsel (from their own cases over the last 3 years) as exhibiting or condoning "vindictive" behaviours toward their client and that they elevated the "emotional level" of the situation. In addition, these lawyers also reported that the potential for elevated fees appeared to influence the opposing counsel. Although these perceptions are of opposing attorneys, the participants' perceptions from the current study and of the lawyers in Braver and his colleagues' (2003) study are similar. Such findings suggest that the process of litigation leaves negative impressions for those involved. Lawyers are generally hired to help navigate and represent a person in the legal arena, however this is not reflected in their clients' impressions of them. Instead lawyers are perceived at best as sympathetic but unhelpful. Post-divorce, the family must still function whereas in other legal matters opposing clients may never need to meet again. As a result, the role of lawyers in family law matters needs to be re-evaluated to ensure that they are well equipped to help when working with families.

***Role of judges:*** Judges were viewed predominantly in a negative light by the majority of the participants who described them as biased towards the mothers. These results are supported by previous research in which fathers have reported that they felt bias in custody and visitation decisions (Pruet & Jackson, 1999) and by statistics that indicate elevated percentages of mothers receiving



custody. Stamps and his colleagues (1997) survey revealed that judges justified awarding custody to mothers with the belief that it was in the best interests of the children. Mothers, in general, were believed to be the better parents according to the judges surveyed. Interestingly, most of the judges sampled held such views even though numerous studies (c.f., Hetherington, 1989) indicate that children's overall adjustment is not dependent on the gender of the custodial parents (Stamps et al., 1997). This can also occur in PAS situations. Judges may similarly be justifying their decisions when awarding custody to alienating mothers, in that it is in the best interest of the child to stay with mothers who are believed to be the better parents .

Others argue, however, that women are hampered because of financial limitations (c.f., Mahoney, 1996) even though a high percentage of women are awarded custody it is only a small percentage of divorce cases that go before a judge. Thus it is believed that it is with the fathers' consent that the mothers obtain custody in most cases and not because of bias in the legal system (Tippins, 2001). On the other hand, Maccoby and Mnookin (1992) had found that in litigating, men and women had an equal opportunity of being given custody. In Canada, custody statistics recently released by Statistics Canada, however, suggested a move towards gender-neutral decisions. Specifically, in 2002 mothers received sole custody of 49.5% of children of divorce, a decrease from 1988 when mothers received sole custody of 75.8% of children. Joint custody rose in 2002 to 41.8%, however this does not indicate the allotted time to each parent (Paraskevas, 2004).

The participants in the current study were likely not to have experienced this current trend observed in Canada but it would be interesting to study the perceptions of those parents who did and to explore whether their perceptions differ, and PAS lessens.

***The Participants' Legal Experience of PAS, FA, and Litigation in General***

**PAS.** The current research indicated that the courts were seen as unable to counter or deal with the PAS which likely added to the participants' negative perceptions of the courts. Further, lawyers were perceived by a number of participants to be antagonistic and "accomplices" to the alienators. A number of researchers have suggested that the courts have an important role in dealing with PAS and hopefully terminating it (c.f., Dunne & Hedrick, 1994). Direct action such as ordering a change in custody from the alienator to the target parent would reduce the PAS according to some experts (Gardner, 2001a; Dunne & Hedrick, 1994). Inaction by the courts, as reported by the participants of the current study, raises the possibility that judges unwittingly allow the promulgation of PAS without any detriment to the alienator. Though courts have the power to help in these instances, the alienation was allowed to continue without the alienator receiving repercussions for their actions such as fines or changes in custody. This equates to allowing an abused child to remain with an abusive parent, as some argue that PAS is equivalent to child abuse (Cartwright, in press; Gardner, 1998b).

***Interference in visitation.*** One of the goals of the alienator is the elimination of the target parent from the child's life and it is believed that interference in visitation is a manifestation of that attempt (Gardner, 1992). This assumption was observed in the current study since interference in visitation by the alienator occurred in every case. Even with litigation, resolution was not reached. Specifically, both the courts and police who were made aware of interference in visitation tended to pass the responsibility to the other. In cases where the courts did address it they simply warned the alienators not to repeat their actions. Similar findings are reported with respect to FA of abuse in custody litigation with little or no action taken against the perpetrator of the allegations. For instance, Bala et al., (2001) noted in their review of court judgments that judges did not use the full extent of the law when dealing with the accuser of FA. Judges have the authority to punish (e.g., with contempt of court or perjury charges) an individual who makes false accusations or causes interference with court-ordered visitation. These results indicate that although the courts have the necessary powers to place sanctions against those who cause such difficulties or have the police enforce visitation schedules, the judges do not exercise their influence to curtail the PAS. An explanation as to the judges' decision not to utilize their powers has yet to be identified. It may be that the judges feel they might harm the children if they imposed sanctions on the alienating parents, particularly if it is the mothers. As discussed earlier, judges have been found to be biased in awarding primary custody to the mother (Stamps et al., 1997). They may

avoid decreasing or terminating the mother's contact with the children, even if she has alienated the children or repeatedly interfered in their visitation with the father. Thus a gender bias in the decision-making process in custody appears to predominate in these PAS case, even when the laws that govern are designed to be gender neutral.

*Allegations of abuse.* In the current study all participants reported that allegations of various forms of abuse were made in their cases, including allegations of sexual child abuse and spousal physical abuse. These results replicate those of Berns (2001) who also found that allegations of sexual and physical abuse were made in cases of PAS. Sexual child abuse allegations but not those of physical child or spousal abuse were addressed by the courts. The courts' reactions to those allegations of abuse that were found to be false, although varied, yielded little or no consequences for those individuals making the allegations. At most, the accusers were given a stern warning by the judge.

The rate of FA within the context of parental separation has been found to be six times that of the general population (Thoennes & Tjaden, 1990). The repercussions of FA of abuse can be serious for the different family members. The parent who is portrayed as a child abuser in the courts can have his or her reputation tarnished and can have emotional repercussions such as custody battle burnout as described by Turkat (2000). The judges may be sympathetic to the targeted parents who have been falsely accused, but the risk of harm to the children is important (Bala et al., 2001). The child may have emotional

repercussions for having knowingly lied about the FA or having been subjected to intrusive examinations as part of the investigations, particularly for sexual abuse (Bala et al., 2001). The parent who is falsely accused not only has his or her name associated with one of society's most vilified types of crimes, he or she is also removed from the child's life and must prove his or her innocence. Therefore, the power of an allegation of abuse remains an effective alienation technique (Waldron & Joanis, 1996) and the results of the current study suggest that allegations of different types of abuse occur in PAS families. The implication is that when any type of therapy or intervention is designed for children of PAS and their parents, FA is a relevant dimension to include in the intervention and therapeutic strategy.

