

Advisory report

**Expert team
parental alienation/
complex interaction
problem**

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January 2021

Edition

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complex contact problems**

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Design

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Attachment outside the report: Report Triqs

Preface

In front of you lies the final report of the Expert Team Parent Rejection/Complex Contact Problems (hereafter Expert Team or ET). The expert team is set up to improve the position of parents and children in situations of parental alienation. Contact between parents and children must be optimally guaranteed in our society and loss of contact must therefore be prevented.

The expert team has been asked to issue an advice on this and to collaborate with experts by experience. The expert team would like to thank all children and parents, and professionals, who have shared their experiences and contributed greatly to the recommendations.

When reference is made to parental alienation, this is naturally done by making use of certain concepts, which are interpreted differently by different stakeholders and can have a different effect on them. The Expert Team will return to this later in this final report. In this preface we use both the words loss of contact and parental alienation.

Parental alienation is primarily a problem for the family members involved, but it is certainly also a social problem. Individual parents and children find themselves in a situation that they cannot always resolve on their own. In its recommendations, the expert team paid attention to where the opportunities for change lie. That is why we think it is important to look at the problems from multiple perspectives. There can be several causes and every person involved can at some point have a share in the cause as well as the maintenance and the solution of the problem. At the same time is a solution only a solution if it turns out to be so? seen by children, and also by parents.

The expert team started its work in July 2019. Initially, the team consisted of behavioral experts, lawyers and a policy officer. A psychiatrist was added to the expert team and a lawyer withdrew. We hereby express our appreciation and thanks for the immense commitment and support that we have received from our secretary, Anyck Aldewereld, in every conceivable area.

The expert team has started to develop a vision on parental alienation that can be used in practice and to shape the collaboration with the experts by experience. The expert team wanted to reach as many parents and children as possible to hear and learn from their experiences and also their solution ideas.

Families have their own story, they are experts in it. That expertise is related to assistance expertise. In certain phases, families and care providers can work together, in other phases they also work, but not always together.

During our work, we also aimed to join forces in order to create a story (together with parents and children) in the field of working on and in (parenting) relationships.

That was not entirely successful: we would have liked to have presented the recommendations we finally formulated to the consulted experts by experience. That was no longer possible due to the time frame within which the expert team had to issue its report. The working relationship changes depending on the roles to be filled.

Where the expert team is asked to provide recommendations, this is referred to as an advisory relationship. That is a different form of work than a collaborative relationship. In order to express as much as possible the intended cooperation in the preceding phase, the expert team has decided to make extensive use of all advice obtained by making it available in an independent source accessible to everyone (see Triqs report in the external annex to this advisory report).

To this end, we commissioned research agency Triqs to open up a survey to as many parents and children as possible. Then the expert team – under the supervision of Triqs – entered into a discussion with some of the parents and children who had taken part in the survey. This was done in focus group discussions. The expert team also consulted interest groups that profile themselves in the field of parental alienation.

The results of the surveys, focus group discussions, and consultation of interest groups have been of vital importance for the recommendations of the expert team. Triqs reports can be found in the appendices. The expert team would like to thank Arthur Weynschenk, Gouke Bonsel and SenemÖzturk for their support.

In addition to consulting experts by experience, the expert team consulted practitioners and scientists in the field of contact loss and parental alienation, as well as relevant thematic experts. This broadened the perspective of the expert team, yielding valuable insights. Further on in this report it is described in more detail how the expert team collected and processed all information.

We are aware that scientific information is lacking to answer several important questions. Not much research has been done that is directly in line with or relevant to the Dutch situation. The expert team has made choices in its advice by weighing the available information and taking into account the uncertainties. We are aware that we cannot provide a comprehensive solution for all problems with this. Hopefully the recommendations will take parents and children a step further.

An important observation of the expert team is that society lacks a common solution model. Care and justice more or less go their own way in the current system, there is insufficient common perspective and common language.

There is hardly any question of inter/multidisciplinary collaboration, in which we mark goals, and continuously monitor and recalibrate them, etc. In addition, there is hardly any suitable offer of interventions aimed at effectively solving problems of parents and children. Appropriate research is available, but it often cannot be used due to all kinds of obstacles in the system, including funding, and often due to insufficient motivation on the part of those involved.

Another example of an impediment is the current two-lawyer model and the care column model. As is also apparent from the assignment to the expert team, there are few methodologies with which different (legal and behavioral science) professionals can adequately map early signals of parental alienation, in order to translate them into mutually reinforcing legal and care interventions. This causes, among other things, gaps in the required knowledge among the professionals involved. The problem is also not registered or monitored along a multidisciplinary line. The expert team sees the starting points for its recommendations in the previous findings.

The expert team also identified a key issue of a different nature, which played a role in the work of the ET, and which is also important in the roll-out of this report. Experts by experience have expressed distrust in the functioning of the institutions. Distrust in the result of their involvement, mistrust in their motives and in their dealings with those involved. There has also been distrust of the expert team as an (alleged) representative of the institutions, even if it is not. With this report and recommendations, the expert team aims to contribute to a substantial improvement of the situation for parents and children. All this based on the wish that parents and children, if they are confronted with loss of contact and parental alienation after divorce, receive appropriate help quickly and, even better, *It takes a village to raise a child*. Despite increasing individualisation, we will only be able to achieve 'good enough divorced parenting' together.

Summary

Introduction

Divorces are becoming more frequent. In 2017, the parents of 727,000 children in the Netherlands no longer lived together. In 10 to 20% of the cases, parents fail to realize a joint form of parenting after the divorce, so-called 'complex divorces'. Complex divorce has received a lot of attention in recent years, partly as a result of the Divorce Without Damage Program (2018 – 2021)¹. A specific problem in complex separation is complex coping problems, in extreme cases leading to complete loss of contact between parent and child, which in specific cases is called 'parental alienation'. Because a multitude of dynamics can underlie are due to (imminent) loss of contact, the Expert Team has added 'complex contact problems' to its name. This report is therefore a broader study into this, including the most serious, specific form, which is commonly referred to as parental alienation. But several terms, both national and international, are used. The report explains these terms and formulates definitions. The expert team has chosen the English term here *parental alienation*, abbreviated PA. That specific form is the situation in which a child withholds contact with a parent as a result of (conscious or unconscious) manipulative behavior of the other parent (influencing the loyalty of a child), even though that behavior can also be part of the complex interaction between both parents. Parents affected by this (rightly) draw attention to this problem.

The Expert Team Parental Alienation/Complex Contact Problems (hereinafter referred to as the Expert Team or ET) was established by the Minister for Legal Protection in July 2019 following a motion by the House of Representatives, with the aim of improving the position of parents and children in PA situations. Contact between parents and children must be optimally guaranteed and loss of contact after parental divorce must therefore be prevented.

1. The 'Divorce Without Damage' program is carried out on behalf of the Ministry of Justice and Security, the Ministry of Health, Welfare and Sport, in partnership with the Association of Netherlands Municipalities. The central point of attention is how the municipal domain, the social assistance domain and the judiciary can jointly support and guide parents and children, before, during and after a divorce. At the same time, the program is aimed at offering an action perspective to professionals who are involved in some way with parents and children.

The expert team has been asked to advise on this and to collaborate with experts by experience. A large group of parents and a limited group (often adult) children were consulted extensively personally and through interest groups, as well as many professionals and various scientists. The expert team thanks them for their rich and varied input, which they hope will be reflected in the findings and recommendations. The controversies about the nature and causes and about the approach to loss of contact are quite large in all the groups consulted and also in society. The problem is very complex, we are talking about a '*wicked problem*', the type of problem where many a solution attempt fails.

Issue

A large percentage of children no longer see one of the parents after a divorce. This loss of contact continues into adulthood: 20% of adult children have no contact with their father after the divorce and 5% no longer see their mother (in intact families this is much lower, 2% have no contact with their father and 1% not with mother). Loss of contact is often very significant and stressful for the parents and children concerned (and their families and friends) and leads to negative short- and long-term consequences for everyone's happiness in life and relationship development. Contact rupture is often, but not always, a painful end product of complex separation, characterized by ongoing serious conflict between parents. Sometimes, however, it is an understandable choice for the child to escape abuse, neglect or abuse.

Current research and existing interventions have unfortunately failed to prevent or resolve many contact loss situations, including PA. In practice, there are various obstacles and bottlenecks in care and justice, in science and vocational training, in society and government systems (including legislation), and among parents. Bottlenecks and obstacles that can pile up and influence each other in such a way that a solution is hard to find. They complicate prevention, early detection, investigation and treatment, and enforcement of visitation arrangements. Parents and children often suffer psychologically from this for a long time, often well into adulthood. It is striking that there are few obstacles and bottlenecks in children, while 'parental alienation' gives the impression of an action by the child to break contact with a parent. The expert team and the consulted are talking about it

agree that a child is not to blame for contact breakage. In part 2 of the report, bottlenecks, dilemmas and possible solutions are discussed in detail.

Approach to the investigation by the expert team

Prior to the research into the experiences and opinions of the parents, children and experts involved, it was necessary to arrive at a joint vision from which to look at this problem. This has resulted in a vision document (see appendix 1). Based on this, the expert team heard about the experiences and possible solutions from parents and children through a survey and live group consultations led by research agency Triqs (see the separate appendices to this report). Subsequently, through online individual and (small) group consultations, knowledge, experience and recommendations from theme and practical experts and (international) scientists were collected. Many have provided the Expert Team with relevant literature. Also research that *Divorce Without Damage* has been carried out, as well as the revised Divorce Guideline of the NJI (2020) and the VKJP special issue on divorce (2020). From all this, the Expert Team has arrived at the findings and recommendations described in this report. The complexity of the problem and the scope of the report are so great that a summary hardly does it justice.

Current situation

As mentioned, existing interventions unfortunately cannot prevent or resolve many situations of contact loss, including PA. Problems are often not recognized, detected late, interventions that are too light and/or there are long waiting times; a parent does not recognize the problem, does not cooperate with help, ignores advice or a measure; professionals are insufficiently skilled, psychosocial and legal assistance does not work together or assistance is suspended pending legal proceedings. If they have problems, parents can go to a lawyer and to (youth) assistance. The financing, costs and approach of that aid differ. In addition, families may have to deal with Safe at Home, the Child Protection Board, judge(s), Youth Protection, the police, care center, mediator, guardian ad litem, parentage investigator, and/or various assistance and also debt assistance. Interventions, including research, are individual-oriented, relationship-oriented or family-oriented. Most parents are not immediately clear where to go and what to expect. Often several professionals are working side by side or one after the other, which is difficult for many parents and professionals to oversee or handle.

A wide variety of professionals become (laterally) involved in parent-child relationship problems and contact loss, the problem evokes strong emotions, not least among those involved, and everyone has an opinion or advice, which does not always help. Practice and research show that various causes can play a role at the same time as a result of which a child wants to (temporarily) stop contact and that many care providers are shy to act despite great effort. A complicating factor is when a parent consciously or unconsciously exerts a negative influence on the child's loyalty to the other parent.

Controversy about the nature, causes and approach of contact loss are great. Interventions developed abroad cannot simply be applied in the Netherlands, while family cultures also influence their effectiveness. There is now a growing understanding that counseling in complex divorce and cohabitation problems requires specialist knowledge, insight and experience, preferably in a multidisciplinary context.

Findings and Recommendations

Here we summarize the most important bottlenecks, dilemmas and recommendations on the themes of prevention, identification, research and treatment, and possibilities to exert pressure if parents are unable to come up with solutions (enforcement) themselves. We pay special attention to 'the voice of the child' and the need for and problems in fact-finding. But let's start with some remarkable findings from the survey among experts by experience.

What parents and children from families with loss of contact said

Experienced parents are looking for it in *much better implementation of existing rules*, maintaining association, and no longer putting aside association if one parent keeps the child away from the other parent. This may or may not be accompanied by allegations of domestic violence and neglect of visitation rights. On the professional side, more competence, better research, more businesslike research and also the possibility of counter-expertise are required. It is also striking that those who have been interviewed report a *gender bias*

in the care sector, to the detriment of the fathers. Adults who experienced this as a child emphasize that children are not small adults. They have their own perspective. First of all, they really want to be recognized as a third party, that they are actually listened to. The children now feel totally abandoned, and if they are approached, it is not for their own problems. Children also want father and

see their mother, remain part of their history, and want help making it happen, even though the conflict between the parents is fierce. Children have confidence in school and GP. There was a plea for a greater role for the school.

1. Prevention – Embedding in society

How can government and society, science and vocational training, professionals and parents contribute to preventing loss of contact between parent and child after divorce?

The expert team concludes that government and science should develop a common vision on complex coping issues and should invest in dejuridation and cooperation between psychosocial professionals and lawyers. Government, society, professionals, parents and their social environment should promote the role of fathers in parenting and be more aware of gender bias.

Legislation can ensure that both parents have authority from birth and that the child and parent are immediately reminded of the right of unimpeded contact with each other, provided the parenting situation is sufficiently safe. Legislation that rightly puts the best interests of the child first should not hinder a systemic approach.

Childcare and school play an important role in identifying and supporting, because the child stays there for many hours, sometimes longer than at home, and is therefore seen. The social environment has an important supporting power, but should not use it with the side effect of (more) polarization between parents. Rejecting the ex-in-law son or daughter often makes a child feel confusing and painful, and that doesn't help.

The growing value placed on feelings does not mean that facts need not be established and rational considerations weigh less heavily. Thinking mistakes can sustain a lot of suffering and memory is fallible.

2. Parental Alienation Terminology - Parental Alienation

What should we call this problem?

Parental alienation, parental alienation, parental rejection, parental refusal; all terms that emphasize the child as an actor, or even as a culprit. *Parental Alienation* and *Parental Estrangement*, internationally defined terms, but how clear is that? The term 'loss of contact as a result of relationship problems between the parents' is thought-provoking, the term 'loss of contact' only describes a status, instead of a (complex) process and the dynamics of underlying processes. Even in the expert team

we saw differences of interpretation and resistance to the use of some translations, but we are unanimous that the problem should be described as a complex coping problem, as a problem in the context of the entire (disintegrating) family. The expert team itself introduces the term 'co-parent rejection', to emphasize the dynamics in one parent's attitude toward another, which can affect the child so severely that it damages their identity. But even that term does not do enough justice to the complex dynamic system problem at hand here.

3. Signal in time

Are signals easy to spot or do we have to screen every divorce?

Problems that are dealt with earlier are easier to solve than problems that have lingered on for a long time. Problems can already arise during the relationship and can also arise during and after the divorce. Risks and alarm signals can be detected at an early stage, often at the level of concrete parental behavior, if you know what to look for. Milestones in the divorce process (relocation, new partner, living together again) are moments that may serve as a signal for asking whether children are properly prepared for this and whether their position is being done justice.

The expert team has considered the following dilemmas with regard to signalling:

1. Can we see trouble coming?
2. Which signals are valid predictors of coping problems?
3. Should we respond to signals or actively screen?

The expert team recommends the following main solution directions:

- the divorce must be properly communicated to the children;
- couples therapists and psychotherapists and other care providers must carry out a 'child check' in accordance with the steps of the child abuse reporting code;
- all disciplines involved must pay sufficient attention to recognizing problematic patterns in relationships between the ex-partners;
- a signal that everyone around ex-partners and their children should take seriously is slander by one parent about the other, and the striving to get people in the area 'on their side' of the conflict. Especially when this happens in front of the children, parents should be helped to do this differently;

- the need to *stalking* to be taken seriously as a signal for a long-term escalation. Active police deployment is highly desirable in such behaviour. The results of that investigation and the steps to be taken should be discussed with the divorce advisory team (see appendix 5).
- children are often on their own – their signals are not picked up, and in the conflict a parent can block help to the child. Examination of both parents, interview(s) with the child and analysis of the family history, including the history of the conflict, is necessary to recognize signals. everyone who is directly or
- indirectly involved in a divorce (and this certainly includes the school) must take seriously signals that point to (the emergence of) a dynamic that can lead to contact problems between parents and child and that should be discussed with parents to become. In the emergency services, a protocol can be designed for this.

4. The Child's Voice

If a child grows up with both parents after divorce, they will have to miss each other regularly. This is unavoidable and usually difficult for all parties to bear. The child is the most vulnerable party in the whole. In principle, it is in everyone's interest that a child sees both parents often enough to maintain a meaningful parent-child relationship. Children in our study indicated that they would have liked to be heard and seen better, and that professionals should ask further questions.

The expert team has considered the following dilemmas:

1. Should we approach a care scheme quantitatively or qualitatively?
2. Do we let a child join the conversation or do we keep it out of the conflict?
3. Should we talk to the child with a counselor or with a professional?

The expert team recommends the following main solution directions:

- A distribution of care that meets the wishes of both parents and the child is preferred and has the best chance of successfully complying with the agreements. The child has an important voice in this, but not a decisive one, unless there is demonstrable insecurity.
- In severe PA, when contact breakage is accompanied by a long-term poor relationship between the parents, lack of effect of the help deployed and

power imbalance between parents (e.g., due to money, housing, care time, knowledge, psychological or cognitive abilities, health, etc.), the child should not be asked for preference between his parents, because the complex, stuck family pattern has grown into the consciousness of the child, as a result of which it cannot make good decisions.

- The expertise of those who talk to the child about choices to be made, eg about the division of care between two parents, is at specialist level. For hearing children in investigations into accusations about a parent's behavior, a specialist competent for this task is indispensable: a behavioral scientist at an academic level with a post-master specialization in this problem.
- Judges are not the first professionals to hear a child who finds himself in a fierce conflict between his parents. But a child has the right to be heard by the decision maker, without detours. The judge should be well equipped to do this. If a judge wants to hear a child, he/she could sit down (in a child-friendly environment) with the child's counselor and/or counselor, including the child, and not have the conversation in the courthouse, let alone just before the session.

5. Examination and Treatment

Risk factors for the development of dynamics that can lead to loss of contact are located at different levels that are inextricably and reciprocally linked. We refer to: intrapersonal, interpersonal, situational and rescuer factors. Investigating risk factors is necessary and can help prevent (further) escalation. It can help in the design of a treatment, but complex dynamic systems can unfortunately not be completely unraveled. The focus should be on research into the parenting behavior of the parents and the safety of the dependent child: this is essential for treatment planning.

The expert team has considered the following dilemmas:

1. Does research into all aspects of complex coping problems and PA have to be carried out before you can start treatment?
2. To what extent are the research instruments used and current knowledge sufficient to guide treatment advice?
3. Should the voluntary working relationship with parents lead to intervention?

4. When do you know what level of pressure (from voluntary to a more forced framework) you should use?
5. In the case of complex coping problems, is it possible to sufficiently exclude insecurity prior to the intervention?

First of all, the expert team concludes that more scientific research, also in the context of Dutch culture and regulations, is necessary to study the different dynamics and treatments of complex coping problems and PA.

The expert team further recommends the following main treatment solutions:

- *'matched care'* because there is increasing evidence that the quality of the care relationship is an important condition for the success of the aid. Continuity is one aspect of that.
- One-off research into safety can contribute, but is often not sufficient. Monitoring (by the practitioner himself) of responses to interventions and combining that information with the imaging from the past (process diagnostics) is most desirable.
- It must be ruled out that a child refuses contact with a parent because he or she is being abused. If allegations are serious and substantiated by observations and facts, they should be investigated as soon as possible, dealing should be continued, but with a guarantee of safety. Care providers, including
- diagnosticians, must always look closely at the development of the relationship, and this over a fairly long period of time – thereby placing the relationship in the life course – to prevent one-sided imaging from taking place. They have to look at the whole system, at everyone involved (including family), their history, their interactions and their context (including living distance and the like) and the meaning it all has for them.
- Specifically, time must sometimes be taken prior to diagnosis to organize safety first. The appeal to parents for change creates stress in itself, on top of the stress of conflict and fear of losing contact with the children.
- There is an urgent need for more scientific research to develop practical, applicable, valid tools for investigating parenting for the safety and emotional development of children.
- Harmonious cooperation between the judiciary and care providers is of great importance. This means that care providers with conviction and legal back

Coverage parents must be able to maintain what the consequences will be if they do not cooperate, and that judges can make convinced use of the findings from the intervention without having to constantly request new research.

- Where problems are complex and only process diagnosis proves possible, and certainly where the judge has indicated the need for intervention, the expert team believes that the following programs may be effective and deserve further development and research:
- In family day treatment (such as from Yulius in Baren drecht) or a 'nesting program' (such as from the family clinic in Beilen, from the GGZ Drenthe), diagnostics and promotion of safety and parenting skills can be integrated.
- For trauma-related family problems, a clinical family admission, such as at Accare, where the KINGS method is used, can be a solution. There is also an integration of diagnosis and treatment.
- Professional associations and training courses should pay more attention to the development of multidisciplinary and interinstitutional cooperation between youth care, youth protection, mental health care, mental health care and the judiciary with regard to diagnosis and intervention for trauma processing and emotion regulation, so that adult care can also be placed in the light of parenthood.
- Analogous to KOPP groups (Children of Parents with Psychiatric Problems), children's groups can be set up in which children who have lost contact with a parent can come into contact with each other within appropriate age frameworks, be informed and supervised.
- In cases where no progress could be made in communication between the parents in any way, 'parallel parenting' is a possible option. The methodology has not yet been fully crystallized and its effectiveness has not yet been investigated. A scientific evaluation would be desirable, as it is presumably the best possible outcome in a number of cases.