Consequences for those who make FA were non-existent in these PAS cases and some participants reported that judges tended to sympathize with the mothers even if the mothers made FA of abuse. Judges, in theory can sanction such offences. For instance, in FA cases parents who perjure may be fined or jailed (Bala & Schumann, 2000). However, such sanctions are rarely imposed as police are rarely contacted to lay the charges and when they are contacted there is difficulty in proving that the parents were aware that the allegations of abuse were false (Bala & Schumann, 2000). Further, judges have been shown to be inconsistent in cases reviewed under family law involving allegations of abuse with respect to the burden of proof in these cases (Bala & Schumann, 2000). At times, judges presiding over family law cases involving FA of abuse may order

the parent making the FA to pay the court costs but this is not always done (Bala et al., 2001). Thus judges have yet to be found to demonstrate a consistent and clear manner of addressing FA and PAS.

***Initiator of litigation.*** Results of the present study found that in all but one case it was the mothers who initiated litigation. Women have been characterized in past research to have more unresolved feelings of anger associated with their divorce and are more likely than divorced men to blame their ex-spouse for the marital dissolution (Dreman & Aldor, 1994). Similarly, Dreman, Spielberger, and Darzi (1997) have argued that anger is frequently associated with the externalization of responsibility and thus blame is attributed to others. Divorced mothers who are angry, they argued, are likely to blame their ex-spouses for the marital dissolution and are less cooperative than those less angry. These researchers found that divorced mothers reported having anger and blame that persisted several years after the divorce. Higher levels of state-anger were found to be associated with mothers who had lower self-esteem, less balanced perceptions of family structure, and lowered personal responsibility. However, there was no mention nor exploration of whether continued custody litigation was ongoing in these cases. It is possible that the anger of these mothers drove them to take legal action first or that some mothers who engaged in PAS were more likely to take legal action if angered. A comparison of litigated cases involving PAS or FA or other divorcing families, compared with non-litigated custody may shed light as to the motivation for seeking legal action. Identifying the motivation

behind the litigation may help mediators and family therapists intervene at more appropriate times with the goal of helping the family members avoid the adversarial legal arena.

***Length of litigation and cost:*** The length of litigation in the current sample ranged from 2 to 18 years, with an average of seven years, and the estimated cost of litigation ranged from C\$10,000 to C\$135,000. Litigation itself is stressful but also entails different types of stressors.

The legal costs associated with divorce and custody can burden individuals financially, particularly if the parents are in litigation for several years. Such situations expose parents and subsequently children to numerous stressors which are likely to be heightened by the children's active rejection of the target parents (Gardner, 1992). Turkat (2000) has proposed that similar stressors can lead to custody battle burnout. This phenomenon suggests that individuals undergoing custody litigation could exhibit specific symptoms that impair their functioning. The results of the current study suggest that it is possible that a number of the participants have experienced the phenomenon that Turkat described. Future studies should explore this area further to assess needs and develop strategies to support such families

***Overall perception of the legal system.*** The legal system was perceived as negative, particularly with respect to judges who were often described as biased. Vassiliou and Cartwright (2001) had found a similar dissatisfaction with the legal system by participants. In the current study some of the participants held the view

that the legal system was perpetuating conflict for profit. These participants had been involved in the litigation for an average of seven years.

Interestingly, when asked what they would have done differently, the participants' most common response was they would have taken different legal action. Thus, it may be possible that a lack of knowledge of the legal process led them to make decisions and take actions that they would not have made had they understood this process better. This raises the possibility that lawyers may not be appropriately informing clients of their options and/or possible outcomes. On the other hand, these parents may simply be dissatisfied with the outcomes of their litigation. It would be interesting to make comparisons of perceptions with those parents who have "won" their litigation in order to identify whether it is truly bias or if there is a real weakness in the legal process of acquiring custody.

In sum, the current study found that judges were perceived as biased, while lawyers were perceived to be motivated by financial gain and consequently perpetuated the adversarial system. In addition, FA and interference in visitation were not effectively dealt with by the courts. These findings are commensurate with other studies (Dune & Hedrick, 1994) and suggest areas of improvement for the legal process, namely more education for judges, especially for those who still favour the tender years presumption, the minimizing of the adversarialness in custody determination, and provision for effective means of dealing with interference in visitation and FA. The courts are capable of taking swift action and ordering more severe sanctions in cases where parents do not act in the best



interests of the children by engaging in PAS or interfering in visitation. The judges, for instance, can find such parents in contempt of court, change custody arrangements, or fine the alienators. However, such actions should be accompanied with the provision of some support to the children and parents. Therapy available to PAS families may best service them by including guidance and support for all family members combined with supervised access to help the child with yet another transition.

### ***Current Target Parent – Child Relationships***

Prior to separation all but 1 of the 9 participants reported that they had good and close relationships with their children, and some reported being the primary caretaker. However, at the time of the interview they reported that these relationships had been impacted. They experienced difficulties in their relationships with their children, ranging from strained relationships with either one or all of their children to absolutely no contact. These reports are commensurate with Gardner's (1992) contention that initially, alienated children had good relationships with the soon-to-be target parents. Then these children turned against these once loved parents, denigrated them, and expressed hatred for them.

Interestingly, those participants who reported strained relationships with one of their children reported that the greatest strain was with the youngest of the children. Clear consensus on a link between PAS and the age of the children is lacking in the literature. Gardner (1992) argued that PAS could occur at any age.

Others, such as Johnston and Roseby (1997) and Rand (1997b), have argued that alienation occurs in adolescence at the time where children typically reject a parent and can therefore be more prone to denigrating the target parent. However, adolescents may be rejecting their parents including the alienators as they strive for independence. The younger children in a family may be more susceptible to alienation techniques as they have yet to develop other techniques to cope with the stress of their situation.

The current results also indicated that interference in visitation occurred in all cases, as noted earlier. With respect to the parent-child relationship these findings are similar to the statistics by the Children's Rights Council's (1994) which revealed that non-custodial parents had a 77% decrease in their access to their children. The parents in the current study reported having difficulty in accessing their children, with the children themselves rejecting the target parent. Some examples included the child saying such things as "Daddy is dumb!" to denigrate the target parent at the time of visitation, as well as completely refusing to have any contact with that parent either during a personal visit or by telephone. In addition, some parents reported that the alienator would say something to the child either over the telephone, during a visit with the target parent, or in a whisper before the visit. Soon after, the child's demeanour would change and the visit would become unpleasant or even be terminated. With the interference in visitation and the PAS 1 participant reported feeling that his children had become

like strangers to him. Thus, from the targeted parents' perspectives, PAS and interference in visitation had impacted the parent-child relationships.