6. Fact-finding

The call for truth-finding has been heard a lot, especially with accusations from one parent to another about assault, neglect or sexual abuse. Good fact-finding consists of collecting data, whereby a distinction is made between actual facts and the perception of those involved on events, which is subjective.

The expert team has considered the following dilemmas:

1. Is fact-finding necessary before making a decision about contact and/or custody?
2. Does fact-finding always yield validity and correctness?

The expert team comes to the following conclusions and recommendations regarding fact-finding:

- Increase the quality of research. Use valid instruments. Distinguish between facts, opinions and interpretations and make that clear in reports.
- In fact-finding, use multiple sources for comparison and/or confirmation. Investigators must be authorized to hear third parties. Set quality requirements for source reports.
- Carry out careful fact-finding as soon as possible and take the necessary care immediately. The basic principle is that contact between the child and both parents remains, unless there are well-founded signs of acute insecurity. If these are not available, contact will be continued during the fact-finding, with appropriate use of care.

7. Pressure, enforcement and criminal law

Although it is most effective for parents to be intrinsically convinced of the importance of parent-child contact, this is not so self-evident in the practice of divorced parenting. In changing circumstances, varying practical arrangements between parents should be possible – both before and after a divorce. But in situations of insufficient or no contact, outside pressure on parents is necessary and government involvement is justified. When determining pressure or even coercion, several dilemmas arise, which the expert team has considered.

1. Should parents make appointments in times of stress, or first a breather?
2. What is the responsibility of the citizen versus the government with regard to making agreements about contact?
3. What is the responsibility of the citizen versus the government with regard to enforcing agreements about contact?
4. Should there be a postponement of access or continuation during investigations and legal proceedings?
5. If safety is at stake: maintain or suspend contact?
6. Compulsion versus motivation.

The expert team uses an adaptation of the Braithwaite Pyramid (par. 5.1) to visualize

show how parental self-regulation, if necessary, shifts to more pressure and coercion. Willingness to change should be organized on a voluntary basis as much as possible. Practitioners offer appropriate frameworks/ rules within which both parents and their children are given a place to still organize parenting. If this provides insufficient guidance, a step can be made in the pyramid towards forced self-regulation, with the task of improving parenting. When to switch depends on various signals such as:

- You can't talk to both parents
- Parents drop out after a number of contacts
- The voltage in the contacts rises
- There are other worrying signals from outside (school, GP, etc.)
- Negative communication on the rise

It has become clear to the Expert Team that fundamental changes must be made in the field of enforcement. Main recommendations:

- Remove responsibility for enforcement from parents.
- Create a monitoring and mentoring facility, with responsibility for and capabilities to deploy and continue enforcement interventions.
- Ensure that enforcement interventions are logically aligned: from light to heavy, from civil law to, ultimately, criminal law.
- Make sure that parents can go to one clear place, i.e. the so-called divorce advice team, where they are informed and supported, preferably by two permanent employees (e.g. case manager or family representative), in any case when making or adjusting a parenting plan. These professionals direct and monitor whether the contact between parents and children is maintained and enforce this if necessary. In case of identified complex divorces, these professionals must quickly get more help.
- Conduct an active enforcement policy, in which recourse to the judiciary is minimal. When an obstacle arises in the interaction between a parent and a child, the parent must report this to the divorce advisory team, where immediate action is taken, without significant costs for parents. The case managers or family representatives can point out to parents that they are exposed to imposed interventions and supervision if they do not restore the agreed contact arrangements within a reasonable period (for example two weeks) and if necessary accept help in solving problems.

- Set a ceiling for the number of complaints to be submitted and the number of procedures to be conducted. Contact must also be maintained during proceedings unless objectively determined facts and circumstances by an independent body show that the situation is unsafe for the child and the handling therefore needs to be changed.
- Warning parents that they are breaking the law and imposing sanctions must be done quickly, for example within two weeks at the latest. A short procedure with the judiciary is desirable for this and the execution must take place by specialized police in plain clothes. A specialized care provider should simultaneously conduct research and a multidisciplinary team should, if necessary, indicate therapy and monitor participation.
- Investigate allegations of neglect, assault and sexual abuse very quickly. Describing as complete a 'lifeline' as possible is necessary, as is a careful study of the chronology of events and accusations, which can provide clues as to whether the accusation is manipulative.
- Researchers should always check whether the facts and conclusions mentioned in their file are based on valid research, or are still hypotheses that require further research.
- If there are clear doubts about the safety of the child with one of the parents, supervised access should be provided, also at weekends, which is sufficiently frequent and should be observed with sufficient expertise.
- The effect of coercive measures is widely doubted and all efforts must therefore be aimed at promoting insight and reflection. But that is sometimes (temporarily) lacking in a parent. The type of coercion must be weighed against the possible harm to the child. After or in addition to Changing Main Residence and temporarily parallel parenthood, a new sanction option is to impose a conditional suspension of parental authority on one of the parents, which can be avoided by participating in treatment.
- The family representative could submit one of the above measures to the judge and, after the judge has indeed imposed the sanction, have it implemented. Because whatever the sanction is, checking compliance with the intervention should not be the task of one of the parents.

And last but not least

These are the most striking parts of the report for the expert team. In addition, other important themes with resulting recommendations are included in chapters 5 and 6.

In some respects, these recommendations also affect other ongoing programmes, such as *Divorce without Damage*, *Care for Youth* and *Violence Belongs Nowhere*.

An improvement of the process of management in the field of loss of contact between parents and children has been investigated with the primary goals:

- a. less frequent contact conflicts, especially with PA as a result,
- b. if there are, acceleration of the solution or clarity that a second best situation must be accepted,
- c. increasing contact recovery after PA, even if it lasted a long time.

It is expected that if these goals are better achieved, the quality of life of those involved and the child's development opportunities in later life will also increase. It is also expected that the costs that society ultimately bears as a result of long-term loss of contact will decrease.

1. The assignment

Introduction

Loss of contact between children and parents after a divorce is a current and urgent issue. There is a significant percentage of children who sooner or later no longer see one of their parents after a divorce. This loss of contact also affects adulthood: 20% of adult children have no contact with their father after parental separation and 5% no longer see their mother. In intact families this is much lower: 2% have no contact with father and 1% no contact with mother [1], for more information about this we refer to chapter 3.

The loss of contact is often meaningful and stressful for the concerned parents and children (and their families and friends) and has negative short [2] and long-term consequences [317] for everyone's happiness in life and relationship development. It is important to note that this problem does not only arise after a divorce. After all, in contemporary Western society many children are born out of wedlock [18]; in the Netherlands this percentage is currently 52% [19]. It is also unknown how many children are born without a partner relationship between the biological parents. Children are involved in 50% of the divorces or breakups (hereafter divorces) [20, 21].

In addition to all emotions, the loss of contact leads to frequent legal proceedings [22] and the use of often stacked assistance [23]. This is burdensome for parents and children and their families and friends [14], social workers [23] and the judiciary and costly for society as a whole [22, 23]. There is therefore no doubt that the occurrence of such problems between a parent and a child requires that this be identified as soon as possible and that appropriate action be taken.

At the start of this project, the expert team was already aware of many things. In practice, for example, it has proven important to perform diagnostics of the underlying dynamics as quickly as possible when contact loss occurs and then to carry out effective interventions that follow without delay. Applying this clearly requires specific expertise and a lot of interdisciplinary collaboration. This concerns work in psychosocial care as well as in legal services, financial services and assistance with matters such as housing. For all concerned,

both the social environment [2, 2431] and professionals [32] require a reflective attitude. Before he or she knows it, those who do not know themselves are drawn into the emotions that the stories and behavior of involved parents can evoke. Before the professional knows it, he or she has taken sides in the conflict, or is involved in a complaint procedure or even several parental procedures [33]. This leads to high absenteeism and turnover within youth care [34].

Because the government wants to try to reduce the consequences of divorce for parents and children, and also want to limit the number of situations in which contact between a parent and a child occurs as much as possible, the initiative of the *Divorce Challenge* [35] established a Divorce Without Damages platform [36]. In addition, as of 1 July 2019, in order to implement the motion of Member of Parliament Westerveld (GroenLinks), this Expert Team Parental Alienation (hereinafter *expert team* referred to as) established by the Minister for Legal Protection. In the motion, the government was requested to have concrete solutions to the problem of parental alienation elaborated in the short term by an independent committee in collaboration with experts by experience [36].

In this report, the expert team reports on its findings. The words 'complex coping problems' [37] added the expert team to its name on its own initiative. The expert team wants to make it clear that parental alienation is part of cohabitation problems and that it is an extreme form of expression. 'Parent alienation is referred to in English literature as *'parental alienation'*, abbreviated PA [38]. This abbreviation will be used in this report.

Assignment expert team

The expert team is tasked with developing concrete solutions to the problem of parental alienation in collaboration with experts by experience. The order includes the following points for attention:

- The methods with which various (legal and behavioral science) professionals can adequately map signals of parental alienation.
- The required knowledge (and the gaps therein) of the professionals involved and a plan to close the gaps.
- The (preventive) interventions for timely and effective intervention.

The expert team was requested to in any event look at the insights and results of relevant (international) scientific publications and, among other things, the guideline *Divorce and problems of young people* of the Netherlands Youth Institute, the proceeds of the *Divorce Challenge* and the action lines and solution directions from the *Agenda for Divorce Action... and what about the children?* – with which the following recommendations and action points already had the attention of the expert team:

- Promote awareness that the child has the right to care by and contact with both parents.
- Stimulate interventions for the individual parent.
- Stimulate 'parallel parenting' in an escalated divorce¹.
- Explore the options for mandatory therapy for the individual parent with psychiatric problems.
- Reconsider the requirement of parental consent for therapies or interventions².
- Consider – following in the footsteps of Belgium – criminalization of the continuous frustration of visitation arrangements.
- Ensure that the training of the relevant professional groups pays attention to the various aspects of relationship and divorce problems (including the phenomenon of parental alienation) and, if necessary, make result agreements with the training organisations.
- Promote education, knowledge building and competency training and, above all, the learning capacity of the professionals in dialogue with all those involved.
- Invest in methods of truth-finding and ensure that there are adequate connections between the legal part of the divorce process and the assistance with a view to this. Join the *Action plan Truth-finding* (now *Action Plan Improving Fact-Finding*)³.
- In consultation with the National Police, investigate the possibilities of deploying expert police personnel, both for early identification and for finding the truth and for compliance with visitation regulations.

1. Parallel parenting is not a proven effective intervention. In its research, the expert team takes into account the possibilities for applying this in situations of (imminent) loss of contact.

2. This concerns the consent of both parents for therapies or interventions for the children.

3. Action plan for Improving Fact-Finding in the Youth Protection Chain. House of Representatives, session year 2017-2018, Parliamentary Paper M31389, no. 622 and Working together on fact-finding, 2020, B. Rijbroek ea

Composition of expert team

The expert team consists of the following members:

- mr. Cees van Leuven (chairman), judge at the Court of Appeal 's-Hertogenbosch
- Sil van Beekum, policy advisor at the Child Protection Board
- drs. Gerda de Boer MSc., remedial educationalist NVO, family and forensic mediator, guardian ad litem and teacher
- Heleen KoppejanLuitze MSc., life course psychologist NIP, curator, lecturer and PhD candidate
- drs. Corine Rijnberk, psychiatrist
- drs. Jurjen Tak, remedial educationalist generalist, mental health psychologist, clinical psychologist non-practicing and supervisor
- Prof. Dr. Louis Tavecchio, psychologist and emeritus professor of pedagogy at the UvA

The expert team is supported by a secretariat on behalf of the Ministry of Justice and Security.

Approach expert team

Method

The expert team has met in plenary at least once a month for the past year and a half. In addition to the plenary meetings, the expert team members have been divided into different working groups, each of which has dealt with different topics. It covers (not limitingly) the following topics:

- a) Awareness aimed at preventing contact loss.
- b) Early detection (both by the social network and by professionals).
- c) Screening, diagnostics and analysis.
- d) Adequate research into high-risk situations (abuse, assault and domestic violence).
- e) Urge and coercion in the event of complex contact problems and in the event of enforcement of non-compliance with visitation regulations.
- f) Support for the child with divorced parents.

The choice for these subjects has been made on the basis of the assignment that the expert team has received from the Minister of Legal Protection to the parental alienation/ Complex Interactions problem, and the insights that the experts in the expert team have on the subject based on their expertise and during the term of the assignment. have acquired this topic.

Vision on the social problem: Complex coping problems and loss of contact between parent and child as a result of relationship problems between the parents

It was already mentioned in the introduction that the members of the expert team were aware of many topics based on their varied expertise and their knowledge of the above-mentioned projects and studies. The expert team has started integrating this knowledge into a vision document. This document is included as an appendix to this report. A number of principles in the thinking of the expert team are highlighted here. That starts with the shared assessment of the seriousness of this problem: too many children no longer see their parents after they have broken off their relationship [1]. It was also immediately clear to all members of the team how important it is to identify and diagnose this problem in time, so that adequate interventions can be followed up without delay; the passage of time is a factor that plays an impeding role in the process [25]. The long waiting times for research or care and long legal proceedings are in themselves factors that increase the chance of increasing the problems.

There are other reasons why this problem should also be seen in a broader context of the organization of care and the administration of justice. There is, for example, the fact that research and assistance can be particularly hindered by the possibility of constantly starting new legal proceedings [27]. Addressing these problems is also greatly hindered because parents can withdraw from agreements made without consequences – even if they are based on a court decision [32]. Moreover, a bridge must not only be built between psychosocial care and legal services, but with a view to prevention also from care and justice to educational information, medical care, education, police, financial services and assistance with housing [39].

care providers [33]. Effective care requires that professionals not only know how to act and that their actions must be verifiable, but also that they can count on appropriate support from the legislator and their professional organizations when they are charged in a context of parental conflict.

The complexity of the problem increases the chance that the views of (experience) experts and professionals on this problem will differ, which of course increases the complexity even further. Until now PA has been a concept about which people have strong opinions and can think very differently about it; it is often referred to as a controversial concept [40].

There are also differences of opinion about the terminology with which the problem is indicated. In addition, there is a strong polarization with regard to this problem. The polarization between the parents caught in this dynamic seems to continue in science, care and the legal field. On the one hand, we see a pole that states, among other things, that PA does not exist, and in any case has not been researched well enough given the fact that PA is not included in the DSM or ICD [4156]. On the other hand, we see professionals who state that PA affects a large number of divorced families [57], hinders the development of the child [58] and has a negative long-term impact on the well-being of the (adult) child [59]. These professionals also state that PA is a form of domestic violence [60].

The many factors that can play a role in this complex coping problem, the fact that they influence each other and that they all have their own meaning for those involved, lead to a range of possible dynamics. These are further specified in the vision document included in the appendices. These factors have in common that they are often difficult to influence, despite the fact that everyone involved suffers from them and would like things differently. However, the steps that parents, their social network and professionals take to this end tend to perpetuate or even increase the problems [2, 2431]. This means that it is necessary to look at the system in all its layers: the parents, the children, the family involved, the professionals involved including their knowledge, their guidelines,

Within all these layers plays the meaning that people give to their relationships and conflicts, as it has been shaped by many experiences [61, 62]. At the level of the parents, everything that has shaped their personalities, views and skills plays a role [28, 6366].

In addition to a broad system-oriented view, a process-based and developmental psychological perspective is therefore equally indispensable.

Key concepts

The issue that the expert team considers takes many forms.

We first tried to formulate a definition of the problem. This also results in a definition that will eventually make a common language possible. To define the field of work, the expert team works with the following concepts:

- The expert team uses the generic term '**loss of contact**' to denote the phenomenon in which the children (or one or more of them) and a parent follow separation, losing contact with each other because the child develops resistance to that parent, for whatever reason.
- For the wide variety of problems and interaction patterns that can lead to loss of contact between a child and a parent, the expert team uses the term '**complex coping problems**'. The term 'association' here refers to contact between parent and child, regardless of the parent's legal status, ie regardless of whether one or both parents have parental authority. When a parent intends to be not letting the child go to the other parent while the child would like to, we speak of 'blocking contact'. When a child indicates that it no longer wants to see a parent (whether or not consciously influenced by one or both parents) from a loyalty conflict, we speak of PA. When one of the two occurs, it can be said that one or both parents have lost sight of the interests and well-being of their children (and therefore also their mutual interests) to such an extent that the children involved suffer damage.
- The assignment of the expert team focuses on one specific form of complex coping problem, namely the situation in which a child refuses contact with a parent as a result of (conscious or unconscious) manipulative behavior of the other parent or as a result of the complex interaction between both parents, while there are no well-founded reasons (known) to withhold contact. A commonly used Dutch term for this phenomenon is 'parental alienation'. This term can be misunderstood, as it seems to suggest that the child is rejecting a parent, or that the other parent is rejecting his or her ex. However, the expert team would like to emphasize that the child is not to be blamed in these situations. That is why we prefer the original English term for this problem – for the time being, until more strongly argued indications come from the field for another (better) term: **parental alienation** (abbreviated **PA**); we also refer to the terminology section in

chapter 5. Determining PA is difficult (see chapter 3), but of great importance because stimulating a child (consciously or not) to reject the other parent, or facilitating the child to do so, is a form of withdrawal from the authority⁴ from that parent – which is not only very harmful to a child and poses a serious developmental threat, but also a criminal offence. To conclude PA, it may be necessary to adequately test several other hypotheses. This calls for fact-finding, in which interdisciplinary cooperation between, for example, signalers, the judiciary, the police and care providers is essential.

Methods

Consult literature

The expert team uses the insights and results of relevant (international) scientific publications. For each subject, a search is made using appropriate search terms, within the appropriate search engines, for relevant, preferably the most recent publications. Search engines used for this include: PsychInfo, PubMed, Google Scholar and HeinOnline. Search terms were, for example, divorce, PA, parental alienation, but also other search terms that are relevant to the topic described.

Delineation issue

The expert team has defined the issue by formulating a vision and conceptual framework (see the vision document in Appendix 1).

Discuss relevant case histories

During the term of the assignment, the expert team also discussed relevant case studies during the plenary meetings.

Collaboration of experts by experience

The expert team has called in research agency Triqs to investigate the experiences and opinions of parents and – meanwhile – (young) adult children who have experienced loss of contact with one or both parents. To this end, special questionnaires have been developed, separately for parents and for children, with closed and open questions. The questionnaire was administered digitally. Discussions were then held in focus group meetings with (some of) the surveyed experts by experience, partly on the basis of the preliminary results of the questionnaires.

4. A form of domestic violence, see: <https://wetten.overheid.nl/BWBR0037818/20160501> under 1.1

Participants were explicitly asked for their ideas about possible solutions, both in the questionnaires and during the focus group meetings. Calls to parents and (adult) children to complete the questionnaire were put out by the expert team members in their professional environment and on LinkedIn and Facebook. These actions have brought the number of respondents to 199 parents and 30 children.

Consultation interest groups

A number of interest groups are active, consisting of experts by experience who stand up for the interests of parents who are (or have had) to deal with loss of contact. To mirror findings and ideas, the expert team consulted various interest groups by conducting group discussions, as well as a number of individual interviews with representatives of these interest groups (see Appendix 2 for the list of interest groups). These discussions are set up in a similar way to the focus group meetings.

Consultation experts

The expert team presented its findings and ideas (partly on the basis of the consultation of experts by experience) to various subject experts and professionals in the field in order to reflect them and thus take them a step further in the verification of the analysis of this problem and of the possible solutions. A number of foreign experts were also consulted (see Appendix 3 for an overview of the experts). In this way an attempt was made to obtain the broadest possible perspective on the problem and possible solutions.

The expert team also visited one family day treatment and two family clinics, and conducted an online consultation with a fourth clinic. The aim was to explore the extent to which family clinics can extend their treatment methods to include complex coping problems and which treatment principles are essential for such problems.

Follow relevant policy developments

During its assignment, the expert team kept an eye on current policy developments. The relevant programs include *Divorce without Damage*, *Violence does not belong anywhere* and *Care for the Youth*. This is necessary to know what initiatives are already being taken that influence research into and the approach to the problem and to discover room for improvement and practical recommendations.

Limits

Although the expert team has tried to do justice to the complexity of the issue and the different possible views on it, the team is aware that its approach has limitations:

- The direct voice of the children who are experts by experience is relatively limited in this study (24). This applies to children who lost contact as well as those who kept contact. It is difficult to reach this target group for filling in questionnaires or having them participate in focus groups. Another factor in this is that it has become apparent that it can be a burden for children to talk about this subject, which can also apply to parents. Children or young adults are either in the middle of a situation in which they have little or no contact with a parent, or are less motivated, less interested or reluctant for other reasons.
- The expert team is aware of the risk that the empowered stakeholders in particular have been heard and that the silent majority does not feel represented as a result; To help rectify this bias, the expert team also interviewed individual parents and children of divorced parents and distributed the questionnaires. The expert team is aware that disowned fathers and the highly educated are overrepresented in the sample and minority groups underrepresented (eg non-native speakers).
- The group of parents who, from a possibly unfavorable starting position, nevertheless succeed in realizing a livable and non-damaging upbringing situation (for the child) after divorce is also barely represented. Perhaps lessons could have been learned from them.
- Within the short time frame in which the expert team has come to this report, it has made every effort to collect as much information as possible and provide feedback. More time would of course have given more room for additional research, for example by hearing from more children, by finding more children to fill in the questionnaires and visiting international aid workers to learn from them. In addition, when hearing from professionals, we mainly focused on behavioral scientists. We understand that the judiciary (the judges) did not want to contribute to this process. In addition, we have chosen to speak with only a few lawyers.

- There is a trend in the Netherlands to defame professionals involved in youth care via social media and to submit complaints against those involved. This not only refers to youth care workers, but also to the Child Protection Board, the Dutch Bar Association, the judiciary, and policy makers. This may have led to a reluctance among some professionals to participate in the expert team's research.

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2. Problem statement

2.1 Brief description of the problem as it manifests itself for parents and children

For a brief description of the problem, we refer to the vision document, appendix 1.

In this document, when we refer to the word *parting*, This also refers to a break-up of parents who have not been married. In addition, this report only deals with divorces involving children.

In almost all cases, a divorce leads to stress for parents, their children and often also the family and friends of the family. Fortunately, the majority of parents manage to adapt to the changed situation after the first difficult period. These parents succeed in creating a new form of parenting. The conflicts of parents decrease and the children are given the space to follow their own development path again [1]. In 10 to 20% of the divorces, however, this adjustment is not successful; these separations are also called *complex separations* mentioned [2, 3]. For more information about the prevalence of (complex) divorces, we also refer to chapter 4. The complexity can have very diverse causes, ranging from financial problems to revival of traumas, which often occur in combinations and can also influence each other mutually. An overview of possible factors is included in the vision document (appendix 1).

When parents do not give each other the space to follow their own development path after a divorce and the conflicts persist, they often fail to realize a new meaning of parenting [4, 5]. Problems can arise with regard to the upbringing of the children and/or with regard to the division of care responsibilities between the parents. The children suffer a lot from the continuation of the conflicts. Resistance to contact with one of the parents can arise: contact problems arise. The child can indicate that he or she wants less or no contact with one of the parents and prefers to be with the other parent more or all the time. Excluding one parent and forming a coalition with the other parent can already occur during the relationship (ie before the breakup). If a child excludes one parent (before or after the break between the parents) we call this a contact break. When this arises through – conscious or unintentional – manipulation by one of the parents (or other

adults in the child's system, such as step or grandparents), we speak of *Parental Alienation (PA)* (see also chapter 1, *Key concepts*, and the more detailed description of this in the Vision Document, appendix 1). The consequences for the parents and the children are serious [6].

2.2 Research on contact loss and PA in the Netherlands

Prevalence of contact loss and PA

The prevalence of PA is unknown; that applies worldwide. This is on the one hand because PA has not been recognized or recognized for a long time, and on the other hand because the definition of PA is not unambiguous in cases where it has been recognized and recognized. We mention some data that are (or may be) related to PA and give an indication. These are figures for the Netherlands.

Hoefnagels [7] estimated in 2001 that

150,000 children were confronted with PA. In 2018, the results of a longitudinal study by Kalmijn into the Dutch generation born between 1971 and 1991 were published [8]. This research shows that 20% of these children, once adults, do not see their father; 7.4% of these children do not even know their father at all. Kalmijn also reports loss of contact with mothers; 5% of the children no longer see their mother at all after the divorce. In intact families, 2% of the children break contact with the father and 1% with the mother. Divorce therefore greatly increases the risk, but the problem can also arise without divorce.

In the published study [8], Kalmijn reports that this generation of children usually continued to live with their mothers after the divorce and that 44% of these children, who are now adults, regard their stepfathers as fathers. The percentage that sees the stepmother as a mother is much lower: 17%. However, the relationship between these contact breaks and PA was not included in this study. How the relationship between parent and child can change/deteriorate in intact families is not known from research, although various possibilities are known in care practice, for example when a child enters into a relationship with an unaccepted partner, has an unaccepted sexual or religious identity, is the victim of violence or abuse, or when disorders such as addictions are involved.

Risk and protective factors for the development of PA from Kalmijn's research

Kalmijn [9] already provided insight into the risk factors for a break in contact in a previous publication: most children live with their mother after a divorce and almost half of the children only see their father once a month. Kalmijn sees a robust relationship between this low degree of contact with father and the occurrence of a contact break. He indicates that co-parenting seems to be a protective factor: in Sweden the prevalence of contact breakage between parent and child is low (8%) and at the same time the prevalence of co-parenting is high: 33%. On the other hand, it can also be argued that co-parenting occurs more often if both parents have a good relationship with their children. Co-parenting in a quantitative sense is probably less decisive for a good mutual relationship than the qualitative aspects such as positive support, benefit from the qualities of two parents, shared care burden, which reduces the risk of parenting stress and improves coordination between parents and between parents and child. In § 2.4 the above risk factors are supplemented with findings from other literature.

Further analyzes by Kalmijn

Kalmijn's research concerns N=6,485 children, of which 3,062 children had divorced parents. The expert team has Mr. Kalmijn to perform some further analyzes on these data; we have added this report as appendix 4 to this report. Below are the findings that stand out the most.

Cause of contact loss

Kalmijn reports that the most common cause of contact loss is that children no longer want to see the parent; often for no special reason ('it went like this') or that people have grown apart (together 18%). Quarrels are also mentioned, but less often than one might expect. The attribution of blame for the divorce also plays a role in loss of contact. A larger proportion of the children blame the father for the divorce. It is not the case that children with loss of contact say that they had more difficulty with the divorce than children without loss of contact.

The role of the parent chosen by the child in contact loss

Children were also asked about the role of the mother in the relationship(s) between father, child and mother. Significant connections can be seen here. Children who have the contact

have lost with the father, are more likely to say that the mother has hindered contact; obstruction by the mother therefore appears to be a (partial) cause of contact loss, at least in the child's view. Children who no longer have contact with the father are also more likely to say that the mother avoided contact with the father. Mothers of children who have lost contact for the most part no longer talk about the father. In about one in five cases there is negative talk about the father. In families in which there was no loss of contact with the father, mothers speak in a neutral or positive sense about the ex: about half of the mothers does this if the father is still in contact with the child, compared to 14% of the mothers if the father does not. has more contact.

The child's wish to restore contact

Of the children who have lost contact with their father, 36% indicate that they would still like to see the father. In mothers the numbers are different; after loss of contact, 50% of the children say they still want to see the mother.

Relationship between loss of contact and demographics of the child

There is a strong relationship with education level: lower educated children lost contact more often than higher educated children. There is no correlation with gender.

There are age differences: older (adult) children have lost contact more often (20% loss of contact in children aged 35-45). Here Kalmijn sees a cohort effect: in older cohorts, the father's involvement after divorce was less, which probably translated into a greater risk of contact loss.

Relationship between loss of contact and father demographics

A sharp training gradient can be seen. 18% of fathers with a university education have lost contact with one or more children, compared to 36% of fathers with a lower vocational education. This relationship may be slightly overestimated due to cohort effects, but it is nevertheless weak. The associations with psychological problems and alcohol use can also be found here, although these are weaker than they were when the children were reported. It is possible that selective nonresponse in fathers plays a role here (for example, fathers with addiction problems may be under-represented in the father survey).

Relationship between loss of contact and characteristics of the parents' marriage

The strongest connection is visible in the contact with the father immediately after divorce. If the father saw the child little (less than monthly) in the first year after divorce, the risk of loss of contact later (when the child is 25-45 years old) is even 36%. The expert team also sees this risk of the passage of time. Loss of contact is also more common if (a) the separation took place earlier in the child's life, (b) there was a lot of arguing between parents during the marriage and after the divorce, and (c) the division of tasks between father and mother was traditional (in the sense that it was mainly the mother who took on the household chores). In none of the cases, however, Kalmijn finds a significant link between contact with the father and reports of conflicting loyalties.

Relationship between loss of contact and characteristics of the divorced father

Kalmijn reports that alcohol use, addiction problems and psychological problems are mentioned as risk factors for contact loss in the father; It is striking, however, that the vast majority of fathers with whom contact has been made do not report these problems. The picture with mothers is different. The reasons given for contact loss between mothers and their children are quarrels between parents and problem behavior or psychological problems of mother in childhood.

Relationship between loss of contact and current relationship of parents

In the vast majority of children with loss of contact, parents no longer have contact with each other; more than half of children with loss of contact describe the relationship between parents as 'bad'. So time does not heal all wounds in complex separations; there appears to be no shift in the direction of neutral relations between the ex-partners. In the case of divorced parents where there is still contact between father and child, the relationship between the ex-partners is significantly more often neutral or even good.

Divorced Parents' Reporting on Prevalence and Causes of Contact Loss

Among divorced fathers with two children, 18% have lost contact with one child and another 11% have lost contact with both children. Of the divorced fathers with one child, 22% have lost contact. These numbers appear to be somewhat higher than among the children. This may be due to the fact that there is a group among the children that the father does not know; these situations are probably handled by the father

reported as 'no more contact' while they were excluded from the analyses. Fathers have been asked to look back on the divorce. Of the fathers with loss of contact, 63% indicate that contact with the child has diminished due to the divorce (13% of the divorced fathers without contact loss). More than 66% of divorced fathers with loss of contact say that the ex-partner has hindered contact; this is lower – but still high – in divorced fathers without loss of contact. Many divorced fathers indicate that they have missed their children very much after the divorce, with fathers who have lost contact with this figure as much as 78%. In half of the cases, there was also an argument about the children when contact was lost.

It is striking, however, that the possible role of obstruction by the mother appears to be heavier when the father is asked about this than when the child is asked about this. It is quite possible that children and fathers have different perceptions of the problem of contact loss.

2.3 The short and long-term consequences of loss of contact on children and parents

In practice we see some **short-term consequences** of contact with the children.

- One of the short-term consequences of contact loss due to resistance in the child (refusal of contact, regardless of the dynamics that cause it) is, apart from the fact that the child lacks the love and care of a parent, that the child feels can feel permanently restless and that stress has to be suppressed. After all, it has 'chosen' for a parent, but (perhaps) also misses the excluded parent. When the excluded parent lets the child know that he or she misses the child, or at times when the child herself misses the excluded parent, the child feels the stress of that choice again. This choice is difficult to reverse, because in doing so the child disappoints the parent it has chosen and/or makes that parent angry, which again causes stress.
- In case of contact refusal, the child can give two types of messages: one to the parent the child chooses and the other to the excluded parent. For example, after contact with the excluded parent, it can indicate to the parent the child has chosen that it was not fun, while it had indicated to the excluded parent that the contact was very pleasant. This is confusing for both parents: *"Is the child lying now?"* However, the child does not lie, but conveys that "truth" that it feels makes both parents happy.

This will put the child in trouble again. It's possible

stop explaining to the parent it chose to be with the other parent; that will then be interpreted as lying. A buddy of Villa Pinedo indicated this as: *'I didn't learn to see the nice things anymore, I didn't remember these anymore either.'* Another quote from a child was: *'The bad things are much easier to remember.'*

- By offering the child the space to make the choice 'himself' with which parent he or she wants to be, the child becomes a premature decision-maker about determining aspects of his or her life. This gives the child an inappropriate responsibility (see § 5.3) and, moreover, a lot of stress in those cases where this happens in an attempt to escape from a loyalty conflict. This decision-making power can also lead to generalization about general choices that affect the child and can lead to unmanageable behaviors, internalizing and/or externalizing.
- The child's position as a decision-maker over their own life can also lead to the child becoming aware of the power that flows from this. This can lead to children playing their parents and making unrealistic demands in order to achieve the optimum when choosing between the parents. It also learns not to adapt to stressful situations.
- With loss of contact, the child can get into such a pinch that it says very nasty and angry things about the excluded parent to make it clear to third parties that it really does not want to go to that parent itself. This increases the child's stress and can lead to internally felt (but not externally expressed) guilt feelings. The following statement by a child is an example of this: *'I've learned that when I feel guilty I have to tell myself that this burden shouldn't be on my shoulders.'* In addition, when a child learns to interact with someone they love, father or mother, the negative and angry behavior can generalize to association with others: the parent they have chosen, or friends.

Behavioral research among parents chosen by the child indicates that these parents report the following behavior of the child [10]:

- internalizing behaviour: sadness, introversion, insomnia; externalizing behavior: anger; extreme resistance; overexpressing mediocre emotions through loud and persistent crying;
- do less well in school;
- being anxious (clinging to the coalition parent);
- are confused (they experience conflicting feelings towards the excluded parent).

Parents who lose contact with a child through PA report the following short-term consequences [6, 1124].

- They feel desperate because of all the unsuccessful attempts to interact with their children.
- They do not recognize themselves in the monster image that the parent the child has chosen and the child have formed of him or her [25].
- They may also express their pain in aggression and anger towards the other parent, which in turn generates fear in that parent [10]: the dynamics of a *self-fulfilling prophecy* [26].
- Confronting false accusations of maltreatment or abuse and its stigma can lead to deep sadness, depression and anxiety [27, 28]. If those accusations also take root (and reports of them are blindly 'copied and pasted' by professionals from one report to another), excluded parents can be branded as child molesters or abusers with reputational damage and possible jail time [29]. Parents excluded in this way feel isolated and if they are not helped by the authorities, they may wrongly internalize the condemnation [28].

Results of validated questionnaires administered to adult individuals who in their youth excluded a parent in response to divorce indicate the following: **long-term consequences** to [6, 1122, 30, 31].

- A higher degree of behavioral problems (such as anger and manipulation) and psychosomatic problems.
- Higher levels of depression, shame (for what it did as a child), anxiety, and substance abuse.
- Insecure attachment.
- Less self-esteem and confidence.
- Dysfunctional skills for dealing with stress.
- Less trust in others.
- Less high education or career.
- A damaged identity due to the one-sided identification with the manipulating parent.

Kalmijn was asked to investigate how the above findings relate to the results of his studies. Kalmijn states the following:

'The studies by Baker et al. in the US and Italy are interesting psychological studies that also show clear links between divorce and aspects of parental alienation. A difference with it *Parents and Children in the Netherlands* investigation (OKin: an ongoing investigation by Statistics Netherlands) is that this

studies are not based on representative samples. This is not necessarily a problem for uncovering all kinds of mechanisms. This may well be the case for the measurement of prevalence, also in view of the higher prevalence of contact loss that I found among lower educated parents.' (For more information, see below and Appendix 4 with Kalmijn's additional study).

Loss of contact and loneliness

In Kalmijn's study (see appendix 4) into the long-term consequences of contact loss, the social well-being of parents and children was measured with the validated loneliness scale of Jenny Gierveld (De Jong Gierveld & Van Tilburg, 2006).

Loss of contact with children after divorce is associated with stronger feelings of loneliness especially among parents and less among children.

Children of divorced parents more often feel lonely in adulthood if they no longer have contact with the father than children who still have contact with the father. Further analyzes show that these differences are largely due to the underlying parental conflict they experienced as children. The relationship is clearly stronger for fathers. Of fathers who no longer have contact with the child, 25% can be classified as 'lonely' and 19% as 'very lonely' (for other divorced fathers this is 19% and 9%). These differences are large and cannot be explained by conflicts with the ex-partner.

Mothers were also asked about their feelings of loneliness. There is a slight connection, in other words, the ex-partners of the losing contact also feel lonelier compared to the ex-partners of other fathers. Finally, the loss of contact in the divorced mother herself was examined. As with fathers, we see a strong connection with loneliness here.

In chapter 4 we give the findings on the short and long-term consequences mentioned by the experts by experience.

2.4 Knowledge about the causes of PA from longitudinal research

Long-term (longitudinal) research is also required to be able to interpret causes, consequences and dynamics within the family. This has not happened to date. As far as the expert team is aware, only one such study has been conducted on the parents chosen by the child [10], and this was a limited qualitative study. We cannot draw any robust conclusions from this. For want of better, we nevertheless cite the following findings from this study:

The following feelings were seen in the parent the child chooses

- Jealousy towards a new partner, both on a partner level and on a parent level (the feeling of being traded in as a partner, the feeling of being traded in as a parent).
- The need to move on in life and see no role for ex-partner in that life; for example, stepparents are called papa or mama or the child's surname is changed.
- Loneliness when the child is with the other parent.
- Fear of losing the child to the other parent.
- Fear that something bad will happen if the child is with the other parent.
- Fear that the child will be informed by the other parent of the parent's own role in the divorce (when the blame is placed entirely on the excluded parent).
- The feeling of being financially disadvantaged by the other parent.
- The feeling that the heavy care tasks lie primarily with the parent and that the other parent only has fun with the child.
- Frustration when the child returns from a contact moment tired and difficult to handle.
- The idea that the child needs therapy or guidance – but the parent does not.
- Disapproval of the other parent's lifestyle.
- A sense of justice when the child chooses the parent and excludes the other parent.
- Sad that the relationship is over.
- Concern that the child will be influenced by a parenting style that the parent does not support.

The following arguments were heard from parents for whom the child chooses to support their child in breaking contact with the other parent

- 'The child itself indicates that it no longer wants to': the parent experiences (or says, in any case) that he or she cannot force.
- The parent's social environment the child chooses sees no role for the other parent in the child's life.
- The child does not feel at home with the other parent.
- The child feels that it is not being properly raised by the other parent.
- The child disapproves of the parent's behavior.
- The child dislikes the other parent's new partner or his or her children.
- The child feels that it is being disadvantaged compared to the stepchildren or half-brothers.
- The child feels that the other parent never pays attention to the child.

- The child is not properly cared for by the other parent.
- The other parent does not provide healthy food. The other parent neglects the child.
- The other parent mistreats or abuses the child.

2.5 Other factors known from research that promote PA

In addition to epidemiological and longitudinal research, the expert team found the following factors in the literature.

Personal factors

- When the mourning about the divorce stagnates, the shaping of the future and the new parenthood also stagnates. Prolonged conflicts then lie in wait.
- Grief stagnates more easily in parents who are insecurely attached or burdened by previous trauma. Especially when the divorce triggers a revival of previous loss, this can complicate the situation.

Situational Factors

- Large living distance between parents and the time the child spends with both parents can influence contact [3537] (see also the Vision document, appendix 1).
- A prolonged lack of suitable housing for the departing parent can mean that it is difficult for that parent to receive his/her children.

Financial Factors

- Divorce usually causes a drop in income. The least working parent suffers the most. As a result, agreements on alimony and the like are very close. In the anger and grief about the divorce, anger about the financial situation can exacerbate the conflicts – and drag the children, seeing the concrete consequences, into them.
- The financial problems can be exacerbated if the combination of care and raising children proves difficult.
- For the prevention of escalation, the timely deployment of couples therapists would often be a good option. The fact that they are not included in the health insurance law is a financial barrier to urgently needed help.

Developments in the new families

Both parents can (try to) find new partners. Composite ('rainbow') families can arise. Some professional preparation for this one

the next phase tends to be missing, while there are known pitfalls.

Social environment

The social environment also plays a role [38]. It is often assumed that the environment can support. However, partiality of the social environment often occurs, which leads to an aggravation of the problem. Parents then feel encouraged by, for example, their new partners and/or family in their resistance to contact arrangements, and so the battle becomes a tribal war as it were [10, 36, 3945].

Values and norms also play a role in the social environment: where a divorce as a result of an extra-marital relationship is strongly condemned, the chance of a deterioration of the relationship between the child and 'the guilty person' is naturally greater (see also section 5.1: Social embedding).

The school

The experts we spoke to indicated that they see the children's school as a neutral place that, as one of the first professionals, can see that PA is playing. They indicate that schools could play an active signaling role in this. In practice, however, schools seem to be wary of the risk of being viewed as biased if they discuss signals with the parents or report them to third parties (a phenomenon that also occurs when identifying child abuse).

The assistance

- Assistance can be harmful if it does not intervene effectively in the coping problem [32]. Timely referral to the right help is not enough. This may be related to unfamiliarity with PA; It is not without reason that Rouvoet stated in 2018 that one of the most important findings from his research is that there will be more recognition and recognition of this problem [46], which had already been established in research [33].
- In this context, various places in this report also point to the effects of waiting times for research, aid and justice: as time goes on, the warring parties dig deeper and the problems become more difficult to solve. Broken contacts are more difficult to repair the longer time is allowed than contact is blocked.

The fact that lawyers often have no waiting times promotes the legalization of the conflict, because that step is easy to take.

- The complexity of the problem sometimes results in an accumulation of assistance processes. Their coordination is still often a problem, despite all government initiatives to improve it. System-oriented thinking is also sometimes insufficient. This reinforces the common mistrust of care providers and can lead to *shopping* from one care provider to another – expensive, time consuming and confusing.
- Distrust of help - sometimes caused by personal characteristics and not by experiences with care providers - is reinforced when parents are confronted with ineffective interventions, over burdened care providers, long waiting times, etc.
- Help can also sometimes stagnate if care providers believe they have to stop it as long as processes are being conducted (see also below).
- And finally, care providers will not (completely) avoid coloring their judgment by social values and norms.