In PAS cases the parents are prevented from seeing their children; and as the situation continues it is less likely over time that the target parents will stay involved in these children's lives. Limited time with a non-custodial parent has been shown to produce a negative spiral, particularly for fathers, as their level of involvement decreases (Braver et al., 1993; Buehler, 1989; Weitzman, 1985). Several reasons can increase the likelihood of this in PAS families. First, PAS cases are believed to occur primarily during custody litigation (Gardner, 1992). Non-mediated cases have been found to be associated with less contact and involvement with the non-residential parent, compared with those families who have undergone mediation (Emery et al., 2001). Second, in PAS cases it is the children themselves who reject their target parent, which can lead some parents not to pursue relationships with their children. Consequently, there may be a number of unidentified target parents in the population who have stopped contacting their children and who have not continued the litigation process. This may explain the limited number of participants researchers were able to recruit for PAS studies as noted by Turkat (2002a). On the other hand, the preservation of the father-child relationship, with maintained contact and post-divorce involvement, has been associated with faster mother re-partnering, increased social competence in children, decreased negative behaviours, and less time spent in poverty by the children (Gunnore & Braver, 2001). The fostering of the parent-

child relationships can be of benefit to all family members and PAS families likely require specialized assistance in maintaining these relationships.

***Perceptions of the Influence of PAS on the Children***

All participants reported a negative impact of the litigation on their children who exhibited emotional or behavioural changes. These results may reflect the repercussion for the children of PAS who undergoes such a drastic transformation, from love to hate, in their relationships with their parents. In addition, these findings are in-line with those of Johnston et al., (1987) who found that children involved their parents' disputes tended to result in the children displaying behavioural problems (e.g., withdrawn and uncommunicative behaviours). The assumption is that the children of PAS may experience more distress than other children of divorce as they are placed in the position to actively reject and denigrate a parent. Repercussions can exist in the attachment relationships of these children, particularly if their primary attachment figures are the alienator. Specifically, these children may be experiencing stress or crisis at times of visitation with a parent who may be unable to comfort these children during their distress.

A parent's behaviour during the child's transition from one home to another that is involved in overnight visitation has been shown to impact the child developmentally. Solomon and George (1999) found that infants who displayed disorganized attachment patterns and who had overnight visitation with their father were more likely to experience high levels of parental conflict, low parental

communication regarding the child, and lower psychological protection of the infant by the mother in the context of separation. These researchers also found that infant attachment strategies affected by adverse separation experiences led to breakdowns or displays of disorganized behaviour. This was observed in children who were participating in overnight visitation compared with those who remained with their mother alone. Thus, the mother-infant interactions of PAS children may be more likely associated with a disorganized attachment pattern and this helps explain some of the results of the current study. Specifically, the ability to reject the target parent may be related to a disorganized or unclassifiable attachment that occurs with the stress of visitation. The PAS child with such an attachment pattern may be unable to cope with the situation and becomes susceptible to the alienation techniques, and consequently rejects the target parent.

Page and Bretherton (2003) and Bretherton et al., (1990) had found that if children rated themselves with lower social competence they exhibited higher levels of anxiety. These results were particularly relevant for girls who were attached to their fathers but who lived with their mothers. Their lower social competence was found to occur when the children were in situations of high instability, low attachment to the custodial parent, and limited or no relationship with the other parent. These are similar conditions to those reported by a number of participants in the current study and typical of PAS. It would be interesting to conduct a study similar to those described by Page and Bretherton (2003) and Bretherton and his colleagues (1990), to assess the children's attachment patterns

and anxiety levels and compare families undergoing PAS with non-PAS divorced families. The relevance would be to identify any differences in attachment patterns of these children that can be linked to their developmental trajectory and help identify the effects on the children. Appropriate treatments could then be devised. For instance, PAS children with higher levels of anxiety need to be recognized and treated by the family therapists with specific strategies for their anxiety.

In the current study higher levels of anxiety, as reported by Bretherton and his colleagues (1990), can help explain the observed changes in children's behavior and may reflect the difficulties in the parent-child relationships of PAS families. The children may have experienced higher levels of anxiety because of the PAS itself and their active role in it. Whenever these children had contact with the target parent they were placed in a stressful situation where anxiety could become elevated. In turn, their feelings of anxiety may have manifested themselves in their interactions with peers as either withdrawal or aggression as was reported by the participants. Interviews with those who treat and medicate these children may help determine whether their treatment plans for these children include strategies to address the likely role of their anxiety in the observed behavioural changes. Such a study could examine the effectiveness and appropriateness of the treatment these children are currently receiving.

Overall the results suggest serious, and primarily negative, repercussions for children of PAS. The parent-child relationship, which is the basis of

attachment, has been shown to have implications on the child's development, such as social competence, anxiety, and ability to cope with the transitions involved in visitation (Bretherton et al., 1990; Page & Bretherton, 2003; Solomon & George, 1999). PAS ultimately severs this relationship, whether or not the target parent is the primary attachment figure. The long-term impact of PAS, which has yet to be identified (Cartwright, in press), would be relevant, particularly in comparison with non-PAS children of divorce. Identifying short and long-term repercussions of PAS can help develop effective interventions. For instance, signs of difficulty at school, when parents are divorced, may suggest a need to intervene with the exploration of the child's family situation, in order to be able to truly address the child's needs.

The external behaviours reported in the current study also occur in schools and likely impacted other children, the school environment, and society. In addition, the negative impacts reported in the current study involved difficulties in relationships with others and resulted in some children or one child being medicated for their behaviours. It would be relevant to determine if these changes are significantly different from the behaviours observed in other children of divorce.

### ***The Influence of PAS and Litigation on the Participants***

The impact of the litigation and the PAS experience was negative and the participants tended to use harsh comments such as "traumatized" to describe their experience. The North American legal system is an adversarial one that promotes

division. Court favoured presumptions of best-interests-of-the-child and joint custody, although seemingly fair, can be interpreted by the emotionally strained divorcing parent as justification for eliminating the other parent who she or he can no longer relate to (Gardner, 1992). This may be particularly so when divorcing parents must separate and divide property and finances they once shared (Cartwright, 1993; Vassiliou, 1998). The target parent will then likely be affected by the alienator's "attack" on him or her where the ultimate cost of the litigation and PAS is the loss of the children. Being rejected by the children, as explained previously, rewards the alienator for his or her techniques but the targeted parent may be more likely to decrease his or her involvement with the child because the emotional cost is too high.

Further, the majority of the participants reported that they would have taken different routes if given the chance which is understandable given the negative impact of PAS that they reported. Participants also reported various types of learning from their experience but their learning predominantly pertained to the legal system. Specifically, they learned how they could utilize the system to their advantage and they would have conducted themselves differently with the knowledge they gained. Overall, the results suggested that the outcomes were undesirable enough that the participants would avoid going through the same experience again. These results were very similar to those reported by Vassiliou (1998) who also found that targeted parents felt a great loss in the situation. The target parents experienced several losses including that of a marriage, a family,



and their children. The results of the current study as well as an earlier one (Vassiliou, 1998) also indicated that these losses are perceived as devastating and/or traumatizing.