The law and disciplinary law

Law and disciplinary law rightly give parents the space to complain about the wrong behavior of care providers. Distrust of assistance increases the chance that they will use it instead of a proper dialogue taking place. Unfortunately, parents who have trouble letting their child go to their ex find that they can suspend the intercourse as soon as they start proceedings.

They can also withhold the help they need to get over their pain by submitting complaints.

The system of complaints and disciplinary law is insufficiently demarcated against sickly and manipulative complaints. The result is a great burden on all involved (including the first responders), leaving no energy to tackle the problems – which can increase or harden as a result.

2.6 Barriers to the effective approach to PA

The fact that the PA problem is insufficiently solved is related to various factors:

- 1) In the Netherlands, many professionals have not recognized PA for a long time. It still plays a role today. It is seen as a controversial concept. Some rejected the concept altogether [5861]. Some use the fact that it is not included in the DSM as an argument [32]. There was also strong criticism from a feminist angle: they called it *junk science*, who is by abusive fathers

invented to sustain abuse and abuse.

By now PA is no longer seen as a syndrome or disorder by the researchers and professionals the expert team spoke to. The expert team sees it as a dynamic (see also the Vision document – appendix 1). Nevertheless, many of the initial criticisms are still repeated, often literally. But they are also combated [52, 5356]. Here we list the main discussions about the concept.

Great importance is attached in science to reviewing by *peers*, or fellow scientists (onwet *random* manner designated by the trade journals). This guarantees the quality of a research or publication. Criticisms that PA publications have not been subject to such reviews were voiced early on. More than 1,000 books and publications have been published on PA since its first publication in 1985 [47] [77]. A publication in 2016 states that there is now agreement on what loyalty-influencing behavior looks like, and states that this is a form of child and ex-partner abuse. It is also stated that there is agreement about the behavior of children who indicate that they no longer want contact with one of the parents due to a divorce [48]. The government has also recognized the problem in the Netherlands and has given substance to it by appointing this Expert Team Parental Alienation. Within the behavioral sciences there are standards for classifying mental disorders within systems such as the DSM and ICD. In classification systems, symptoms are clustered into syndromes based on scientific research and clinical experience, with the aim of unifying communication about those problems and enabling scientific research. However, the original idea that this would clear the way to treatment has had to be dropped [51]. In fact, classifications are in principle unsuitable for setting treatment indications [78]. In addition, the background of these systems is a medical, as a result, the focus is mainly on the classification of individual behavior and much less on the classification of relationship patterns. The fact that PA is not included as a syndrome in the DSM5 therefore mainly means that there is too little agreement about the picture and that it is questionable whether it, as a variant of complex behavioral problems, belongs in a classification system that is primarily aimed at individuals.

connected mental problems. This is not to say that it does not exist – see the previous point. The question is also whether by paying so much attention to whether or not PA is recognized as a category within classification systems, the impact that PA has is not underexposed. This does not benefit the victims of a – essentially social problem – [62].

Incidentally, in the development of classification systems, attention to the influence of the environment on individual development is also increasing. The problem of PA can therefore still be given a place in the DSM within the following classifications:

1) the effect on the child of relational stress in the parents; 2) parent-child relationship problems and 3) psychological child abuse [63]. The ICD11 also indicates that PA can be classified as parent-child relationship problems. American research indicates that most people involved in guardianship believe that the exclusion of PA from classification systems does not affect their work, yet a third indicate that it should be included in formal handbooks [64]. The *American Psychological Association* (APA) recognizes that mental health and legal professionals should take domestic violence seriously in divorce and custody cases, but to date they have also not taken an official stance on PA [65]. They have indicated, however, that in 2017 they will conduct a review of scientific research into complex divorces and the effect on children [66].

This complexity is clearly recognized by courts in the USA: they stand after the ruling of the *Supreme Court* in 1993 that PA expert witnesses may be called [67]. Because PA is not included in the DSM, many refer to other terms as 'incurable hostility' [68].

Expert witnesses regarding PA can also be called in Canada. Courts in Australia, the Netherlands and Germany also recognize PA [72]. The *Court of Appeal* in Britain PA accepted in 2002 [73], as did the *Supreme Court* in Israel [74]. Sharia Courts consider turning a child against a parent a major sin against God [75] and in Romania [76] it has *Institute for Forensic Psychology* PA officially recognized in 2016.

The new guidelines of the NJI [50] have chosen to approach PA in a very cautious manner, emphasizing the claim that insufficient research has been done to define PA as such.

acknowledge. A background to this is undoubtedly the scientific critique of the concept of PA as a fixed image.

For example, Johnston, Walters, et al. (2005b) indicate that not all children confronted with loyalty-influencing behavior exclude a parent. They also argue that the one-sided focus on loyalty-influencing behavior is too simplistic: it is said to be a multifactorial problem in which aspects such as gender, age, level of development, psychological vulnerability of the child, behavior and personalities of the parents, the dynamics between the children of the family and the influence of life events after the divorce [69, 49]. The expert team shares the view that these are complex problems.

- 2) In view of the above, it will come as no surprise that many conclude that professionals have insufficient knowledge of PA and of recognizing the signals [33, 57], or of the international scientific publications about PA. In the absence of an unambiguous picture (a definition), there is of course a lack of agreement about how it can be recognized and how it should be investigated. Let alone that there is an unambiguous vision with regard to solving PA. As a result, professionals can sometimes work from their own personal frame of reference: the experience with their own parents, their own experiences with divorce, their own moral vision with regard to divorce, their own vision of mother and fatherhood (in which a *gender bias* to the detriment of fathers).
- 3) The fact that divorces are sometimes supervised by professionals without behavioral science training increases the risk that PA signals are missed or that it is subsequently realized (too) late that counseling of this problem requires specialized behavioral science knowledge.
- 4) There are too few validated research instruments and validated interventions: research is urgently needed.
- 5) For a long time, in the event of serious conflicts between divorced parents, it was decided to stop the visitation arrangements, with the intention of doing so temporarily to create peace of mind. The assumption was that the child will contact them again when they turn 18. In the meantime

It appears from the recent update of the Guidelines for Divorce and Problems of Juveniles of the NJi that rest does not help and the guidelines on this have been adjusted.

- 6) Visiting arrangements are regularly not respected and enforcement is problematic: there are insufficient measures to address the parent that allow the child to stop the contact in such a way that the contact is reestablished. The resources that are there do not seem to be used, or do not seem to have any effect. For example, reports to the police are often not accepted.
- 7) There is insufficient interdisciplinary cooperation [34, 51], also between behavioral scientists and the judiciary. This creates bottlenecks in the fact-finding investigation, for which there is a great need in practice. For example, problems observed by care providers are not always reported to the police. And what is reported to the police is often not known to aid workers. As a result, both groups of professionals work with an incomplete file and that what parents and children say about the past often cannot be checked. Privacy legislation exacerbates this problem. For example, parents can refuse to transfer a file.

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3. Current situation with complex coping problems and PA

Professionals, research, interventions and bottlenecks

3.1 Introduction: brief history of divorce law

According to the Civil Code of 1838, divorce was only possible on four grounds:

- 1) Adultery
- 2) Malicious Abandonment
- 3) Conviction for a crime to a custodial sentence of 4 years or more
- 4) Severe injury or assault by one spouse against another.

The Civil Code of 1838 further determined that parental authority over the children did not change as a result of the divorce. Until 1905 the parents remained dependent on each other through the joint parental authority for the maintenance and upbringing of the children. In practice, paternal power dominated in terms of control, while maternal power concentrated on nurturing

In 1905 this was replaced by the guardianship and supervisory guardianship system, in which all power was concentrated in the guardian, usually the mother, also known as the *'tender years proposal'* mentioned [1], and there was no visitation right for the other parent. The arguments were:

- Custody is absolute and cannot be shared;
- Visitation rights are the cause of an increase in divorces;
- Visitation rights become a source of contention;
- Those who divorce take the evil chance of never seeing the children again.

Divorce law changed drastically in 1971

[2]. It was now sufficient for someone who wanted a divorce to declare in court that the marriage is 'permanently broken'. This did not require an agreement with the other partner. This radical change fitted in well with the zeitgeist: the marriage bond is a voluntary choice and divorce 'should be possible'. From that moment on, guilt no longer played a role in divorce from a legal point of view. Other values also changed: mothers claimed an active role in paid work [3], and the behavioral scientists recognized the importance of the role of fathers in the upbringing of the children, fathers accepted that role and also claimed it after divorce. [4].

In 1971, the judge was given the power to establish a visitation arrangement, but a legal right to visitation only became a reality in 1990.

From January 1, 1998, the term *'by operation of law through ongoing joint custody after divorce'* reintroduced. With the amendment of the law of April 1, 2009 – *the Promoting Joint Parenthood and Careful Divorce Act*

– equal parenthood became the norm. From that moment on, the obligation to draw up a parenting plan also applies.

Divorce was primarily a legal process in the Netherlands. It was not until the 1970s that the realization that the divorce process also merited attention from a psychological point of view. Experiments were carried out with the Divorce Bureau in Groningen from 1982 to 1987: the Bureau intended to offer help to people who divorce and their children, at an early stage of the decision-making process, both by means of practical information and by short-term guidance [5]. A lawyer, a psychologist and a pedagogue formed a team. This can be seen as a real precursor of the divorce counter that is currently in the picture. The Groningen initiative was successful, but was terminated due to the discontinuation of the subsidy. In the 1970s, the interest in *mediation*: it was Peter Hoefnagels, professor of criminology and family law, and Donald MacGillavry, clinical psychologist, who, each with their own separate practice and approach, started to apply mediation in divorce in practice. Abroad, the possibilities of mediation in PA were written by Gardner (1985). At the end of the 1980s, lawyers teamed up with MacGillavry and in 1990 the Association for Lawyers Divorce Mediators (VAS), now the VFAS, was created.

Problems relating to intercourse, in particular, persisted. Initiatives such as guided intercourse arose in the 1980s; At that time, almost all supervisors were volunteers (BORMaastricht was one of the first). In the 1990s, the first access houses were created.

From that time on, divorce and divorce counseling became increasingly popular. Where until that time the guidance of divorcing people was mainly in the hands of the legal profession, from that time on the influence of other professional groups, especially that of psychologists and remedial educationalists, steadily increased; This is based on the insight that the problem is not of a legal nature, but of a behavioral nature. Over the past 20 years, there has been an increasing offer of divorce and counseling

thing of a very diverse nature: from professionals who focus on the child, to financial advisers, with a varied package of service offerings. The offer in the field of education and training for divorce and contact counseling has also grown during that time. In 2014, the Ombudsman for Children [6] proposed making mediation mandatory in the event of divorce and subsidizing compensation. Since the implementation of the 2015 Youth Act, a great deal of psychosocial and psychological help has been provided to children and families in the event of divorce and financed through/by municipalities (Jeugdhulp).

3.2 Professionals and others around a family with complex coping problems and loss of contact between parent and child

Below is a fictional case, from a child's point of view, showing the complexity in a family.

'In 1979 I was 16 years old and the oldest daughter in a family of 5 children. My mother decided to detour with my father. She left within days, unexpectedly for us. My parents were married so it became a divorce. My mother had a new love, a man without children. At that time it was quite a shameful event in our village. We as children were shocked. We were all fond of our father and angry with our mother. There was no division of care. We haven't seen my mother again, heard nothing from her. My youngest sister was 8 years old and had a very hard time with it. She was the only one in the first year who occasionally went to see my mother on weekends, but she was not very interested. My sister missed us; we didn't go. Youth care, GP or child protection services were not involved. Our life went on. As the oldest, I also felt responsible and helped. My sister developed severe depressive symptoms during puberty and has never recovered.'

Introduction

Loss of contact between children and parents after a divorce is a current and urgent issue. There is a significant percentage of children who sooner or later no longer see one of their parents after a divorce. This loss of contact also carries over into adulthood. The loss of contact is often meaningful and stressful for the concerned parents and children (and their families and friends) and has negative short [7] and long-term [822] consequences for everyone's happiness in life and relationship development. It is important to note that this problem does not only arise after a divorce.

The numbers

In contemporary Western society many children are born out of wedlock [23]; in the Netherlands this percentage is currently 52% [24]. It is unknown how many children are born without a partner relationship between the biological parents. Children are involved in 50% of divorces or breakups (hereafter divorces) [25, 26].

Divorces have become more frequent in the course of the last century. In 1997 the parents of 487 thousand children (14 percent) no longer lived together, in 2017 this concerned 727 thousand children (21 percent) [27]. Divorce is common in today's society. In the Netherlands, the divorce rate in 2018 was around 40%; this percentage does not take into account fractions of parents who are not married [26]. Divorce can lead to stress for parents and children. In most cases, however, parents realize an effective form of co-parenting within the foreseeable future, and the quality of life for themselves and their children may even improve as a result of the divorce [28]. These separations are considered 'regular separations' [29]. In 10 to 20% of the divorces, parents fail to realize a joint form of parenting after the divorce; these are called 'complex separations' [30, 31]. The children of these parents pay a high price for this [32, 33]. It is then difficult for the children to adapt to the new situation, which can lead to depression, aggressive and/or introverted behavior [30, 3436] and to stress-related diseases such as high blood pressure [37, 38].

There is no scientific consensus on what defines complex separations. Researchers do agree that in complex divorces, parents have long-term conflicts about shaping parenthood together [39, 40].

Professionals and others around a family

Divorce counseling requires not only psychological and pedagogical expertise, but also financial and legal expertise. According to the Divorce and Problems of Juveniles Directive, there is agreement [41]. The recently revised Guideline aims to provide a useful framework for early identification and treatment and to encourage more multidisciplinary collaboration and great care on the part of professionals when making far-reaching decisions. With the application of the guideline, the psychological suffering of children and parents in the event of divorce may possibly be limited.

Those involved in a divorce family

If the contact between a parent and a child or between other family members is tense after a divorce, of course the family members themselves, their family, friends and acquaintances first notice this [42, 43]. Sometimes the situation is constantly very tense for all involved and there can be verbal aggression or negation, but also neglect or physical violence [44]. Professionals who, other than in connection with the divorce problems, are incidentally or regularly involved with a child, his parents or the entire family, such as the teacher, childcare, sports coach, general practitioner, etc. contact with the tense relationships [45]. Although these professionals do not primarily have the task of providing assistance with divorce problems, they do have a signaling function. This circle of professionals is mentioned in the four domains in Figure 1.

Below is a list of those involved who (may) come into contact with parents and/or child when there is a problem of partner relationship problems or divorce. After all, the stressed parents and children tell their story in many places. The purpose of this – possibly not even complete – list is to show how many different people can become involved in a complex divorce and can influence it, for the better or for the negative. Research into the influence of the social network shows that this often also splits in the divorce and can have a negative effect on the loss of contact [42, 43]. Research also shows that professionals may find it difficult to remain impartial ('multiple involved'), often out of fear of complaints [46].

Network

- Family
- friends
- Colleagues managers
- Neighbors
- Acquaintances (also through school)
- New family (stepparents etc.)

Education, childcare, sports and hobby clubs

- Sports associations and hobby clubs
- Pedagogical employees childcare and out-of-school care
- Teachers, mentors, internal supervisors, care coordinators, homework supervisors, counselors with specific problems such as dyslexia, autism, giftedness

- School Psychologist, School Social Worker, School Doctor
- School board, board, partnership
- Institutions for children with MID
- Institutions for closed youth care
- Institutions for children with mental health/psychiatric problems

Medical, psychological, pedagogical, social care and special education

- Obstetrician (if the mother is pregnant at the time of divorce or in case of single parenthood), gynaecologist
- maternity care
- Consultation office (if the parents divorce in the first year of the child's life)
- General practitioner, practice nurse (POH), company doctor, school doctor, pediatrician
- Paramedics (speech therapist, physiotherapist, dietician, etc.)
- GGD (youth nurse, youth doctor)
- Psychosocial help for parents and children (parenting support, child coaches, family care, independent behavioral scientists and child psychotherapists, MEE, neighborhood team, youth mental health care)
- Safe Home
- Youth protection and probation
- foster care
- Outpatient psychosocial help for adults (Company doctor, POHGGz, social work, lifestyle coaches, relationship therapists, divorce mediators, primary psychologists, hospital psychologists, psychiatrists, addiction care, debt counseling, forensic mediators, etc.)
- Day and residential psychosocial help for children (Child services centres, rehabilitation centres, day care for young people with mild intellectual disabilities, youth mental health care, institutions for various help needs, etc.)
- Day and residential psychosocial help for adults (GGz, Stay vanm'n Lijfhuizen)
- Special education and youth care surrounding them

Legal, financial and social assistance and enforcement

- National Bureau for Collection of Parental Contributions (LBIO)
- interpreter
- Lawyer
- Family mediator
- Forensic Mediator
- Special curator
- child advocate
- Tax specialist and accountant
- Mortgage lender

- Legal aid and legal counter
- Social welfare work and debt restructuring (municipal officials)
- Housing associations and civil servants involved in housing
- Law enforcement
- The judiciary (also international, in international contact and child abduction)
- Consulates and embassies (in the case of international child abduction)
- Penal institutions

Policy and professional bodies

- Professional associations and their disciplinary boards
- Professional registers and their disciplinary boards
- legislators

The Platform for Separation without Damage [47] introduced this multiplicity and complexity of those involved as follows image:

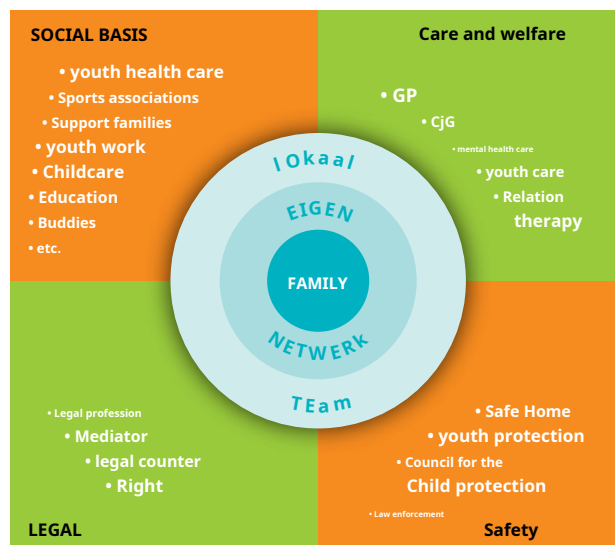


Figure 1. The parties involved, both socially and professionally, in divorced parents

The above makes it clear that a very wide variety of professionals get involved in divorces. Some are in the 'first line', some in the 'second line' and cannot be reached directly by parents. Many institutions are fully paid by the government, but there are also commercial providers of divorce counseling, especially in the voluntary framework. Many are involved in the relatively simple and harmonious divorces, in order to make them run as smoothly as possible [48]. Since the transition in Youth Care in 2015, youth and family coaches in neighborhood teams of the municipality (or Parent and Child Center/Centrum voor Jeugd en Gezin) have also been involved in divorce counseling; as well as the

practice nurses (POH) GGZ at the general practitioner, who then usually supervise one family member. The policy on this point may differ slightly from municipality to municipality.

Complex divorces require additional expert, skilled and experienced professionals. Many of these professionals work as specialists in the 2nd line. The need for specific expertise in complex coping problems (COP) and PA is also apparent from a statement by the Supervisory Board of the Netherlands Institute of Psychologists (NIP), which reprimanded a psychologist who was not qualified enough to conduct research in a case where PA played [49].

3.3 Research resources/methods and interventions

Not only providing help, but also conducting research is a form of intervention [50, 51]. By this we mean that when parents and/or children and/or the social or professional network are discussed during a study, these conversations can lead to a change in the situation of those involved [51]. Research into complex coping problems should at least map out the dynamics underlying the coping problems. A recent publication indicates that a child who cuts off contact with a parent is either abused by that parent or influenced in loyalty by the other parent; in the latter case one speaks of PA [52]. Practice and other research show that there is usually no question of either/or;

Below is an overview of the institutions that play a role in divorce, contact and loss of contact, as well as an overview of possibilities for research and intervention, classified according to the existing institutions. Reports of concerns are first sent to the neighborhood team or to Safe at Home; depending on who makes the report or asks for help. The police can also be involved at an early stage. We adhere to the order of the district team, VT and the police as the first signalers of problems. Then we name the other institutes that could also get involved. It should be noted that experienced lawyers also identify these problems very well, but because of the confidential relationship with their clients, they are not always able to report them. There is now a growing understanding that the supervision of a complex divorce or access case requires specialist knowledge, insight and experience, and that this is an multidisciplinary relationship. This insight arose from a number of developments that have occurred in this area.

District team municipality

Educational support and youth care must be easily accessible and quickly available. Municipalities often organize this through (social) neighborhood teams, neighborhood teams or neighborhood networks, with or without a separate team for youth. These are often multidisciplinary teams with professionals from different institutions. These teams are involved in prevention and support, and often also provide light help and access to specialized help [53].

Safe Home

The Domestic Violence and Child Abuse Reporting Code helps professionals to act adequately in the event of suspicion of domestic violence or child abuse. The reporting code has changed as of 1 January 2019; it is now the professional standard to report to Safe at Home if there are suspicions of acute and structural insecurity [54]. In addition to professionals, victims, perpetrators or bystanders can also contact Safe Home if they suspect child abuse or domestic violence. Safe at Home checks with the caller what is going on and what the caller can do himself. If this is not possible or if the situation is too complex or serious, the caller can make a report. Based on the safety assessment, Safe at Home decides whether to forward the report to a local care provider, or talk to the family or household. In these conversations, Safe Home strives to clarify what is going on and what at least needs to be done to make it safe for everyone again. Safe at home works closely with other institutions and professionals involved in the family or household [55].

Law enforcement

If someone has indications about assault or a sexual offence, they can be reported to the police. The police have sex detectives at their disposal and work together with the Sexual Violence Center [56]. The police can also refer for an examination by a forensic doctor for traces of the perpetrator on the body. The police will explain that there are two routes, the criminal route (via a report) or the civil route (via a report to the police or Safe Home). In the event of non-compliance with visitation agreements included in a court order, a parent can report this to the police and report the withdrawal from parental authority.

Youth protection table

In situations where assistance in the voluntary framework does not lead to the desired solution and there is

insecurity and the development threat of the child, a youth professional (or the municipality) or Safe Home can report to the Youth Protection Table (JBT). This is conform agreements arising from the Youth Act. In any case, the reporter, the parents and the Child Protection Board (RvdK) are seated at the table. If help is already involved in the family, it is usually also at the table. The JBT consults on what is needed to stop the development threat or to improve the child's situation. It can request the RvdK for further investigation.

Child Protection Board

The JBT can decide to investigate the need for a child protection measure by the RvdK. The RvdK conducts investigations from an independent position, makes use of the information from the report and conducts interviews with parents, children and informants. In the event of a serious development threat and insufficient results with assistance in the voluntary framework, the RvdK can request the juvenile court judge to place the child under supervision. After pronouncing the OTS, a Certified Institution (GI) is appointed (see explanation about GI below).

Another entry point for an investigation by the Board is the request of the juvenile court judge for advice in a procedure concerning Authority & Intercourse. The research plan is tailor-made; the implementation is multidisciplinary. For example, the research can involve the use of a network consultation as a solution-oriented intervention. If there is insecurity and/or a serious development threat to the child, the RvdK will expand the investigation to include the question of whether a child protection measure is necessary. The council investigation is a so-called status investigation, the case is closed after the advice.

The conclusions and advice on the intervention(s) to improve the child's situation are based on *two foundations*:

1. *pedagogical* considerations: what concerns are there about this child and what is needed to allay those concerns?
2. *legal* considerations: are there grounds for deciding to advise, for example: a petition for a supervision order, a certain contact arrangement or a certain change in authority or care and parenting tasks (Quality Framework RvdK 2020).

Court of law

Under current law, any judge may conduct divorce cases; there are no requirements for specialization on the part of the judge. The judge decides in divorce cases

and in proceedings that parents conduct about the care of their children in matters such as: custody of a child; the division of care and parenting tasks between the parents; the primary residence of the child; a contact arrangement for the child and the parent with whom it does not live; the information and consultation obligation of the custodial parent to the other parent; the recognition of a child by the biological father, if the mother does not want this and the alimony. In November 2020, the House of Representatives voted in favor of the bill that both biological parents automatically have parental authority after birth [57].

During the hearing, the judge uses the hearing time to move parents (and lawyers) towards a solution. The judge can make a decision immediately, refer to assistance, propose mediation and refer parents to it, appoint a guardian ad litem or an expert, initiate forensic mediation/parenting investigation or request an investigation by the Board.

It can happen that parents are involved in a procedure or several proceedings before the court and in a care process in the same period of time. Parents then have conversations about the same problems with different professionals from different fields. For example, with both the lawyer/mediator and the youth professional and/or your own psychologist. If parents oppose each other, and as a result sometimes also the professionals, information can remain in their own files, which can lead to the information being made available to the court in a fragmented way. If a court has to rule on the above cases, the judge can ask the RvdK for advice during the hearing, or for further investigation (Triage & Advice at the hearing). The RvdK is legally authorized to obtain information from third parties for the purpose of its investigation. If the RvdK was already involved from the Youth Protection Table, the RvdK also uses this information. Whereas in the past there were many parallel proceedings at the court (contact, alimony, division, parties can hold each other hostage for years in proceedings), the starting point is now that the aim is to bring all issues together in one court and to resolve them. The number of cases and hearings can thus be reduced to what is really necessary. parties can hold each other hostage in proceedings for years), the starting point is now that the aim is to bring all issues together in one judge and to resolve them. The number of cases and hearings can thus be reduced to what is really necessary. parties can hold each other hostage in proceedings for years), the starting point is now that the aim is to bring all issues together in one judge and to resolve them. The number of cases and hearings can thus be reduced to what is really necessary.

Initiative from the judiciary - uniform assistance offer

In recent years (since 2017), the judiciary, together with (cooperating) municipalities and the Child Protection Board, has focused on the development of a uniform range of care from which parents and children throughout the Netherlands can benefit during or after divorce. For large parts of the country,

Agreements have since been made, so that we can speak of an increasingly regionally adequate and available range of assistance, varying from light support to intensive supervision or treatment.

Family and Juvenile Lawyer

To make a request to the court, parents need a lawyer. Lawyers play an important role in informing and guiding parents and in de-escalating a conflict between parents. Under current law, any lawyer may conduct divorce cases; there are no requirements for the lawyer's specialization. The lawyers, united in the Association of Family Lawyers and Divorce Mediators (vFAS), are subject to additional requirements. The lawyer's activities can be regarded as a form of investigation and intervention; not in a behavioral science sense, but in a legal sense.

Certified Institution - Youth Protection

Within the Youth Protection, since 2015 Certified Institution (GI), the execution of orders of the juvenile court is supervised. This means: supporting and guiding parents and children in, for example, treatment processes by GGZ and/or youth help, including youth GGZ. And if necessary, a GI can give parents a clue. The supervision statement (OTS) (Article 1:255 of the Dutch Civil Code) is the most common child protection measure [58]. The purpose of the OTS is to protect children whose development is threatened or who are at risk for safety. There is a problematic divorce in approximately 60-70% of the OTSs [59].

The GI supervises the family for one year initially, with the possibility of extension. A certified institution can also carry out research or have it carried out. In incidental situations, it conducts a status investigation itself. The GI often refers to assistance, assuming that relevant status and process investigations are carried out.

Special curator

The guardian ad litem represents the child in and out of court. When the children are the subject of a struggle between the parents and are trapped between the parents, the judge may appoint a guardian ad litem pursuant to art. 1:250 BW who represents their interests. This is done on the basis of an appointment with job description by the judge. Such an appointment can be made, particularly in disputes in the field of care and contact between parents with a significant impact on the child. That happened in

the past not so often. In 2014, the Ombudsman for Children drew attention to the position of the child during and after divorce and suggested that a guardian ad litem deserved more attention. The recommendations of the Ombudsman for Children have led to a pilot in court:

Pilot guardian ad litem/behaviourist in court.

The aim of this study was to test the effectiveness of the deployment of psychologists and remedial educationalists as guardians ad litem (instead of what was customary: the lawyer). This one *pilot* has been evaluated by Bureau van Montfoort [60].

Expert research

The judge may appoint an expert to investigate and report if the judge believes that he or she lacks knowledge that is relevant to the decision on the dispute. A report may also be necessary because a party is allowed to provide evidence to the contrary [32].

mediation

Psychosocial counseling in the event of divorce has started slowly since 1975. Wonmediation ground from 1990. This is a procedure in which the parties (in this case usually the parents) commit themselves in the event of a conflict, under the guidance of the mediator, within the framework of a set of rules, based on their real interests, to arrive at a solution that is acceptable and sustainable to both parties. solution to their issue. Mediation can prevent costly and lengthy legal proceedings and aims to mitigate conflict, limit escalation and promote cooperation. It is an alternative form of dispute resolution that in the early years was mainly practiced by lawyers and social professionals. Mediation is an intervention and the mediator examines how his intervention can be effective. He lays down the agreements in writing for the parties. In 2002, a group of psychologists, pedagogues and psychotherapists started doing this. Mediation is a liberal profession. In 2012, the professional association MfN established a specialization in family mediation. In practice, there is the impression that mediation is not an effective intervention in complex system problems and/or in severe forms of PA. However, figures on this are lacking.

ForensicMediation/Parenting Investigation

In 2002 the training for Forensic Mediator (FM) started [61] with the aim of having academically trained lawyers and behavioral scientists conduct so-called parenting research on behalf of courts and tribunals, if necessary in a duo-disciplinary manner. Unlike mediation, the report of the Forensic Mediator

information to judges about, on the one hand, the possible underlying factors that may underlie the problems between the parents, and, on the other hand, the potential for and between parents to tackle the (underlying) problems voluntarily. Like the Child Protection Board, the FM carries out status investigations. The FM also conducts process research. In addition to that, some also conduct diagnostic tests. The results of the studies have been evaluated [62, 63], we refer to these publications for the findings. Later on, financial experts could also become Forensic Mediators. Nationally, the number of Forensic Mediators is limited and funding from the judiciary is not stable/continuous.

Specific research methods on domestic violence

In the Netherlands, there are a number of specific research tools that professionals can use to gain insight into the dynamics of intercourse problems. The MASIC can be administered, for example, to investigate whether and to what extent domestic violence in the (recent) past plays a role between ex partners; a screening tool of security aspects in partner violence [64, 65]. An instrument that can be used in estimating the risk of child abuse and neglect is the ARIJ [64]. There is also the NICHHD protocol, a forensic child interview for fact-finding in all forms of child abuse, including in the case of conflict divorces where children experience quarrels and possibly partner abuse from (one of) their parents.

Knowledge about effective research methods

Overall, with regard to the possible research methods mentioned by us: there is no scientific substantiation that shows that research can prevent or solve the problem in complex coping problems, including PA. At the same time, it is generally acknowledged from practice and science that treatment should be preceded by research [51].

Child check in the GGZ

A specific step-by-step plan has been introduced within adult mental health care and addiction care. If a therapist suspects that a client's situation may pose risks for children who depend on him or her, the therapist will follow the steps of the Child Check together with the client. If there are many risks, the next step is to follow the Domestic Violence and Child Abuse Reporting Code. The steps of the Reporting Code are aimed at (letting) clarify the situation in which the children actually find themselves.

investigations and, if necessary, organize (more) appropriate help for all those involved. (see Safe Home). From 1 January 2019, professionals will use an assessment framework (Reporting Code Assessment Framework) in steps 4 and 5 of the reporting code, which supports them in considering whether there are suspicions of serious child abuse or domestic violence and in decision-making about the next steps [66].

Parent/family interventions within youth care and mental health care

Aid organizations and independently established professionals have developed and implemented an enormous diversity of interventions in recent years, some of which have been studied for their effectiveness, such as *Parenting Remains*, *Children Out of the Crush*. There are a few effective or promising interventions for complex divorce and complex contact issues (see Divorce Directive, 2020), but it is unknown how applicable and effective they are in the large diversity of divorce families and individuals. The same goes for PA. See also this section for interventions in PA.

Often the focus of interventions is on restoring cooperation between parents and improving communication between parents. In the most complex cases, it appears that this focus is insufficiently effective. First, it seems necessary to treat underlying problems. Several alternative interventions have been developed to shape communication between parents without having direct contact with each other. These focus on so-called parallel parenting rather than cooperative parenting. With this method, a professional temporarily helps to channel the communication – which is dysfunctional between parents – and to focus only on their own parenting situation. In principle, it is intended that this is temporary.

[67]. Effects of parallel parenting are not yet known.

There is also no known study examining the question of whether parallel parenting in PA is an appropriate intervention.

Community Centers and Assisted Intercourse Programs

Rehabilitation centers and programs for supervised visitation have been set up especially for the continuation or recovery of the parent-child relationship after divorce. Sometimes these are carried out by and within the youth protection system, sometimes also in a voluntary framework. From exploratory research

In relation to access facilities and access centers in the Netherlands, it appears that the availability and coverage of access facilities is sufficiently guaranteed in the youth care regions. The interpretation of 'the access provision' is diverse. In-depth research into this 0 measurement is necessary; the report does not provide information about the effectiveness of the access facility; for conclusions and recommendations we refer to the report [68].

Interventions aimed at the child

Since 1998, enthusiastic social and psychological professionals have developed group programs for children from 8 years old, aimed at processing and adaptation. Examples are: *brave dinosaurs* or CHOOSE (*Children In Divorce Situations*).

In recent years, various initiatives have also been developed aimed at supporting the individual child in a divorce situation, such as: *JIM*, *Villa Pinedo*, *The Child Advocates*. For an overview, reference is made to the Divorce Directive [69]. There is some scientific evidence of effective interventions for both group programs and individual support, but not specifically when it comes to complex coping problems and/or PA.

Developments within behavioral science professions regarding knowledge and skills

Recently, P3NL, the Federation of Professional Associations for Psychologists, Pedagogues and Psychotherapists, concluded that there is insufficient knowledge about (among other things): what effective elements are in treatment, which factors predict partial remission, dropout and nonresponse, how we use interventions can adapt for people with an MID (mild intellectual disability) and/or AA (alcohol dependence), which is an effective form of couples therapy for personality disorders and which elements in effective treatment are effective for children and young people [70]. The knowledge gaps mentioned here are certainly also relevant when it comes to interventions in COP and PA.

The professional groups represented in P3NL have also recently established that behavioral science professionals must have at least 4+2 years of vocational training plus the necessary specialization, peer supervision, supervision and work experience to be allowed to treat themselves with complex, multiple problems and then also interdisciplinary and have to work in a team [70]. These standpoints are of course applicable to complex divorce and complex contact problems, including PA. This calls the

ask what this means for research and treatment by Forensic Mediators, Special Curators, behavioral scientists, council investigators, youth professionals at the Youth Protection and Youth and family professionals at the social teams in the municipalities.

Government developments

The judiciary and the care sector aim to 'dejuridize' (taking this conflict primarily from the legal sphere out of the legal sphere), to build a bridge between care and law, to create a more common language among the disciplines involved and to promote inter and multidisciplinary collaboration. Difficult tasks, which are partly leading up to the transition to Youth Care 2015, where programs such as *take care of the youth*, and

Violence Belongs Nowhere.

In September 2016, the government started the Divorce Challenge (after the Recourt motion in the House of Representatives): a call to the whole of the Netherlands to submit ideas to prevent problematic divorces and thus limit the adverse effects of divorce on children. More than 500 entries were received. Five frontrunners were appointed to develop their submitted ideas. In September 2017, the Platform for Divorce Without Damage started: André Rouvoet became independent chairman and was allowed to set up a platform with various parties involved in divorce, such as the legal profession, the judiciary, assistance, child protection, municipalities, scientists and social organizations, including experts by experience. The assignment was to work out solutions to limit the damage that children experience in divorce. *Action agenda Divorce without Damage: Divorce... and what about the children?* [71]. With 40 action points spread over the five phases in parenthood and divorce.

In the summer of 2018, the program started with four projects, namely project Regiolabs, Parenthood and Prevention, Professionalization and Child Support Figure. Project Regiolabs started in the summer of 2019 in two districts (Haaglanden and OostBrabant). This is where the development of a Divorce Desk, an alternative divorce procedure and family representation takes place. The pilot with the alternative divorce procedure will start in the first quarter of 2021. An initiative of Scheiden Zonder Schade has led to a pilot within the courts of East Brabant and The Hague in which parents are encouraged to submit their points of dispute to the court in one document, to promote a dialogue about the standing of the judge instead of the traditional debate.

Recent studies commissioned by the government

Various studies have been carried out on behalf of the government in recent years:

Compliance with contact/access arrangements after divorce

(2019, MV Antokolskaia, CG Jeppesen de Boer, GCAM Ruitenbergh, WM Schrama, E. van der Valk and P. Vrolijk)

This research concerns the fulfillment of agreements about contact/contact between minor children and parents after divorce. The background of this research is the legislator's aim to reduce the negative consequences of complex divorces for children and parents through legislation and policy.

Child in process: from communication to effective participation

(2020, MR Bruning, DJH Smeets, KGA Bolscher, JS Peper and R. De Boer)

The procedural position and the right to be heard of minors in family and juvenile proceedings are central to this.

Including the conclusions to improve informal access to justice for young people and to lower the age to 8 years.

Contact arrangements between parents after divorce

(2020, S. Berends and L. Buimer)

Research into the question of whether the interests of children and parents are served after divorce with a 50/50 principle that the rights and duties of care are equally distributed among parents.

The conclusion is that it is unlikely that a 50/50 arrangement will improve communication and/or cooperation between parents or reduce the number of incidents, while this appears to be a precondition for successful co-parenting.

Research triage (complex) divorce issues

(2020, A. Ogink, H. Gijzel, V. vanDijk from KPMG on behalf of the Ministry of Health, Welfare and Sport)

Although risk assessment instruments are increasingly being used in the forensic psychiatric field, the discussion about the value and usefulness of these instruments is still ongoing. This research involves a number of triage instruments that are most commonly used in the Netherlands for risk assessment in complex divorce issues. The conclusion is that the working method must suit the local context and the parties involved and that the development of a shared vision and language is important in this regard. A good practice does not stand or fall with the use of one instrument, but with training, cooperation and coaching around its use. The use of such instruments, as well as testing the effectiveness of their use, is recommended.

Social Services: Exploratory research into parental facilities and parental homes

(2020, J. Veldhuyzen and B. den Outer)

Conducted an exploratory study into the organization and funding of access facilities, including access homes. Part of the conclusion is that the right of access for children and parents is laid down and guaranteed by law, but that this is not always a matter of course. Where contact is facilitated by means of a visitation arrangement, by a visitation facility or at a visitation house, there is no unambiguous definition of these terms and the interpretation is very different at regional level and sometimes even at municipal level.

Cost analysis of complex separations

(2020, M. Batterink, N. Bilo, W. Jongebreur and G. Van der MaasVos)

The financial consequences of a complex divorce can be large and diverse. This research provides insight into the costs of a complex divorce. What does such a separation cost, which cost items are the basis for this, who is financially responsible for which cost items and what numbers are we talking about? With this and in addition, the cost analysis provides insight into the benefits if such a complex separation can be prevented.

Reporting of qualitative research

(2020, Mare)

The research provides insight into the experiences and needs of parents and children (of divorced parents) during the different phases of parenthood and divorce. This shows, among other things, that the level of knowledge of divorce processes is generally low and the emotional experience high. It is striking that the beginning of the relationship problems is usually not seen or recognized as the beginning of the divorce process. People also experience a lack of overview during the divorce. From the moment a divorce becomes a real option, there is a need among parents for information and guidance. Children report that it is precisely they who may have difficulty identifying and naming their needs during the divorce process and that guidance in this regard was desirable afterwards.

3.4 The (international) literature on interventions at PA

Primary prevention

Protective Factors against the development of contact loss and PA are regular contact with both parents [18, 72, 73] and a respected parenting plan [74]. Co-parenting, an approximately equal distribution of parenting time between parents, is also a protective factor against PA [75, 76].

The former Ombudsman for Children [6] states that not only quantitative aspects (how many days of contact) but also qualitative aspects should be included in a parenting plan. For example, parents in Australia are advised to have their parenting plans perpetuated by the courts [77].

Spontaneous recovery

Before going into the existing interventions for PA, it should be noted that research shows under what circumstances spontaneous recovery of contact loss can occur [7881]. For example, when children grow up and become less dependent on the care of the parent they have chosen, they can look at their parents with more distance. This can provide insight into the character and the loyalty-influencing behavior of the parent, which can create room for nuances in the monster image and reduce black-and-white thinking. With the birth of their own children, the adult children can become aware of the importance of grandparenting, but they can also realize how sad they themselves would be if they did not see this child again.

The aforementioned studies also indicate that the death of the loyalty-influencing parent does not contribute to spontaneous recovery.

Contact recovery

Four aspects are necessary in recovering from a deteriorated parent-child relationship, with quantitatively limited parent-child contact and with successful reunification of the child and the excluded parent [82]:

- 1) Interventions should be aimed at protecting the child against loyalty-influencing behaviour. Efforts must be made to change the behavior of the loyalty-influencing parent. This person must become aware of the effect of her or his behavior on the child's sense of loyalty and of the long-term effects of PA.
- 2) In addition, work should be done on the child's resilience; it must (again) learn to think, feel and perceive well independently.

- 3) Efforts must also be made to improve the relationship between the excluded parent and the child: parent and child must be guided in this by the social services.
- 4) It is important that parents are willing and able to work on themselves. Psychoeducation can be a good resource if all three aspects mentioned above are also met.

In practice, one encounters an obstacle to reunification, namely the (sometimes confirmed) belief that access can be prevented through legal process or that sole custody can be acquired [83].