### ***Other Findings***

***Mental health.*** Mental health issues were raised in a number of the cases. Specifically, in six out of nine cases at least one parent in a family suffered from a reported mental illness. Most common disorders were anxiety and depression. Several studies have shown a link between divorce and psychopathology and that marriage is a protective factor for mental health. Marriage dissolution, in particular, has been shown to be associated with higher rates of major depression in both men and women compared to with those from intact marriages (Anthony & Petronis, 1991; Bruce & Kim, 1992; Gove & Shin, 1989; Robins & Regier, 1991). In PAS cases, Gardner (1998a) observed a high incidence of parental mental illness. Post-marital stress levels are hypothesized to play an important role in the development of mental illness, particularly if the parent is at risk of mental illness (Gardner, 1998a; Menaghan & Lieberman, 1996). The current study's results are indicative of the possibility for such hypotheses, as do the participants' predominantly negative description of the impact of the litigation on their lives. Some evidence for the assumed link between mental illness and PAS was provided in the current study. However, a quantitative comparison between PAS cases and cases of divorce in general can shed light as to whether the prevalence of mental illness differs between these groups. That is, it would be

pertinent to identify whether or not parental mental illness is a precursor to PAS. If parental mental illness is more prominent in cases of PAS then there is a need to identify these individuals and intervene early.

***Perceptions of mental health professionals:*** The current results indicated that participants reported either neutral or negative impressions of the mental health professionals with whom they worked with. Their perceptions tended to be linked to the assessment outcome. Portrayals were less negative if the mental health professionals' assessments were favourable to the participant or not. Some participants reported that they felt that they needed more help. These results were less negative than those found by Vassiliou (1998) where the participants reported that the psychological services rendered did not help with the PAS. Similarly in the current study the participants reported that the mental health professionals limited their involvement to custody issues. One implication is that although the parents of the current study may not have been unjustly treated, there appears to have been a need for some assistance by the therapists. Perhaps custody evaluations should not terminate once the assessment is concluded but that some therapy be integrated after the evaluation. The goal would be to help these parents learn to parent together post-separation (i.e., co-parent).

### ***Study B***

This component of the research involved the review of court judgments comparing PAS to FA cases on the four variables of gender of the alienator, length of litigation, age of children, and number of children. Several of the

hypotheses presented in Chapter 2 were supported, a discussion of each of the hypotheses and their respective results follows below.

### ***Gender of the Alienator***

The current results indicated that women tended to make allegations of abuse or be alienators significantly more frequently than men as was hypothesized, but there was no significant difference between the PAS and FA cases with respect to the gender of the alienator and accuser. However, these results are not commensurate with those of Berns (2001) who also examined Australian court judgments involving PAS. She found an almost equal number of mothers and fathers who attempted alienation, but the alienation was substantiated in all the cases where the fathers were identified as the alienator. Berns' results may reflect the gender bias as reported by Stamps et al., (1997) or the different judicial process of Australia.

The current results support what has been proposed in the literature for both PAS and FA. With respect to PAS the present results support Gardner's (2001b; 2002b) assumptions that women are more likely to be the alienators. In his first book on PAS Gardner (1992) had reported that in his clinical observations it was the mothers who were the alienators. Subsequently he used the label of mother for alienator throughout his book. He later reported a gender shift in PAS indoctrinators but mothers remained the primary alienators (Gardner, 2001b; 2002b). Gardner attributed the gender shift to the increased access by fathers with a greater tendency towards shared parenting programs by the courts. This

increased time that the fathers had with the children provided them with the opportunity to engage in the alienation techniques. Gardner also argued that another possibility was that fathers were becoming increasingly aware of PAS and could then use the techniques themselves to produce PAS. However, if the increase in awareness of PAS did occur then it would be likely that this knowledge would be equally available to both men and women. Gardner did not provide any data for his assumptions. The present results are commensurate with Lowenstein's (1999) proposal where he found that women were alienators in 75%, and men 25% of the PAS cases. These numbers are similar to those of FA where in 72% of the cases it was the women who made FA in custody disputes (Bala et al., 2001). In the current study of cases it was also found that women predominated in both PAS and FA, however, it was only women who made the FA.

The reasons why women are more prone to be alienators and/or accusers of FA have yet to be determined. Gardner (1992) argued that men are more likely to engage in physical abuse, whereas women generally use more verbal or emotionally based tactics. Thus, women may be more likely to engage in FA of abuse or PAS, which are two primarily verbally based techniques, and may represent their response to the stressful situation of divorce. Interestingly, in Study A it was also found that the initiator of the litigation tended to be the women in the majority (8 of 9) of the cases. These women may share certain characteristics that differentiate them from other divorcing parents and leads them to engage in

PAS. Baum and Shnit (2003) had found that women with low self-differentiation were more likely to use an “attack mode” in their conflict management styles if paired with a highly narcissistic father. The attacks may manifest as alienation techniques or the fabrication of FA with the goal of eliminating the other parent by alienating the child from the target parent (Waldron & Joanis, 1996).

The results of this study are also commensurate with other research which suggests that divorced women who have unresolved feelings of anger are more likely to blame their ex-partners for the divorce (Dreman et al., 1997). Their anger may then be directed toward and fuel the PAS. The combination of unresolved feelings of anger and the particular personality traits that affect conflict management style may influence and explain the development of PAS.

The possible greater use of an “attack mode” in FA and PAS can help support the notion that FA are part of the PAS process and possibly a precursor. Fictitious or false allegations of abuse occur in PAS cases (Waldron & Joanis, 1996) as they were found to do so in Study A. When engaging in the attack mode, these women may begin with FA and by continuing to engage in this style of conflict management may have a greater likelihood of applying more aggressive actions that lead to PAS. This attack mode may be fuelled by the higher level of anger and blame that these women attribute to the men as described by Dreman and Aldor (1994). Thus, FA can be a precursor to PAS. Specifically, having the children and the courts believe that the target parent is an abuser assists the alienator in his or her attempts to alienate the child from the target parent and to

gain sole custody. However, when a FA alone does not work they may engage in other alienation techniques to further their goal.

### ***Length of Litigation***

The current study found no significant difference between PAS and FA cases with respect to the length of litigation. PAS was hypothesized to involve lengthier litigation than FA because of frequent returns to court. The results of the first study help explain these results. Participants in Study A had reported varied length of litigation. In the literature, as mentioned previously, the term conflict has often been used synonymously with litigation. Families who are involved in litigation are often characterized as high conflict families (c.f., Vestal, 1999). If conflict fuels the litigation then the varied lengths of litigation found here may be more indicative of the parents' level of animosity type conflict. The degree of the use of an "attack mode" conflict management style thus may be a better predictor of the length of litigation in families involved in PAS and FA.

Bala and his colleagues (2001) had found that judges tended to be cautious in cases of FA and tended to remove unsupervised access from an accused parent until a full hearing. A hearing may then take some time. With the legal proceedings involving FA, a target parent may not realize that PAS is also occurring and does not immediately bring it to the attention of the courts. This parent may either not pursue the matter because he or she is experiencing custody battle burnout (Turkat, 2002a) or may pursue it only at a later date. PAS may evolve after a judgment of FA and may only be identified as PAS, if at all, at a

later time and a different judgment than the one reviewed. Thus this helps explain the lack of a significant difference between the PAS and FA families. FA may be a precursor to PAS but may depend on the degree to which the parents pursue litigation for FA cases to develop and be recognized as PAS.

### ***Age of Children***

The average age of the children in PAS cases was found to be significantly higher than that of the children in FA cases, thus supporting the hypothesis. Bala and his colleagues (2001) had found that FA made by children tended to be made by older children who repeated their statements to investigators. However, they also found that only a small number of FA cases were the result of allegations made by children. Of all the children involved in FA cases, they found that the two ages of children that were most likely to be involved were between 5 and 9 and the second most likely group were children under the age of 5. The results of the current study are similar to the findings of Bala and his colleagues in that the average age of the children involved in FA was found to be six.

With respect to PAS, the literature is more diverse. Gardner (1998a) contends that PAS can begin at any age for the children, while others such as Lowenstein (1999) argue that younger, passive children may be more susceptible to PAS, and still others such as Rand (1997b) argue that teenagers may be more susceptible due to their developmental stage of seeking independence. In the current study, the average age of PAS children was 10 which favours Lowenstein's argument.

The age difference may be attributed to the time necessary for FA to develop into PAS. A parent may begin by making FA against the target parent and the child is gradually enlisted to engage in the denigration of that parent which develops into PAS. Another possibility, which does not exclude the previous one, is that there is greater opportunity for events in younger children's daily routine to be misinterpreted or manipulated into FA. The younger the child, the more likely that he or she requires parental assistance for toileting and dressing. Such situations can be opportunities for a parent to solicit vague statements like "he touched my bum" and to utilize it as an allegation of abuse. Further, the verbal skills necessary to make such comments are not as complex as those necessary for a child to carry out a campaign of denigration. The campaign of denigration involves the child carrying out his or her own denigration of the target parent. This entails the ability to describe the target parent negatively and vocalize his or her hatred of the targeted parent. A campaign of denigration may involve an older child who makes a FA, as described by Bala and his colleagues (2001), and who has the adequate verbal skills to repeat them to others such as police or judges. The child making the FA on his or her own is similar to the campaign of denigration for the child in PAS.

In Study A, in a third of the cases, it was the younger children who continued to be alienated. Either these cases were exceptions or it may be that as these children become older they have a better conceptualization of what is occurring between their parents and they disengage from the alienation. When the



children are younger an alienating technique may involve the making of a FA of abuse by the parent and as they get older the children take over to develop and join in the denigration of the target parent. The final result may then be older children that are entrenched in the PAS. It suggests that FA may be an earlier component of the PAS process.

In the current study it was found that the children in FA cases are more likely to be younger which lends support for the possibility that FA are a precursor to PAS. If FA made during litigation are not a precursor but a component of PAS, then there are two reasons why children in FA cases would be younger. First, FA may be addressed promptly by the courts because of possible risk of harm to the child involved. However an order of supervised access by a judge may be the prompt reply as opposed to a judgment or change in custody. As a result the judge may then follow with a cautious examination of the case (Bala et al., 2001). Thus the FA case may become as lengthy as a PAS case. Second, different developmentally sophisticated language skills are required to make FA versus contributing to PAS. Specifically, in FA cases there will be a greater tendency for children to be younger as developmentally they have more limited language skills, therefore vague statements can be interpreted as abuse. In PAS cases, a child's language skills need to be more developed for the child to clearly vocalize all the "bad" things the target parent does and for the child to vocalize the supposed hatred of that parent (Gardner, 1992).

### ***Number of Children***

There was no significant difference found between the overall number of children in PAS cases compared with the number in FA cases. It was hypothesized that it would be more difficult to make FA with a greater number of children, whereas the presence of older children in a PAS family allows for secondary alienators to engage in alienating techniques while visiting with the target parent (Gardner, 1998a).

An increased likelihood of one child families involved in FA was also found. This result may be partial support for the hypothesis. The more children involved would likely increase the difficulty in the parent's ability to manipulate or misinterpret events that lead to FA. The presence of older children does not necessarily eliminate the possibility of FA but perhaps decreases its probability. In the multiple child families involved in FA, it is likely that it is the youngest of children who are involved in the FA, and this can account for the lack of a significant difference found in the overall number of children.

PAS, however, can occur with one or many children and may be more likely to be related to the specific age of a child, as discussed earlier. In Study A it was found that approximately one-third of the participants felt that their relationship with the younger child remained strained while the relationship with the older child had somewhat improved. Such results do not follow the assumption that older children assist in the alienation while with the target parent (Gardner, 1998a). If they are not alienated then they are not likely to become

alienators, however the cases described in Study A may simply be a minority. These results highlight the need for larger scale statistical studies to identify the prevalence of such situations. If older children are found to alienate younger ones then several treatment issues are raised. For instance, some researchers have called for the removal of an alienating parent from the child's life (c.f. Dunne & Hedrick, 1994), which raises the question of whether the same should be applied to alienating siblings. Therefore, treatment options must include consideration of how to implement custody or visitation for the older alienating child in conjunction with that of the younger one, because the older alienating child may continue with the alienation and render visits between target parent and children difficult for all.

A lack in a significant difference in the overall number of children but a significant difference in the age of the children found in the current study indicates that regardless of the number of children, FA will be made as long as one of the children is young enough for the possible misinterpretation of certain events (Bala et al., 2001). If there is only one child in a divorced family, it may be more likely that this child is younger because the marriage ended earlier; too early to have more children. Another possibility is that if FA are an earlier process than PAS, then it is likely it will occur sooner before other children come into the family.

In sum, there are a number of similarities between FA and PAS cases, primarily they are litigious and as found in Study B the accusers and the alienators

are more likely to be women. The court time may vary from case to case because of monetary constraints, custody battle burnout, or conflict level. Regardless, in a number of PAS cases, the PAS may be continued without being brought to the attention of the courts. The present study also revealed some differences. In FA cases the children tended to be younger and there was a greater tendency to be an only child compared with PAS cases. Such results suggest the possibility that FA are part of the PAS process and may even be a precursor to PAS. FA may occur early in the PAS process with a parents' first allegation of abuse. A young child may come to believe that allegation and may continue on the denigration campaign, as he or she gets older and more indoctrinated by the accuser who can now be considered an alienator.