Interventions for complex coping problems

Existing 'evidence based' interventions examined for effectiveness can be used in complex divorces and complex coping problems. For example, we think of:

- **Emotion regulation** [84]: guidance in (visibly) expressed and (underlying) experienced processes in parents.
- **Cognitive behavioral therapy** [85, 86]: understanding thoughts, feelings and behavior, and changing dysfunctional behavior in a constructive way.
- **Acceptance and Commitment Therapy** [87, 88]: adjusting one's own behavior, rather than trying to control the behavior of the other parent or control environmental factors that cannot be directly influenced.
- **Relational Frame Theory** [89] focuses on understanding how we learn from our own experiences and the risk of incorrectly connecting our past experiences with conclusions in the present: 'relational framing'.

Interventions in mild and moderate PA

As mentioned, the interventions mentioned in the previous section can be used in PA. In addition, mediation can also be used for mild and moderate PA (when the contact rupture is incomplete or is caused by communication problems and manipulative behavior of which the parent is not aware [90]. We add that the mediation must be performed by well-informed and registered professionals. In 2014, the Ombudsman for Children [6] proposed to our government to make mediation mandatory (and subsidized).

Interventions in severe PA

In the USA, professionals indicate [91, 92] that granting guardianship to the excluded parent is the only solution for severe PA (in which a child

resolutely refuses to see the other parent and this is the result of conscious manipulative behavior by the parent it is staying with). Taking into account the Dutch situation, we can translate this into the view that the main residence is awarded to the parent with whom the loss of contact has occurred, or that sole custody is awarded to that parent. A condition for this is that the parent (with whom contact was lost) is able to take good care of the child and, where possible, establish contact with the loyalty-influencing parent and be a safe attachment figure for the child [93]. Research from the USA indicates that this approach can work [94, 95]; this is also apparent from a review [82]. If children with severe PA continue to live with the loyalty-influencing parent, they completely exclude the other parent. The court's enforcement of access while the child continues to live with the loyalty-influencing parent only partially works. If the child maintains too much contact with the loyalty-influencing parent, the child remains restless and sad, the child reverts to his or her rejection of the parent [96].

In practice in the Netherlands we see that professionals see it as a traumatic intervention to separate the child from the parent influencing loyalty. It is unknown what the effect of this intervention is in the Dutch situations of PA. As far as we know, this intervention is not often used in the Netherlands. Professionals in the USA who *Family Bridges* – or professionals who carry out similar methodologies, such as the *Attachment Based 'Parental Alienation'* intervention [100], or the intervention of the *Family Separation Clinic* in the UK [101] – also experienced that placing the children with the parent with whom the loss of contact had occurred can generate resistance among professionals. For example, there is a legal response in the USA to Family Bridges that states that it is too early to conclude that PA is the cause of the contact loss [52]. This publication also states that the intervention can indeed be traumatic [52].

This method has been worked out in the USA and has been applied there since 2010 [97]. Behavioral research in the USA into the method, in the most serious cases where other interventions have not worked, shows that the method has an effect in restoring the attachment bond with the parent with whom contact loss had occurred [98, 99]. In view of this discussion, the expert team believes that further behavioral science research into these forms of intervention is required. Two of these interventions are briefly described below.

Family Bridges

Warshak [99] has his intervention in 2018 '*Family Bridges*' examined in 83 severe PA cases. In this intervention, the professional guides the children and outside closed parents four days internally: the children are not in contact with the loyalty-influencing parent during that period. The results show that more than 75% of the children no longer exhibited PA characteristic behavior after the intervention. Despite the resistance that almost all children showed at the start of the intervention to the idea of reuniting with the excluded parent, almost all children gave a good assessment of the intervention afterwards.

The methods mentioned by Warshak and Woodall and Woodall often arouse emotional resistance in professionals, as mentioned above. They fear that the children will be seriously harmed. Against this, Woodall and Woodall argue that in severe PA the patterns in the family harm the child and that severe PA is a form of child abuse. Intervening, when all other help proves impossible, is a last but necessary remedy. In both methods, they underline the need for well-trained and informed professionals and the need to carefully check whether the excluded parent indeed offers a safe parenting climate.

Family Separation Clinic

Woodall and Woodall [101] have developed several methods of successful reunification in their '*Family Separation Clinic*'. These methods vary from reunification where they provide assistance, often at the behest of the court. They will implement this intervention immediately after the verdict. Waiting for the child to indicate that they are open to it, they see as unfeasible. After all, precious time will pass. They follow this method in milder cases, and in those cases where both parents display loyalty-influencing behaviour; the hybrid PA they mentioned. In severe PA, if the court has also ruled that the child's development is seriously threatened and if reunification assistance does not work, they perform a forced reunification. The child is then reunited with the excluded parent, supervised by Woodall and Woodall, during a fixed period.

Change of primary residence

The Supreme Court has ruled that changing a primary residence by means of a custodial placement can be a remedy if all other help proves to be impossible. This can also possibly be combined with granting sole custody to the (previously) excluded parent [103]. In these interventions, somewhat related to the two methods described above, well-trained and informed professionals are of value [101]. Here too, further scientific research into the effects is desirable.

Not recommended interventions in PA: 'rest areas'

With its advice, the expert team parental alienation wants to contribute to the use of appropriate interventions in the Netherlands. This also calls for attention to practices that have clearly shown that they do not work or even have the opposite effect. It is now clear that granting rest (by stopping contact with the excluded parent) is an intervention that often leads to aggravation of the contact problem [96]. Rest that offers a false rest for the child, whereby the child is deprived of a parent. It gives the child (and also the social environment) time to internalize the manipulative behavior of the loyalty-influencing parent and thus reduces the chance of relationship recovery. Rest is also no longer endorsed by recent scientific research published in 2019 [102].

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4. How do parents and children experience parental alienation/ loss of contact

The voice of experts by experience (both parents and children) has been important for the expert team to come up with recommendations on the subject of parental alienation/complex contact problems. The expert team asked the Triqs measurement agency whether it could conduct a survey among 'experience experts', with the main question being whether they could tell something about solutions from their own experience and perspective. After consultation between the expert team and Triqs (in particular the director and the scientific advisor), an agreement was concluded for the execution of the research. It was agreed that experts by experience could be both parents and children and, as regards the parents, both parents who have contact with lost the child if they kept in touch.

The text that follows is a summary of parts of chapter 8 of the Triqs onderzoek research report (can be found in the appendices to this advisory report). For a full text, including all tables referenced below, with all comments made regarding the validity of the Triqs study, please refer to the full study report.

4.1 THE PARENT'S PERSPECTIVE

199 parents participated in the study, including 158 contact losers, divided between 114 men and 44 women. The vast majority of parents were a losing father (about 60%) or mother (about 25%). The average age of the respondents was 48 years, the majority 36-45 years. In 75% of the cases, the oldest child is younger than 12 at the time of the divorce. In 15% of the families the family composition was different, eg a blended family. The respondents are representative from all provinces of the Netherlands (table 9). A divorce has major consequences for employment and presumably – this was not further questioned, but it has often been investigated – for the income position (tables 10 and 11). Work is added (more mothers), and work is lost (more fathers). Of the parents who experienced contact loss, 20% lost their job. Parents who maintained contact only in 12%.

Taking into account the gender difference in labor participation, contact-losing parents have a 1.7 to 2 times greater chance of job loss compared to contact holders. An important factor is recognition and authority. Nowadays, recognition by the father often also leads to a parental relationship.

It used to be less, and that is a factor that plays a role in the figures. Fathers with loss of contact relatively often (25%) have no authority, even if the child is recognized (20% vs. 5%). There is a law imminent that will allow this to happen legally. No authority limits the legal possibilities to enforce a parental role. Almost all mothers had the authority.

Development of contact loss

Loss of contact usually develops some time after the divorce. But even though the loss can last for years, it is often not permanent. More often it is a dynamic situation with a long time axis. In 15% of the contact-losing fathers and mothers (first child if contact loss) there is 'good contact' again; if you also include 'reasonably good contact', then 20% is fair or good. If contact loss occurs in the second or third child, the chance of recovery to good or reasonably good is even greater.

The situation is subtle. Often, in several children, the relations of parents with the children are 'communicating vessels': when a child restores contact with parent A, the relationship with parent B deteriorates, but often the relationships between another child and parent A and B also change.

Loading Factors

Loss of contact doesn't come alone. According to the parents (and it appears elsewhere, also according to the children) there are many circumstances and developments after the divorce that not only make the case complex, but also keep it complex.

The most burdensome things are (according to fathers who lost contact with their child):

- Crying, fits of rage, strong depressive feelings on the part of one of the parents; 66%
- Youth care/judge intervention (by far the most common) [active role loss of contact; 64%]
- New relationship of one of the parents (with living together); 56%
- School problems / failure of one of the children; 46%
- New relationship of one of the parents (without living together); 43%

In women/mothers with loss of contact, the following situations seem to occur most often:

- New relationship of one of the parents (without living together); 73%!

- Crying, fits of rage, strong depressive feelings on the part of one of the parents; 69%
- Domestic violence (referred to as yelling, threatening, hitting) between the parents; 57%
- New relationship of one of the parents (WITH living together); 56%
- Youth care/judge intervention; 56% (for details see further table 2122).

It is striking that safety issues surrounding a child (child domestic violence, running away) are mentioned relatively little by these parents. Both men and women often report emotional reactions, (2/3), and quiet withdrawal (1/3). The open questions provided more information about the process associated with loss of contact, which can largely be described as parent interactions in a complex divorce: sabotage and slander towards the other, (alleged) failure to function in a parental role, domestic violence against other parent. The extensive texts of almost all parents give the impression of a primarily psychological struggle. Anger and impotence are the source of the domestic violence, which usually does not target the child.

Consequences for child according to parents

Child consequences are signaled by all parents, including contact holders. There are frequent serious consequences, in all dimensions of development and health. School absenteeism, concentration problems at school, poorer school performance; social skills towards other children, mood swings, sleeping problems. Less common: premature sexual relations, debt, or an unhealthy lifestyle. There are no data for the youngest age group.

About 50% of the children also have a disturbed relationship with the other children. About two-thirds of the children choose education/profession in the field of law/psychology, etc. This is confirmed in the child survey. Nearly all children experience problems entering into stable relationships, and two-thirds having problems wanting children.

What were the parent's experiences with care so far

In the survey, this is distinguished according to a few anchor moments: before the separation, during the separation, during the loss of contact, and when the intention is to restore contact. Furthermore, a distinction is made between the own network, the professional network and more anonymous fellow sufferers/ internet.

Perhaps the most important finding is that men or women, male or female, do not seek clearance help at any stage,

and in so far as one is looking for one, relatively often hits the nose, with their own network and with professionals.

Before the divorce, respondents in their own network most often ask for help from their own family and friends. And they also help. The ex-partner's family and friends side with the other. Friends are at least as important as one's own family. All network persons are also partly involved in the family, but no one seems to focus on the child. The limited role of the social network (acquaintances of church/faith group/association; this is sometimes dismissive instead of supportive. It is also an open question whether the social network cannot play a supportive role or finds it inappropriate. and the Internet played no or only a limited role in the time before the breakup. In the professional network, little help was requested and offered: the general practitioner and care provider from the psychologist's practice/psychiatrist play the largest role, which can be important in early identification. 28% of the respondents indicate that they have asked for help from a (relationship) therapist; in this phase there is openness to be helped with the relationship problem, early detection would also be conceivable here. Finally, it is striking that 72% wanted to ask for help regarding the divorce, but that in 31% the ex-partner did not want to cooperate.

During the divorce, family and friend help increase sharply. Still hardly any help from acquaintances of the church / faith group or interest group / peer group. The GP is an important part of professional help. 20% received help from the GP and 6% of the ex-partners received help from the GP (possibly more, but unknown to the respondent). The GP also helped the entire family in 9%. The open questions and during the focus group meetings also show that the general practitioner has a much larger (often non-medical!) role in complex divorces than one would assume from his place in the process and literature. Usually the GP is the family doctor, with a relationship of trust with both parents and the children. This can sometimes cause problems if one of the parents involves the GP in the conflict by reporting domestic or sexual violence by invoking the reporting code. It is also complicated that the child can only go to the doctor with a parent.

Social work plays a slightly greater role in the period during the divorce, but child protection/youth care, if involved, mainly helps the ex-partner (with the child) or the whole family, but not

the respondent himself. Perhaps most striking is that there was hardly any help for the child during the divorce. That is also the child's experience. During the focus group meetings, it was repeatedly pointed out, also by the children themselves (now young adults), that child protection/youth care is perceived as not aimed at the child, but aimed at the parents themselves or at the parent who kept the child.

For possible solutions it is important to know what help is needed. There appears to be a great need for help in enforcing agreements/rules and neutral advice for the child/family (RvK, JB, and youth care are not experienced as neutral). Help is found to be lacking in quantity and quality, but they also often indicate no help at all to ask: there seems to be a threshold or to be experienced. Falling short in help: 1. Judiciary, 2. Aid agencies for the children, 3. Lawyer/mediator, 4. Safe at home (by going along with accusations instead of properly sorting them out), 5. Police/neighbourhood team. That deficit is due to: too late, too biased, too little attention to parental role (report mark 3.5).

At the time of the permanent loss of contact with the child, the help pattern is similar to that at the time of the divorce, but more pronounced: of the own network, family and friends helped the most (both parents who lost contact and those who kept contact, 75% of the respondents), the ex-partner's family is completely out of the picture, also for the child. In addition to the lawyer (1/2 of the persons), care professionals such as the general practitioner and the psychosocial care provider play an important (positive) role in the professional network, but youth care does not play an important role or an undesirable one. More generally, it is noticeable that many social workers are not called in, whereby it is important that opposition from the ex-partner plays an important role in this – the respondent is therefore willing to help. Especially in this phase, help is still requested outside the official circuit. There is a great need for a one-stop shop, but 75% expect the ex-partner not to cooperate. In this phase, the internet is extremely important: 89% visit websites for information and/or help. Also for contact with fellow sufferers.

During this period, help for the child is limited, and especially from the professionals.

The help falls short in a similar way as during the divorce, with slightly different accents, and the average score for it is a 2 (two).

What could have been better in your own network

Family and friends, 29% report, could or should not have done much differently, but the rest should have contributed to a less severe loyalty conflict (27%), and should have supported more (18%) (table 51). Almost all contact-losing parents indicate that they could have done better themselves. The main thing is that people would have liked to steer much faster towards a legal approach (because of authority and size), not waiting to see if things will work out. According to the focus groups, people often waited to avoid further disturbing the atmosphere and to spare the child because legal procedures are burdensome for the child. People blame themselves for having believed the promises of the ex and youth care. As a point for improvement for themselves, 'going in less emotionally' is mentioned.

In the focus group meetings, contact-losing parents were particularly disappointed in authorities. As one father-parent put it: 'If you show your deep desire for the parental role and take action for it, you are aggressive, threatening and typically one man; if you wait, keep your distance to spare the child and let authorities do their job, then you are not interested, focused on work, and also typically one man; whatever you do, you are unfit to play the parental role.'

According to these parents, a central point for improvement is the role played by the ex: the contribution to the conflict of loyalty, whereby others in the network are also drawn in, including the other children if there are any, and making it impossible to seek help together. A recurring point for improvement in the open questions is the failure to provide incorrect information by the ex-partner to the judge, youth care and social workers. The latter often turn primarily to the parent with whom the child is (in the eyes of the respondent) and do not check claims further. This is mainly experienced as a problem because action is often first taken on the basis of that information; if it later turns out that it is incorrect, there are no sanctions and the situation often remains as it is (including the suspicious position for the contact loser).

What could have been better in the professional network

The following applies to all professionals (table 57): better fact-finding (and acting on it; no prejudices about mothers and fathers), more expertise, and using different principles in judicial proceedings. School can do much more in all directions. School has everyone's trust, make use of it.

Other professionals have to work faster and more professionally in the research/diagnosis phase. It is striking that experts by experience never relate the lack of expertise to the lack of effective interventions. It is always about research/diagnosis and professional bias.

The legal/child protection/youth care world as a cluster has been criticized for both bias and impenetrability.

What were the strengths of the aid achieved

In their own network, it is especially appreciated if they cared about the child. Sometimes an ex is mentioned here who did well. By far the most positive reports are about school, and earlier in the survey about the GP.

Solution directions according to parents

The starting points for the solution via theorems were first looked at (table 68):

- Imposing coercive measures in the event of refusal/ training research/diagnosis or recommended therapy (91% find this rule important, of which 85% is very important).
- The right to *second opinion* outside the organizations involved in the case, in the case of a judgment by RvK, JB, youth care, etc. (87% consider this rule important, 80% of which is very important).
- The use of a 50/50 principle with regard to the interpretation of the parental role, which – according to texts on open answers at the beginning of the survey – is slightly different from the current 'equivalent' principle, which the judiciary and other parties also count on one to two weekend days every two weeks (87% find this rule important, 79% of which are very important).

These suggestions for features of the solution direction are about material changes in the process to make it 'fair', effectively equal rights for fathers and mothers. This instead of the situation that formally assumes equality, but that is not the case in practice, even if both parties can use a lawyer. A further suggestion, however not strongly supported by contact holders, is not to place the child in advance, during the study, with the parent who has/keeps the child at that moment (de facto presumably >80% the mother).

The figures, the experiences in focus group research and, for example, the response patterns to the statements, suggest that

loss of contact by the man/father two reinforcing mechanisms play a role, namely emancipatory problems between the partners and strengthening of the woman's position in complex divorces through a praxis aimed at the mother.

Much importance is attached to solutions that increase rule effectiveness and render it neutral, much less to therapeutic methods or methods that require a form of cooperation between ex-partners that turns out to be unfeasible.

Contact recovery

In the case of parents who completely lost contact, contact recovery occurs in a relevant proportion. Roughly 80% of the fathers have now definitively lost contact, the rest have recovered or were at least somewhat present. The proportions are about the same for mothers. With help, two-thirds of the parents want to explore whether contact recovery is possible at a later stage, although they do expect a different bond than there would normally have been ('end well, half well').

4.2 THE CHILD'S PERSPECTIVE

Thirty children participated in the survey, 27 of which were women. At the time of the divorce, their age was more or less evenly distributed over the range 418 years, with approximately 30% age 611 years and 30% age 1215 years. These children do not often report a large age difference between the parents, but they do report a large educational difference (about 25%). Details were not asked, so it is not certain whether it is the same pattern as in the elderly survey.

The children themselves have an education level that seems to be average compared to the Netherlands. Half of the children work, the rest mostly follow an education.

The geographical origin is similar to that of the parents.

At the time of the survey, the children were of age, mostly young adults. For the sake of unambiguous communication, we call these respondents 'child', because the child's perspective is central.

The children are more likely than the parents to report that the divorce was unexpected, but 40% were not completely surprised. The children were very touched by the divorce: 86% very sad, in two thirds of the children there were feelings of anger and powerlessness, of disbelief, and also that it was not true. Only 20% were relieved, more often they felt guilty (29%).

The child was carefully asked if the child was asked how it viewed the situation, what it might have wanted

around the intercourse. Almost 60% of the children were not asked anything, 17% were asked something but nothing was done about it, and a small number of children reported that the parents or the judge/RvK had asked something. These results obviously apply to the period in which the divorce takes place, but based on the focus group meetings where the child's perspective was discussed, it cannot be stated in advance that it is much better now.

This should be investigated: although there are guidelines to give the child a voice, professionals and many parents report great hesitation. 75% of the contact loss that occurred in these children was six months or more after the parents split up.

Compared to the parent results, this is less often already at the time of the divorce, possibly because not many children here were very young at the time of the divorce. An attempt was made to make the child look back on the power play in the loss of contact:

- 8/29 children state that loss of contact was mainly the result of pulling on the part of the parent with whom the child stayed;
- 11/29 takes responsibility, and
- 5/29 a combination of the migrating parent and himself.

The parent with whom contact was lost did not play a major role (5/29). In the focus group meetings, there was no reason to question these answers. Even now that they are adults, they give themselves a significant role. The stories behind the development of loss of contact from the point of view of the child – the answers to an open question about this – are strikingly neutral towards both parents. In the open questions, the child respondents do not take sides with the – usually – mother with whom they stayed. The actual situation of these children (no father in parental role) has often been suggested by, or at least approved and sanctioned by, the professionals involved as being the best solution for the child. That's something the kids often regret now. An exception are some children whose lost parent left themselves.

In terms of contact, these children currently form a 'more favorable' group than the parent respondents when it comes to the current level of contact. Just over half have contact.

In the eyes of the children now, some of the most stressful factors are the same as with the parents; as with them, the most prominent is a new relationship from

one of the parents (73%). The other two clearly most taxing factors for children are family conflict and parental relocation. For the child, this is about losing the closest own network. Family conflicts rob you of your grandfather, grandmother, aunts etc. Moving robs you of school friends, neighbors and sports/hobby.

The second level mentions domestic violence, psychological problems of the parents and financial problems, but also – surprisingly – school problems of the other children in the family.