### ***Summary and Conclusion***

De-coupling is a process that occurs after a divorce and involves parents undergoing several stages such as mourning a loss, overcoming perceived rejection and redefining themselves as distinct from the ex-couple and the ex-spouse (Baum & Shnit, 2003). Once these stages have been achieved the parents can then engage in successful co-parenting as each one fulfills a parental role in a way that allows the other parent to accomplish the same goal, thus forming a new parental identity (Baum & Shnit, 2003). These are similar to the premises of successful joint-custody highlighted by Gardner (1998a). However, the psychological process of de-coupling is not successfully achieved by all (Baum & Shnit, 2003). PAS may occur in family systems where the parents have not been

able to successfully de-couple. Instead, one or both of the parents have followed a maladaptive path when separating, legally or psychologically, resulting in a non-functional attempt at co-parenting (Baum & Shnit, 2003). In such a situation, a narcissistic personality, such as that of the alienator, will feel rejected, and engages defense mechanisms to protect his or her fragile self-esteem. This individual can only view the children involved as "mine" (Baum & Shnit, 2003) and therefore engages alienating techniques to make it so.

Combined, the findings of the current study highlight the inherent difficulties for PAS families to be able to participate in successful joint-custody arrangements. The reported communication levels decreased at the end of the union to none in a number of cases, while conflict levels varied. The parents then looked to the legal system to reach a conclusion or settlement for their new situation. There they were greeted by lawyers and judges who function in an adversarial system. The legal terminology regarding custody reflects this adversarialness. For instance, custody is "awarded" implying that there is a winner and a loser. With litigation these parents can win if they show the unfitness of the "opposing" parent (Bala & Schumann, 2000; Vassiliou, 1998; Vassiliou & Cartwright 2001), which can promote the use of alienation techniques. The current study also revealed that parents could remain in such a system for many years where their finances can be further burdened. As a result, the chances of these couples de-coupling successfully are additionally diminished. Such

experiences have left the targeted parents dissatisfied with a system they were hoping would help them.

Efforts by the legal system in the United States to lessen some of the conflict surrounding divorce and prevent some of the above mentioned difficulties, have given rise to court-connected (i.e., mandated by the courts) parent training classes. McClure (2002) examined such classes and found that participating parents were significantly more likely to re-litigate their custody and access. The courses, however, may not be providing parents sufficient support to change their parenting techniques and may only provide parents with a sense that they can better protect their children from the divorce regardless of their actions. Arbuthnot, Kramer, and Gordon (1997) found that parents who took the court-connected courses did not demonstrate evidence of any newly acquired skills and were more likely to return to court. Although such courses may have been developed with a positive intent, they actually may not be adequate to have the desired effect of reducing re-litigation among divorcing families.

Similarly, mediation has been implemented in several states and provinces to avoid long drawn out litigation within the courts. The goal of mediation is for parents to come to an agreement prior to entering court. Once they agree they go to court where the judge usually approves that agreement. Several studies have found benefits for family members if they had undergone mediation as compared to those families who had litigated up to two years after the agreement. The benefits have included decreases in the number of petitions, returns to litigation,

and in the initial parental conflict (Emery, Matthews, & Kitzman, 1994; Emery, Matthews, & Wyer, 1991; Kitzman, & Emery, 1994). A decrease in parental conflict was also noted but only for the first eighteen months after the agreement had been reached (Emery et al., 2001). Mediation specific to PAS, although proposed (Vestal, 1999), has yet to be established as effective.

As found in the current study, while the legal battle continues parents may suffer from mental illness. Consequently, the children's lives were affected negatively. The relationships with their targeted parents and in their own functioning were impacted. The current results revealed that the relationships between the target parents and their children deteriorated with the litigation and the PAS, and continued to either be non-existent or strained for the majority. The children were found to have had negative repercussions relating to the end of the parental union. Internalizing and externalizing behavioural changes were reported in all of the cases. Such results highlight the repercussions of PAS and the necessity for continued research.

The current study also revealed a number of trends that with further exploration could provide insight into the prevention of PAS and FA. Women were found more likely to be the initiators of litigation and were found to be significantly more often the accusers and alienators. Conflict *per se* may not be the best predictor of PAS, and a refinement of its operational definition in the research is necessary. Personality traits, on the other hand, with conflict management styles may be a better indicator for the occurrence of PAS. Thus,

characteristics of the individuals involved may have a relationship on the development of PAS and FA. In addition, younger children in one-child families were found to be more likely involved with FA. Thus FA may be a precursor or an initial stage of PAS development. Critical ages of susceptibility for both FA and PAS may be identified as a marker with future research. Such knowledge can guide mental health practitioners in identifying families at risk for PAS and FA and plan age-appropriate interventions for the children.

PAS is a multi-faceted problem that requires multi-faceted methods of study. There is still much to be learned about PAS and its relationship with FA. However, the need for those parents and children who experience it is great. Those who deal with marital dissolution need to develop effective methods for helping the families, particularly within the legal system where conflicting parents are most likely to go first. However, as the current study suggests the legal system, which likely has the most amount of power, does not deal effectively with these difficulties. Politicians who propose legislation need to re-examine how the laws that govern divorce are written and implemented. The efficiency of judges in dealing with PAS and FA is limited. They do not exercise their power to sanctions those who alienate or do not follow court orders. As a result, the PAS continues. Parents and children require appropriate and effective services to prevent the difficulties related to PAS.

### ***Limitations***



There were several issues that need consideration when evaluating the results of this study. First, a limitation of the current study was the small sample, which was likely due to the sensitive nature of PAS. It may have been difficult for target parents to follow through with this study and share sensitive and emotional life situations in an interview. Small sizes limit the generalizability of the results but this study does provide direction for future research (see below).

Litigation in itself is a unique experience that is likely undergone by families that share some common characteristics. Therefore, a second limitation of the current study is that both groups of families examined in the judgements of study B are likely unique simply by being in litigation and thus limit the ability to make comparisons with other groups.

A third limitation of the current study is that the judgments reviewed are subject to the date of judgment and do not include any information post-judgment such as additional litigation. Thus, while some of these judgments may have been final for these families, others may have continued on with litigation. Further litigation may have yielded different results for such dimensions as the length of litigation for PAS and FA cases.

Classifying cases based on the information provided in judgements is fourth consideration. Some cases may have been wrongfully classified as FA cases when they were PAS and some of the PAS cases may have also involved FA in previous or future litigation. The inability to classify cases with complete certainty may be due to the lack of knowledge regarding PAS. For instance, some

of the participants interviewed reported that the judges sometimes did not discuss PAS in their judgments. Therefore, there may be an underreporting of PAS cases that can lead to the wrong classification of some judgments.