In the story behind the loss of contact (open question), two emotional reactions often emerge: selfishness/withdrawal of the father and maintaining the conflict/remaining angry/slandered by the mother.

Although domestic violence (parent-parent, not: parent-child) is also mentioned, it is the major absentee in the children's stories about the dynamics of the loss of contact. Also in children who say that domestic violence was present. The most painful things are mentioned as the driving force, but not the domestic violence: this has no direct role in the loss of contact.

Desired and received help with loss of contact

If the help is visualized during the contact loss, the survey can be briefly summarized: there was not much, this is a difference with the parents. There was only some help from family, with the earlier note that often half of it is lost. And from the family doctor (27%). Only 25% is still referred to as youth care. For the family, but not for the child. It is striking that here, too, the GP is in fact the most frequently mentioned and respected care provider, and the school's mentor.

The need for help with regard to the loss of contact is of a different nature among the children than that of the parents. There are many emotional problems (puberty plays an additional part) for which the child wants emotional support. The child also wants help with maintaining/restoring contact with both parents. There are some children with a 'leaving parent', where things are different; but the other kids want a contact person, a bridge builder.

At least half of the children turned to psychological help later when he/she came of age because of the loss of contact. Even after years, there is an intense need for psychological help (and usually contact recovery). The children are more likely to indicate that they have a lot to do in the initial phase

suffer from losing their entire trusted network, much more so than the parents themselves, but it is difficult for them to point to help for this. The impact of the loss of contact on childhood, growth and development is enormous. The same profile of problems is reported as the parents did. This makes the results plausible, although the frequency of serious problems is high. Within the child survey we see a tendency towards underreporting: if you ask about school problems in general, the child will say 'not too bad', but if you ask about specific problems, there are many.

The children experience the consequences of loss of contact for their parents, especially the losing one, as very great. The damage is great for the parents, especially emotionally. The parent who loses contact in particular experiences – according to the children – many negative emotions such as pain and sadness. In their own words, children were given a caring role in some cases towards the parent who kept in touch; they thought that was disgusting, as it turned out in the focus groups. Parents who keep in touch have sometimes had a hard time raising the children alone, this especially happens in situations where the contact person does not get a new relationship.

There are also late consequences for the child, apart from the wish to restore contact. It is very often mentioned that the child is distrustful of his own (partner) relationship, and that he does not dare to have children. The child respondent recognizes a parent in the partner. The situation apparently makes it difficult for the children, now adults, to bond. Fear of rejection and fundamental insecurity are often mentioned. Children also often struggle with the relationship with their other siblings.

Child perspective translated into need for help

What children say they need is to maintain their family network, the trusted people around them. Who do not take sides, do not associate with father or mother. The children have a very clear message for parents: communicate with the child, and preferably also with each other. If any communication of parent-child is made a problem by the other parent, the child will suffer. They also don't want to get involved in the fights. Children have a very early awareness of what adults refer to as 'loyalty conflict'.

What was special, confirmed by the focus group meeting, was that children of parents who lost contact expected that they would – even after a long period of no contact, and even if the child was the reason for this – take more initiative to contact the child again.

Healthcare professionals must show commitment, which is lacking. Children also demand enforcement with regard to the access arrangements with the parents, and most want equality in the distribution. Forced therapy for the parents should be considered.

One hopes and expects a much greater role for schools and GPs. According to the children respondents, youth care should have done much more, and with a different approach. Knowing what was going on through contact with the child instead of checking your own list/expectations. Listening ear and above all helping the children by talking to both parents, from the point of view that both remain balanced in the picture. Children describe that the authorities often get the story from one side (usually the mother) and leave it at that.

A mediator can only be of value to the child if it can participate as a fully-fledged third-party stakeholder. Judges have quite different attitudes in view of the advice. More truth-finding, more questions to the environment. One of the respondents reported that as a 12-year-old he/she was given the compulsory choice by the judge to cut off contact with one of the parents, after which this was 'at his/her request', although the child expressly did not want this. As with the parents, it emerged especially in the focus group meetings that professionals often choose a solution that costs the least in their work environment, especially as an element in the decision to place the child with one parent.

Looking back, one can only conclude that the children feel completely abandoned emotionally and relationally, by both parents and by the professionals. The emotional damage of that—less than that of the divorce itself, these children say—also determines their maturity.

Solution directions for professional stakeholders

Finally, the children were asked about possible solutions for the professional field, legal and care. Children above all wish for a fundamental professional attitude change, from the controller of the divorce conflict to a sympathetic ear for the child. The child now feels unheard and unseen. There is a need for a low-threshold professional/desk, independently accessible for the child – possibly accompanied by a support worker – to report that agreements or contact are not working. The major disturbing factor is not the long duration of processes, but the fact that there are always new faces for children: the authorities are literally anonymous.

In the focus group session, someone said, "Everyone has everything to say, but you never know who it is."

There is a great need for conversations with the child, without a parent present. The children don't want to betray the parents, but they want to be heard for themselves – their needs and concerns are different, and they know that from an early age. Not only the focus on the goal (for example a visitation arrangement), but also focused on the (emotional, mental) experiences. Finally, they want a recognizable team of professionals: don't push the child, but talk to it as a team. Although the majority of the respondents are familiar with all kinds of help forms at family level – many work in the pedagogical or psychological sector, or are in training for it – not a single child mentions that better interventions should be developed, relational or otherwise.

Common thread of solution options perspective parents and children

The experts see possibilities to reduce contact loss.

Above all, parents don't look for it in other formal rules around complex divorces, except changing the ideal premise of equal parenthood into a material equal premise so about 50/50 of the time, with only strong deviation by consensus.

It is also not sought in better treatment methods once contact loss occurs, because the basis of all methods is the voluntary participation of family members and if outside the treatment setting the other parent de facto determines the relationship with the child, treatment is not expected to work. Many parents ask the ex-partner to seek help together, but are hindered by the unwillingness to cooperate.

Experienced parents look for much better implementation of existing rules, maintaining contact, and no longer putting aside contact if a parent detains the child, whether or not accusing the other parent of domestic violence or worse and neutralizing all kinds of bits in the implementation of rules that result in an orientation towards the mother as primary parent. On the professional side, more competence, better research, more businesslike research and also the possibility of counter-expertise are required.

There is little confidence in solutions that give a role to youth care, due to the perceived asymmetry in the approach of mothers compared to fathers and a lack of education. In the examined situation of our sample, a large proportion of fathers and mothers have a college or university education. But also because of the feeling of an impenetrable stronghold with unclear interests.

Incidentally, it is striking that mothers who lost contact say that they have had the same experiences as fathers when it comes to careless fact-finding, bias, non-enforcement, etc., but without the component of 'favoring mothers'. Numerically there are many more fathers than mothers contact losers, at least in the Netherlands.

There is confidence in family judges that they can enforce participation in therapeutic conversations for better intercourse and that they can achieve compliance. This seems to match the type of wishes of the children. But the family judge certainly shouldn't be a bit of a therapist.

There is trust in family/relationship therapists themselves, which can be a starting point for several goals. They are also open to general practitioners and primary care psychologists in a role as intensive supervisor, also with authorizations. Finally, there is a great need for better emotional processing and, no matter who, experts to help with this. Children are not little adults. They have their own perspective. First of all, they want to be recognized in a material sense as a third party, especially for a listening ear. The findings in this regard are no different from those of the Ombudsman for Children. The children now feel totally abandoned, and if they are approached, it is not for their own problems. Children also want to see father and mother, and they want help in realizing this, even if the conflict between the parents is intense.

If a stakeholder should be given a much larger role, it is school. There is much less resistance to youth care than from the parents, based on a negative emotion that youth care does not mean much. The fact that the 'youth cluster' always has a different face plays a major role apart from substantive arguments; there is no trust to build. A child wants a band, and a collaborative team to talk to themselves.

The official assistance system gives the primary role to RvK, youth protection, youth care. In fact, the role of the GP is greater for both the parents and the child. It is the only recognized neutral confidential counselor who is apparently open to this non-medical request for help.

5. Expert Team Findings

5.1 The social context of tackling divorce issues

In which broader social developments do the discussions presented in this report and the proposals that follow from it fit?

From then to now: progressive insight and development in values and norms

How does a society judge divorces, what does society think of interference with what happens to another person, what do we think of infidelity? – these are all questions that everyone will answer from their own moral conviction. Not everyone takes the same position in this regard. In a democracy we agree that we don't always have to agree, but in complex separations conflicting interpersonal, cultural and religious [1, 2] values can have a reinforcing effect. Even when the views in the social environment of the divorcing partners differ, this can lead to aggravation of a complex divorce [3]. Social developments therefore have an influence on divorces – on the number of divorces but also on the way in which they proceed. In an earlier chapter you could already read something about the development of our values with regard to marriage, (un)fidelity, and divorce and their compliance with our legislation. This section takes you further into how our history still influences our current approach to divorce.

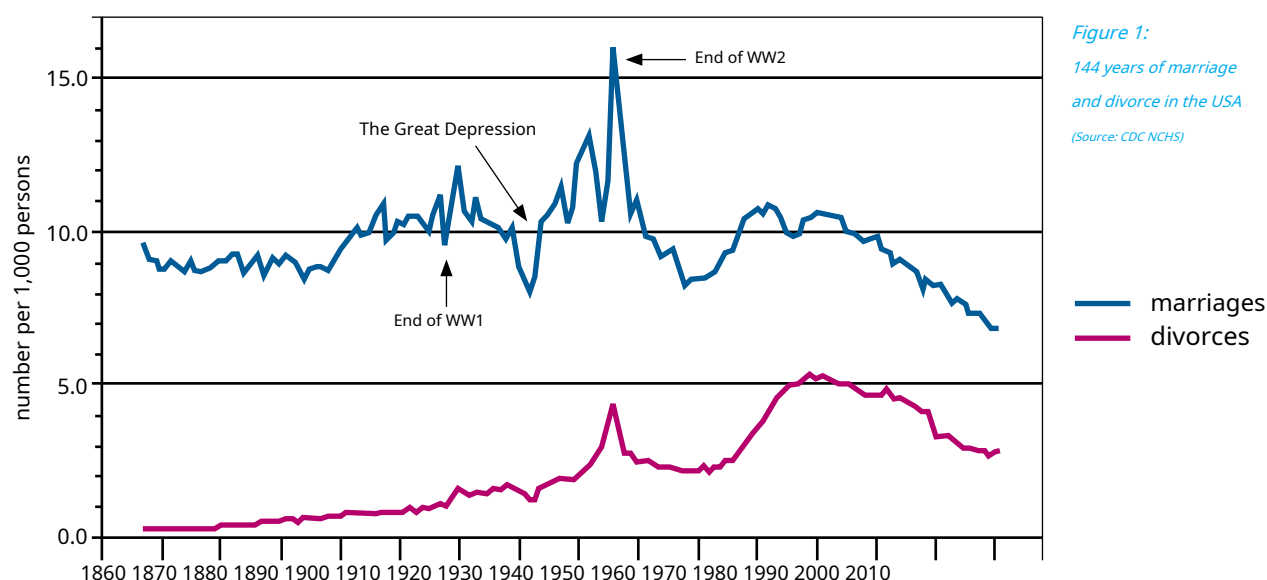
Legislation as progress and as a pitfall

The values in a society are translated into standards, which are formalized within legislation. Legislation often only reluctantly follows changes in our pattern of values, but it can also stimulate change.

Divorces were rare before the 20th century and remained a rarity until World War II. Figure 1 shows the figures in the US, where the number of divorces in the USA increased enormously after the Second World War, while the number of marriages decreased at the same time [4, 5]. The figures also show that marriage and divorce are influenced by economic and political developments.

After a divorce, it had to be arranged who was going to take care of the children and who could determine them, the guardianship; and custody of the children [6]. Parenting after divorce was not arranged in the same way in all countries. In the Anglo-Saxon countries, authority was automatically assigned to fathers after divorce, they were formally appointed as single-headed guardians [7]. In the Netherlands, under Napoleonic law, both fathers and mothers retained the same rights after divorce [8].

In the twentieth century, the pattern of Western values changed. Only mothers would be fit to raise children; the '*tender years presumption*' [7]. And that's how Dutch legislation changed from



1905: women became automatic guardians after divorce, and fathers became supervisory guardians [7, 8].

In 1971, divorce on the grounds of the permanent breakdown of the marriage became possible.

In 1990 fathers were given a legal right to contact after a divorce and in 2009 a legal form of 'equal parenthood' arose (again).

Our legislation today focuses on protecting the child. Our focus on child safety and criminalizing child abuse

This is of recent date: for a long time, physical punishment of children was seen as a normal part of parenting. In the twentieth century more attention was paid to child abuse, but the turnaround came through a publication in 1962: *'battered child syndrome'* [9]. This increased attention also led to an increase in the number of reports from parents to the other parent about the insecurity of the child with that other parent in complex divorces. This focus on child abuse was progress, but one that also raised new questions. Because in addition to correct ones, also unjustified or even false reports were made: 'unjustified' in the sense of 'based on a wrong assessment of the situation' and 'false' in the sense of 'with bad intentions'. Incorrect and false reports can lead to wrong conclusions and wrong measures, with great personal damage as a result [1012]. False and false reports also appeared to play a role in conflict-rich divorces. Other forms of legislation, which in themselves are positive, can also be abused in conflict situations.

human rights statement of the *United Nations Human Rights* [13] signed. A supplement to this was the ruling that justice must serve the best interests of the child.

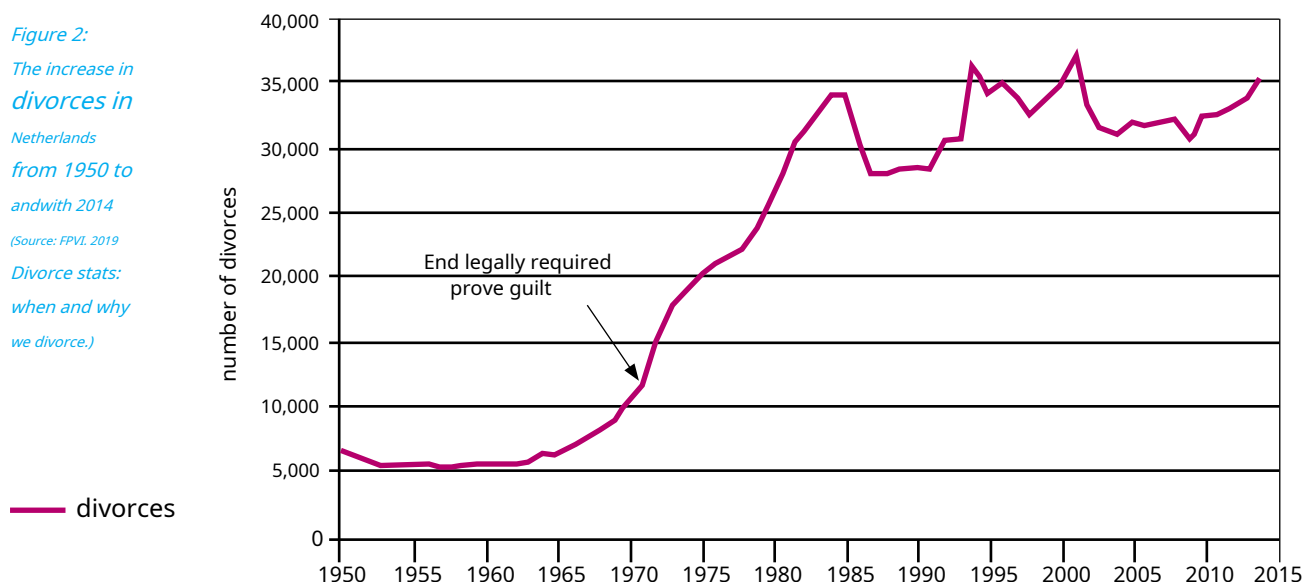
The latter can be abused by parents (and their advocates) if they believe without good reason that their child's contact with their ex-partner is not in the best interests of their child and initiate a lawsuit about this, thereby blocking their child's contact with their ex-partner. knowing that the procedure will take quite some time. In fact there the law achieves the opposite of its intention and states

the litigant parent in such a case puts his or her personal interests above those of the child in contact [14].

Not only did the child's position change, but that of the woman as well. For a long time, legislation in Western countries was based on patriarchal traditions [1517]. Men were the head of the marital union and had to provide for their families. Their wives and children lived with them in [8]. This was legally established until 1957. If children were born out of wedlock, fathers were relieved of the responsibility to care for them [1517]. But much had changed before, after the Second World War (and also because of that war). Women started to perform more paid work and fathers became more and more involved in the education of their children [1517]. Until 1957, however, women were legally regarded as incapable of acting [8]. For example, a woman should not make a larger purchase herself without her husband's permission. Her position was legally subordinate. Its end was part of a process that women

made more self-conscious.

Figure 2:
The increase in
divorces in
Netherlands
from 1950 to
and with 2014
(Source: FPVI, 2019
Divorce stats:
when and why
we divorce.)



In the second wave of feminism around 1970, women fought for women's rights to development and employment [18]. Fathers embraced a more active role in raising their children and again our values changed. Not only mothers, but also fathers were seen as important role models for the children [19].

In line with this, the legal process for this became increasingly easier: where, for example, a question of guilt about the divorce had to be answered in the past, such as infidelity on the part of one of the partners, that obligation lapsed in the Netherlands in 1971 [20]. That question of guilt determined the right to, or the obligation to, payment of alimony. Other legitimate grounds for divorce were extravagance, or sentence to prison [21].

These changes in our value pattern, together with the granting of alimony to the parent who cares most for the child, led to a huge increase in divorce in the late 1980s [20]. We were also confronted with an increase in divorces in the Netherlands.

Individualization and attention to emotions

The above developments cannot be viewed separately from an important trend in our society: the increased attention for personal development.

It has always been clear that people need to attach themselves in order to live meaningfully – but that people should be allowed to detach when they feel hindered in their development was formerly *not done* but now self-evident. It produces several effects:

- Where people take more responsibility for themselves and less for each other, attention for the most vulnerable is not always self-evident. The government sees that it will have a new task here, because the consequences of neglecting children in these situations are great, also in terms of costs. Where we take greater personal freedom on the one hand, we are more explicitly addressed on our responsibility as parents on the other, which is apparent, for example, from the obligation to draw up a parenting plan after divorce, but also from the fact that *International Convention on the Rights of the Child* (IRVK) has also been ratified by the Netherlands.
- Where divorce used to be seen as a legally regulated process, the social and emotional side of this process is increasingly taking precedence. It is also clear that emotional issues cannot be settled by the judge – at the most they allow themselves to be dealt with

thereby limit. There is a need for interdisciplinary cooperation between lawyers and psychosocial care providers.

- The increasing value attached to feelings sometimes also means that one finds one's opinion justified if it is based on a feeling. Facts and rational considerations are weighed less heavily. It sometimes leads to people daring to ignore the judgment of a judge or a specialist without further ado. This phenomenon can greatly promote polarization. But polarization between parents is disastrous for their parenting.

Ongoing interaction between developments in society and in legislation

The changed relationship between men and women is also reflected in how we view their roles as fathers and mothers. Which role best suits a father and is it different from the role we see for the mother? Here too, legislation reflects changing views and in turn has its effect. The rights of fathers and mothers within marriage were regulated by law, but legislation has long been an obstacle for unmarried fathers to obtain custody of births out of wedlock [1517]. Despite all the changes in society, fathers only gained legal rights to contact in 1998 and the concept of equal parenthood was not introduced until 2009 [8]. Until the end of 2020 – despite a motion passed by D'66 in 2016 [22] – parents had to take formal steps to arrange custody of this child (after acknowledgment by the father of the child). An initiative proposal for joint custody was recently adopted through recognition by the House of Representatives [23]. When this law comes into effect,

Fathers who have lost contact with their child or children against their will in recent years due to a divorce have been confronted with this gender inequality. They experienced that they were unable to legally guarantee contact with their children, especially if children sided with their mother under the influence of manipulation. These fathers called themselves 'Foolish Fathers' [25]. They campaigned to raise social awareness of this dynamic of loss of contact, while also making it clear that the current legislation could exacerbate this problem.

In addition to legislation, which sometimes creates barriers for fathers and mothers, the legal system itself can also contribute to the continuation of judicial proceedings. Our then children's ombudsman emphasized once again in 2014 that the system of adversarial proceedings, also known as the 'tournament model' [26], has a negative effect on visitation arrangements or guardianship. [27]. This is also indicated by Rouvoet [28]. This aspect will be discussed several times in the remainder of this report.

From vision of the child to vision of the system

The development of the child has been a concern of society – and the government – for years.

With the ratification of the *International Convention on the Rights of the Child* The Netherlands has also established that children have the right to be cared for by both parents after a divorce. In 1996 there was also a final report with recommendations drawn up by the *United States Commission on Child & Family Welfare* [29].

Article 9 – Separation of child and parent – of the Convention on the Rights of the Child [30] reads as follows:

“Paragraph 1 States Parties shall ensure that a child is not separated from his or her parents against his or her will unless the competent authorities, subject to judicial review, in accordance with applicable law and procedures, decide that this separation is necessary in the best interests of the child. Such a decision may be necessary in a particular case, such as where there is abuse or neglect of the child by the parents, or where the parents are living separately and a decision has to be made regarding the child's whereabouts.”