To overcome some of these difficulties future research should consider a longitudinal study of divorcing families from the onset of separation through a divorce/custody agreement and at least until the child reaches eighteen years of age and does not have to live with either parent. A comprehensive classification procedure that would include the review of judgments and the interview of those parents to more thoroughly identify PAS families can broaden the subject pool and address the above methodological concerns.

#### ***Future directions***

Comprehensive and longitudinal studies can help extend the knowledge base of PAS. Identifying such key components as a critical age for susceptibility to PAS, and what motivates parents to pursue litigation and make FA or PAS are all relevant components in developing strategies for both intervention and prevention. Personality characteristics related to conflict management styles may also further efforts to assist these families by providing mental health professionals with tools to work with families of divorce.

The current study highlighted the difficulties that can occur when family matters are dealt with in the legal arena. Future research may better serve these families by looking for alternatives to litigation. Until alternatives are proposed and implemented researchers can contribute by exploring the rationales behind

judgments and to develop effective means of dealing with alienators and with parents who make FA. Knowledgeable professionals involved in both the mental health and legal systems are likely the best defence against PAS and FA. They can help by working together, as a team, to promote and teach co-parenting, as well as provide the families with support during their difficult transition.

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**APPENDIX A**

**PAS checklist**

Case # : \_\_\_\_\_

Date: \_\_\_\_\_

Please complete the following checklist to the best of your recollection regarding your child's behaviour during the litigation process or most conflictual times during the separation.

Please complete one form per child and indicate which child:

Child A (eldest)      Child B      Child C (youngest)      Other: \_\_\_\_\_

Age at time of litigation/conflict: \_\_\_\_\_

1. Child would participate to denigrate you particularly in the presence of the other parent.

0	1	2	3	4
never	rarely	sometimes	usually	frequently

2. The denigration is based on weak or frivolous rationalizations (e.g. "she snores in her sleep"). The child would engage in such a behaviour:

0	1	2	3	4
never	rarely	sometimes	usually	frequently

Please specify with an example: \_\_\_\_\_

3. (a) Child could only list positive qualities about the other parent.

0	1	2	3	4
never	rarely	sometimes	usually	frequently

- (b) Child could only list negative qualities about you.

0	1	2	3	4
never	rarely	sometimes	usually	frequently

- (c) Events that you once shared and enjoyed with your child are now described in a negative way (e.g., now remembered as being forced).

0	1	2	3	4
never	rarely	sometimes	usually	frequently

4. Child asserts that the decision to reject you was his or her own

(a) The other parent reinforces this contention by making such statements as: "I can't force her to see her dad, if *she* does not want to."

0	1	2	3	4
never	rarely	sometimes	usually	frequently

(b) Child sometimes used language, expressions, and phrases that were developmentally inappropriate for your child at the time.

0	1	2	3	4
never	rarely	sometimes	usually	frequently

5. Child automatically and reflexively supported the alienating parent by either defending that parent or expressing that that parent was ideal.

0	1	2	3	4
never	rarely	sometimes	usually	frequently

6. Child did not express any feelings of guilt about the circumstances surrounding the child's relationship with you (e.g., a lack of gratitude for any gifts).

0	1	2	3	4
never	rarely	sometimes	usually	frequently

7. Child expressed his/her beliefs in a manner that appeared to be coached and rehearsed.

0	1	2	3	4
never	rarely	sometimes	usually	frequently

8. Extended family members (e.g., grandparents, aunts, and uncles) were also included in the animosity.

0	1	2	3	4
never	rarely	sometimes	usually	frequently

9. Any attempt by the extended family to counter the denigration of the lost parent was viewed by the child as an attack.

0	1	2	3	4
never	rarely	sometimes	usually	frequently

10. In your case, virtual allegations of abuse were made. Virtual allegations refer to cases where the abuse is simply suggested in order to cast aspersions on your character without any actual allegations (e.g., "He has a bottle of *wine* in his fridge!").

0	1	2	3	4
never	rarely	sometimes	usually	frequently

11. Allegations of child abuse were made and found to be false by a court of law.

(a) if true, please specify type of abuse:

sexual

physical

emotional/verbal

neglect

Other (specify):

\_\_\_\_\_

12. Allegations of spousal abuse were made and found to be false by a court of law.

(b) if true, please specify type of abuse:

sexual

physical

emotional/verbal

neglect

Other (specify):

\_\_\_\_\_

Comments:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**APPENDIX B**

Flyer

## STUDY ON DIVORCE

If you or someone you know has experienced Parental Alienation Syndrome (PAS\*) and/or allegations of abuse that were found to be false in a court of law then you may be interested in participating in the study. There are two components to the study, if you feel you fit into either case please provide Despina Vassiliou, the doctoral student conducting the study, with your address and telephone number. The two groups that Despina is looking for are as follows:

1. For an interview, parents across North America who have undergone parental alienation syndrome are sought.
2. Judgments in Canada where:
  - a) there is mention of parental alienation in the judgment or
  - b) a judge states a finding of false allegations of abuse.

If you feel you fit into either group please contact Despina Vassiliou at 514-3361900 or via e-mail at <mailto:dvassi@BOX.mcgill.ca>.

*\*PAS is defused as a syndrome where one parent (usually the custodial parent) attempts to alienate the child or children from another parent. It includes a series of conscious and subconscious techniques, such as brainwashing, by the alienating parent as well as the child or children's own contributions for denigrating the allegedly laced parent (Cartwright, 1993, Gardner, 1992).*

**APPENDIX C**

**Consent Form**



**Consent Form**  
**McGill University Research Project**

**The Impact of the Legal System on Parental Alienation Syndrome**

Dear Sir/Madam,

We are conducting research to explore the development of Parental Alienation Syndrome (PAS). Specifically, we will be examining the impact of the legal system on PAS as well as the role and contribution of false allegations of abuse in the occurrence of the PAS. In part A of the study, participants will be asked a series of questions pertaining to the alienating relationships and their experiences with the legal system. The questions are straightforward, will take approximately one hour to complete, and the responses will be tape-recorded. Part B of the study will consist of a review of the custody and access or divorce court judgements in which either PAS was discussed or where there was a finding of a false allegation of abuse. Participants may choose to participate in part A or part B or both. A short survey will accompany both parts and will take approximately 15 minutes to complete.

Your responses and the information you provide will be kept completely confidential and anonymous. You are under no obligation and you may choose to withdraw from the study at any point. If you agree to participate in this research project, please sign the form below.

We greatly appreciate your participation in this project. We would be pleased to provide more background information and answer any questions you might have. For more information, please do contact us. Thank you.

Sincerely,

\_\_\_\_\_  
Despina Vassiliou, M.A.  
School Psychology Program  
McGill University  
514-336-1900

\_\_\_\_\_  
Glenn F. Cartwright, Ph.D.  
Professor, Dept. of Educational & Counselling Psychology  
McGill University  
514-398-7041

I, \_\_\_\_\_ agree to participate in the McGill PAS study.  
(Please print your name in full)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**APPENDIX D**

**Interview Questionnaire**

### Interview Questionnaire

Case #: \_\_\_\_\_ Date: \_\_\_\_\_  
 Country: Canada U.S.A. Province/State: \_\_\_\_\_  
 Age: \_\_\_\_\_ Sex: M F

#### **Family Data:**

1. What is your current marital status?  
                     Single    Co-habiting    Married    Divorced    Widowed
2. How many children do you have? (Please specify if from different partners)  
 Referring to the PAS or false allegations situations.
3. Where you married to the child/ren's mother/father?    Yes    No
4. What was the length of the marriage/relationship in years or months?
5. How many years has it been since the initiation of the divorce/separation?
6. Describe to me the relationship prior to the marriage or children.
7. Tell me about the marriage.

#### **Conflict:**

8. Please rate the level of conflict in your relationship with your partner **before** the marriage:

0	1	2	3	4	5	6	7	8
none		mild		Average		Severe		Extremely
		Occasional				Frequent		severe
		Arguments				Arguments		physical violence

9. Please rate the level of conflict in your relationship with your partner **during** the marriage:

0	1	2	3	4	5	6	7	8
none		mild		Average		Severe		Extremely
		Occasional				Frequent		severe
		Arguments				Arguments		physical violence

10. Please rate the level of conflict in your relationship with your partner **after** separation:

0	1	2	3	4	5	6	7	8
none		mild		Average		Severe		Extremely
		Occasional				Frequent		severe
		Arguments				Arguments		physical violence

11. Please rate the level of communication in your relationship with your partner **before** the marriage:

0	1	2	3	4	5	6	7	8
none		poor		average		good		excellent

12. Please rate the level of communication in your relationship with your partner **during** the marriage:

0	1	2	3	4	5	6	7	8
none		poor		average		good		excellent

13. Please rate the level of communication in your relationship with your partner **after** separation:

0	1	2	3	4	5	6	7	8
none		poor		average		good		excellent

14. Describe to me whether there was any conflict between yourself and your partner.

- Tell me about the onset of the conflict(s).
- Was there a common issue?
- Describe the frequency and/or intensity of conflicts: before marriage; during the marriage; with the onset of the separation; with the legal proceedings.
- Tell me about how the conflicts were resolved.

### **Marriage Dissolution**

15. Describe how the divorce/separation was initiated and by whom.

### **Legal System**

16. Tell me about the divorce and/or custody litigation.

17. Who initiated the first legal proceedings? And the remainder?

18. For how long have you been going through the legal system?

19. What has been the financial cost to you so far for these proceedings?

20. Describe to me the lawyer's involvement (e.g., number of lawyers, and their role).

21. Tell me about the judge(s).

22. Describe what were the custody/access orders that you initially sought.
23. Did this change?
24. Why? What influenced you to change your demands?
25. Explain the events that led to the recognition of PAS in the legal proceedings.

Interference in Visitation/Access:

26. Describe any interference in your visitation/access rights.
27. Who caused the interference?
28. How frequent was it?
29. Was the court made aware of the interference in visitation?
30. If yes, tell me about the court's reaction to the interference in visitation.
31. Were there any court orders made regarding the visitation?
32. Were there any consequences placed by the court on the individual who violated the court orders (e.g., jail time)?
33. And were they enforced?

Allegations

34. Tell me about any false allegations made during the court proceedings.
35. Tell me the type of allegations that were made during the court proceedings.
36. Who made the allegations?
37. Who was the victim of the alleged abuse and who was the alleged abuser?
38. Give me examples of what the alleged abuse was based on.
39. Describe the court's attitude towards the person who made the allegations.
40. Describe the court's attitude towards the alleged abuser.
41. If any "professionals" (e.g., doctors, psychiatrists, psychologists, social workers, counsellors, and mediators) were involved, what was the impact of their involvement on your case?

- 42. Describe your involvement in the investigation(s) conducted by these professionals.
- 43. Were you interviewed?
- 44. Who did not interview you who you thought should have?

**Relationship with the child/children:**

- 45. Describe to me your relationship with your children prior to the separation.
- 46. As a result of the court proceedings, was there a change in your access rights? If yes, describe them.
- 47. Describe the impact of the court proceedings and allegations on your child/children. (e.g., behaviour, emotion, development)
- 48. Describe your relationship with your child or children during the court proceeding(s) and allegations.
- 49. Describe your relationship with your child or children as it is today.

**Looking Back & Participant's perceptions**

- 50. Describe the impact of these proceedings on your own life.
- 51. Have you lost your employment?
- 52. Have you been arrested in relation to this matter?
- 53. Tell me what you believe is the role of the lawyers, judges, and the legal process, in general, in the events that transpired and led to your current situation (i.e., PAS)
- 54. If there was one area in the legal system you could change, what would that be?
- 55. Looking back what would you have done differently?
- 56. What have you learned from the experience?

**APPENDIX E**

**Certificate of Ethical Responsibility**

JUL 27 2000  
 Ministry of Education  
 Jean's Office

County of Education  
Student's Office

The undersigned considered the application for certification of the ethical acceptability of the project entitled:

**s proposed by:**

Supervisor's Name Glenn F. Cartwright

Supervisor's Signature \_\_\_\_\_

he application is considered to be:

An Expedited Review x

### A Departmental Level Review

**Signature of Chair / Designate**

**. Prof. Joyce Benenson**  
**epartment of Educational and Counselling**  
**psychology**

Signature / date

**Prof. John Leide**  
Graduate School of Library and Information  
Studies

Signature / date \_\_\_\_\_

**Prof. René Turcotte**  
Department of Physical Education

Signature / date Aug 28/08

**Member of the Community**

Signature / date \_\_\_\_\_

ary H. Maguire Ph. D.  
hair of the Faculty of Education Ethics Review Committee  
ssociate Dean (Academic Programs, Graduate Studies and Research)  
aculty of Education, Room 230  
als: (514) 398-7039/398-2183 Fax: (514) 398-1527

Updated January 2000)

**4. Prof. Lise Winer**  
Department of Second Language Education

Signature / date

**5. Prof. Claudia Mitchell**  
Department of Educational Studies

Signature / date : Aug 20, 2002

6. Prof. Kevin McDonough  
Department of Culture and Values in Education

Signature / date Aug 19/18

Research)

Signature / date August 28/00