The core of this convention is that children and parents should not be separated from each other, unless a separation is in the best interests of the child and according to established procedures. Children and parents must be able to explain their point of view. If children and parents are nevertheless separated from each other, they are in any case entitled to regular contact, unless this is not in the best interests of the child. The interest of the child is therefore central here, in English this is *'the best interest of the child presumption'* mentioned [31].

So we have learned to think in terms of 'the best interests of the child'. But the development has gone further: we see a broadening of the vision. We look at the child *in its context* – both the context in which the child has developed and the context in which it is now

is located. We see that there are both causes and solutions to problems: the child deserves a healthy and safe context. We also see that 'helping the child' very often means 'helping the parents' – and not only that: also 'helping the teacher'. We have started to look more at the system of which the child is part.

The systems that are a bit further away and of which the child is not a part, but the parents are, also receive attention. Think here of the organization of care and justice. Also think of housing policy, income policy. The interaction between all these factors is increasingly seen: divorces lead to the need for readily available and affordable housing – where there are none, such a shortage exacerbates the consequences of divorce, for example because it means that parents are forced to live further apart than is desirable.

The consequences of this system vision can be found in this report, in a few (interacting) areas:

- **From simple to complex**

In the social sciences in general, and thus also in the research of this expert team, it became clear that establishing simple cause and effect relationships (*linear causality*) not enough to understand the problem – let alone that the simple solutions that would be derived from it could be effective. Where we see many factors, on a personal level, in the context and in society, interacting with each other, arises *complexity*. Not all causes have the same effects (*multifinality*), the same effects can have very different causes (*equifinality*), there are often several factors at play (*multicausality*) which can also mutually reinforce each other (*circular causality*). And not only objective factors, such as experienced events, traumas, income level and living distance, but also subjective factors play a role. It is about the meaning that is attached to those events, which are related to previous experiences that have been gained. By recognizing the complex interaction between all these factors, it becomes more understandable why predictability and controllability of processes leave something to be desired. In this vision, solutions can no longer be found (only) by studying individuals alone, but by focusing on interactions, meaning, processes and patterns. For difficult problems – and usually

a process in which a child no longer wants to see a parent such a difficult problem – is usually not a simple, quickly determined solution. There are often dilemmas: choices in which every option seems to have both good and bad sides. At best, a dilemma is 'transcended', but if that fails – for example because we still have too little scientific knowledge about the effects of the options – a dilemma leads to having to make choices between more and less bad options.

- **From mono- to multidisciplinary**

This complex interaction between factors at different levels requires a broad view of the diagnosis and treatment of complex divorces. Sometimes an income factor is crucial, sometimes a trauma, but more often – at least in processes that are difficult to influence – there is a combination. When accepting requests for help, professionals must be able to see that complexity and also know when to call in an expert for certain factors. The expert, in turn, should know that he can, for example, handle a trauma very well, but that the stress will not decrease if no official works simultaneously on the housing or budgeting problem. Help becomes teamwork.

- **By *stepped care* nasty *matched care*: early identification and timely diagnosis – and prevention**

To prevent complex problems from becoming even more complex, it is worthwhile to determine the degree of complexity in time and not to wait until the entire system has stalled or the loss of contact has become a fact.

The sooner the problem is discovered and treated, the less time a child is affected by intercourse stagnation and potential manipulation by the other parent, the less likely the child will reject the other parent and lose contact. Loss of time is a factor in itself in this problem, as will be discussed further in this memorandum. Time can be wasted by constantly allowing lawsuits that hinder intercourse [3234]. Time is also wasted if professionals have insufficient knowledge about this problem and have insufficient knowledge of how to intervene [35]. This means that diagnostics must be of good quality at the start of the process and that the following no longer applies: 'we will try it simple and if it turns out to be complicated, we will deploy heavier help'. After all: Failing help reduces the trust of the person seeking help in the future. In paragraphs 5.2, 5.3

and 5.4 we discuss this in more detail. The extra costs of timely recognition may turn out to be a lot less by avoiding high costs later on. This report will also indicate at various times that there are options for prevention – for example through timely psycho education.

- **An increasing appeal to education**

The broadened view on the role of the child's environment has also shifted the focus on the importance of education. Education is now in a dilemma: on the one hand it is under pressure to maximize learning performance, but on the other hand it is under pressure to bring care to the children where children were previously taken to care. In other words, children who used to be referred to special facilities are now expected to be given a suitable place in their own neighbourhood, preferably in a regular school, through education. The pedagogical task of the school is strongly emphasized in this policy by the government: in the current policy the school is also no longer just a 'location' for problems in children and young people, but also a 'workshop'. the teacher training courses, as can be established, they are not yet able to complete this package in the training time allotted to them. The complexity of tasks and the workload at school also do not improve the time teachers have for the parents. In many schools, for example, home visits have been abolished. Nevertheless, mentors in schools are often important confidants for young people. Parents also seem to expect a lot from the school.

The school is not (yet) able to meet all those expectations. The increasing number of school psychologists, school remedial educationalists and higher education pedagogues will hopefully help schools find their way so that they remain a safe place and not get sucked into the conflict. The latter can happen, for example, if they do not properly provide their information to both parents.

- **An increasing appeal to families**

Not only have divorces increased, but so has their complexity. Complex divorces are characterized by difficulties in shaping a new parenting form [36, 37]. Where families break up, there is a lot to arrange. New tasks arise. There are also often new financial challenges. But often new, blended families are also created. Everyone brings here

its own history. It requires even more pedagogical awareness than upbringing in a regular family already requires.

- **An increasing appeal to the social environment**

The social environment plays a role in divorce [38]. This can be a support but when she is sucked into the conflict of the parents she can also be a burden. This can happen when parents feel encouraged by their new partners or family to stop contacting the children and the ex-partner. The battle then becomes, as it were, a tribal war [20, 33, 3945]. It would be desirable if prevention also targeted grandparents. At the moment, many children lose contact with one pair of grandparents because of the divorce.

- **An increasing appeal to the professional environment**

Professional care is also part of the environment. This applies to both psychosocial care and legal care. It is, of course, the intention that care should be supportive, but when social services do not intervene effectively in contact problems [46] or when lawyers defend their client's interests instead of the children's interests, the effects are intensified, complicating. Improvements are possible in the field of training and the legal field. Knowledge about the dynamics that lead to loss of contact between parents and child should be disseminated more widely. Rouvoet indicated in 2018 that this was an important outcome of his research [28], which was in line with earlier research [35].

A changing view on the effectiveness of aid

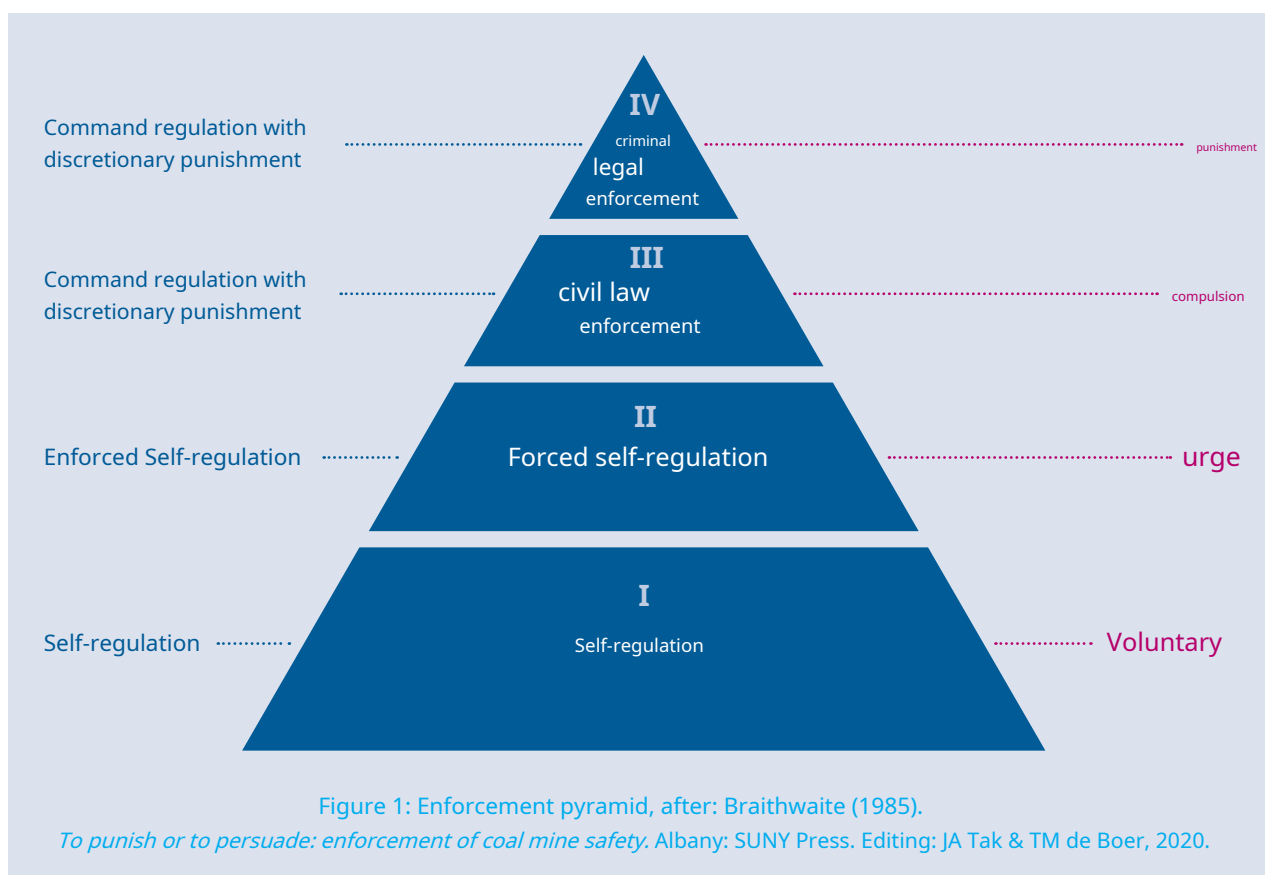
In the renewed youth care, the center has been moved to neighborhood teams and care organized at municipal level. In the first instance, this was based on the assumption – in line with the concept of the *stepped care* – to treat problems as lightly as possible and only refer ('scale up') to more specialist help when necessary. Once specialist help has proven effective, it could then be 'scaled down' to less specialist help, if necessary. The consequence turned out to be that requesters had to deal with a series of successive care providers (a phenomenon that was not uncommon in the previous system, by the way). Seeing other faces again and again and having to tell your story over and over again greatly diminishes trust in the help. Many parents are opposed to this. And there is indeed

There is increasing evidence that the quality of the care relationship is an important condition for the success of the care. Continuity is one aspect of that. This results in a different organization: a central contact person who maintains good contact, even if more specialist help is provided elsewhere. Several organizations embrace the vision of the 'presence theory', which puts professionalism above bureaucracy.

The question of 'direction' in youth care has therefore been (again) on the table, but is now increasingly being asked – and hopefully not only with regard to complex divorce issues – a multidisciplinary response. The Transition Youth Care, in which behavioral scientists have come closer to the workplace, Youth Care and the collaboration with education in the context of Appropriate Education certainly offer opportunities for this.

This still requires commitment, as was also apparent from the problem inventory in Chapter 2 of this report.

Attention to the scientific underpinning of interventions has rightly received a lot of attention. In this report we also see the consequences of a lack of thorough research into the quality of interventions: there are more opinions than facts. This is how the effect becomes of 'urge and coercion' in care has been highly questioned by some, but considered indispensable by others. What is agreed on is who voluntarily accepts help, is more positively motivated, and can therefore benefit more from the help. What should also be noted, however, is that assistance that is necessary for the well-being of children can be blocked by unwillingness on the part of one or both parents. In such cases, external pressure seems unavoidable. In order for emergency care under pressure to be effective, high quality requirements must undoubtedly be met. Chapter Four of this report shows that the clients who have spoken to the expert team have many critical remarks about this. Because the same clients also regularly argue in favor of pressure and coercion, the expert team has tried to indicate as clearly as possible where this is the case, at what level (urgency, coercion or punishment), what forms the pressure could take and which dilemmas involved. Braithwaite (1985), an Australian criminologist, was used to classify the levels of pressure. The team has adapted the pyramid to the Dutch situation and the problems of this report. In this report it is referred to as the 'enforcement pyramid'.



At the first level, parents themselves consult, use information material, ask for advice and support in their social network or make use of low-threshold facilities such as a Divorce Advice Team, a Youth & Family Center or self-selected help such as a mediator or a coach.

At level two, pressure is exerted by care providers: they make it clear to parents that the interests of their child are at stake in such a way that they consider, for example, making a report to Safe at Home – or doing so.

Incidentally, the transition from level I to level II is not very abrupt. By providing information about the consequences of non-cooperation, pressure on parents can be gradually increased.

The investigation by Safe at Home and/or the Child Protection Board can lead to civil proceedings (level III); the judge can impose a child protection measure. The court can also decide on the basis of a procedure initiated by parents about the contact between parent(s) and child(ren), the need for further investigation or treatment. If parents do not cooperate, the police can facilitate implementation. If the parents still do not cooperate, sanctions will follow.

Finally, criminal law plays a role at the highest level (IV) of coercion. Sanctions are carried out by the police and the judiciary because instructions have not been followed.

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5.2 A search for a workable term for

Parental Alienation – Parental alienation

The word *alienation* (translation of the Latin term *alien*) is used to describe chilling in a warm relationship, but also for an existential isolation, dissociation from society [1], or stigmatization of a minority group in society [2]. '*Alienation of affection*' (taking love, help or control) was used legally. For example in 1745 where a husband sued his wife's lover for losing her attention [3].

In 1923 became *alienation of affection* used in a divorce situation; a son sued his stepmother for breaking the relationship between him and his father. In 1985 the term was expanded to describe a specific form of complex coping problem '*Parental Alienation Syndrome (PAS)*' [4].

Discussion arose after the introduction of this term. We list some questions that prompted the term and the problem. Was the phenomenon described by it really a syndrome of the child, and would it belong in the DSM [5]? Is the scientific substantiation good, and is the position of the oppressed woman sufficiently recognized [68]?

In addition to describing the parent's behavior influencing the child's loyalty, should not other factors play a role, such as the sex and age of the child, the psychological vulnerability of the parents, the dynamics of remarriage [911]? In addition to the term Parental Alienation, a new term emerged ontstond '*Parental Estrangement*', to indicate those situations where the child has a valid reason for the loss of contact with a parent (such as being neglected or difficult to reach due to a long travel distance) [9].

In the Netherlands the word was translated into '*parental alienation syndrome*' [12], but also *parental alienation* and *child alienated thing* are translations that we see again. This expert team was initially referred to as the Expert Team Parental Alienation [13]. Early on in the assignment, the expert team used the term *complex coping problems* added to. The team has seen that the meaning of these words differs for everyone, both among experts by experience and among professionals, among interest groups. We also see differences in this interpretation among the members of the team and resistance to the use of some translations. Some of those consulted told us that the word parental alienation should remain. Others see in this

word a judgment (in the sense that the child, or the other parent, seems to be made responsible for the loss of contact) and find this undesirable in advance. Still others believe that this report is the right time to launch a new term that does not have the disadvantages mentioned and that is more unambiguous to interpret. However, the expert team has not been able to find or come up with a clear term that, in everyone's eyes, covers the load in a balanced way.

The expert team believes that the problem of loss of contact between parents and children should be seen in the context of the entire (disintegrating) family (see the vision document in the appendices). This view is supported by the findings from the interviews with experts and professionals. Several aspects play a role in the process. An aspect that always plays a role in contact loss is the influence of the child's loyalty with his parent(s) by his parent(s) and/or by other parties involved in the system. The child reacts to this and sometimes gets emotionally and mentally stuck in this process.

In choosing a term to indicate this process, it seems wise to choose a descriptive term, which indicates that it concerns a process and which also focuses on the problem to be tackled. The team experiences consensus on the use of the terms '*loss of contact*' and '*imminent loss of contact*'. This term immediately indicates that in the event of an important change in parenting, careful attention must be paid to whether the contact between (a) child(ren) and a parent (or both parents) is endangered or even threatens to be compromised. When talking about '*the dynamics of loss of contact*' refers to the underlying processes that can lead to the loss of contact, such as struggles between parents or influencing the child's loyalty.

Specific dynamics could be referred to by more specific terms, such as '*coouder rejection*', where it is clear that one or both parents (increasingly) disqualify each other and the child gains a lot from this, in such a way that this damages the attachment relationship with (or at least the attachment behavior towards) one or both parents.

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5.3 Identifying impending contact problems between parent and child in time

5.3.1 Introduction

Both parents, focus groups and experts regularly remark: if the signs that things were going wrong between parent and child had been recognized earlier, if help had been provided earlier, then intervention had taken place earlier, the problem would not have gotten so out of hand. Then no time would have been lost by providing ineffective help, and destructive patterns would have had less time to take root. Can imminent loss of contact between a parent and a child be tackled in a more timely manner?

5.3.2 Principles

It sounds very logical to everyone, but it is also a scientifically based insight: problems that are tackled earlier are easier to solve than problems that have proliferated for a long time. Early detection is therefore a good idea, as a first starting point.

A second principle should immediately be added to this, because early recognition also carries a risk: problems may also be identified where, on closer inspection, they do not exist. Perhaps there are serious-looking signs, which on closer inspection do not all lead to problems. So there is always a risk of 'false alarms'. That risk must be minimized, because unwarranted concerns generate unnecessary costs (both material and psychological), and unwarranted reproaches and accusations are particularly damaging [1]. This means that the instruments used (to be broadly understood as: interview questions, observation points or items on a questionnaire) must be well researched for reliability and validity and that their predictive value is clear.

A third point of departure should be that all parties involved have a significant role in timely recognition. After all, there is often a wide range of professionals involved in the family, from teacher to GP, from farmer to academic – but the non-professional environment is also important here. Just as anyone who suspects child abuse should not look away, but should ask questions or report the problems. It therefore also requires, just like with child abuse, a well-organized processing and response. That is the fourth principle.

5.3.3 The problem the question

The questions we face are:

- How early in a (ending) relationship can those signals be seen?
- Which signals are reliable, valid predictors of a stagnant relationship between a parent and a child?
- Is it sufficient to pay attention to a number of signals or should everyone who is getting divorced or divorced be screened more actively on this point?

5.3.4 Dilemmas and solutions

With regard to early detection, there are a number of – and sometimes strong – differences of opinion. This means that there are dilemmas: choices between two options that both have disadvantages. The dilemmas that the expert team repeatedly encountered in their research are discussed below, which we must overcome in order to create an approach to the problem of loss of contact. Each dilemma is discussed in this form:

- the discussion,
- the dilemma, expressed in a 'on the one hand' – 'other side',
- the choices advised by the expert team, based on all the information obtained.

a

How early can one see problems coming?

Various interest groups and scientists note that the problems after the divorce can arise from problems that already existed during the relationship (and sometimes contributed to the divorce). But it is also noted that people are sometimes completely taken by surprise by the behavior of their ex-partner. In both cases, reference is often made to personality traits and personality disorders, especially narcissism, borderline problems, antisocial tendencies and a strong tendency to exercise control. Is early recognition of personality problems useful in the context of preventing contact loss between a parent and a child? There is some relevance, but there are major pitfalls involved.

To begin with, personality issues can play a role in the escalation of the conflict in the divorce process between the parents. It may be that personality issues are completely unclear at the start of the relationship. It can also happen that the problems of one parent match that of the other (known in the literature as '*assortment*'[2]). For example, a compulsive, dominant person can provide security to a dependent person. When the dependent partner outgrows this, conflict can arise. The modern care provider, who sees everything in terms of interaction, thinks: 'Where two quarrels are two to blame', as the saying goes. On the one hand, it is true that the parents will always respond to each other. On the other hand, a parent who tries to emancipate himself from a relationship of dependency is sometimes judged too quickly as someone who 'continues to fight'. The question is whether it is actually possible for such a process to proceed without conflict. For diagnosticians, the task here is always to look closely at the development of the relationship, and this over a fairly long period of time – thereby placing the relationship in the life course – in order to prevent an image that is one-sided. It can be a big mistake not to understand one parent's anger and pain as an understandable reaction to the other parent's unreasonable behavior.

Another pitfall is noticed by fathers from the interest groups: they see a gender bias in the diagnosis. As men, they are more likely to be found guilty of aggressive behavior than their ex-husbands. They feel in advance that they are lagging behind

about a strongly female-dominated care system. A recent article in *De Psycholoog* endorses their findings [3]. Experts also note that antisocial behavior in women is often underestimated. This indicates that personality diagnosis is not very reliable, partly because prejudices and social clichés resound in it. It is also known that in practice the images are usually far from 'pure'. The lack of reliability of the images and the lack of biological basis of the images are scientifically recognized problems.

A third pitfall with regard to personality problems is that a classification in that area says little about the qualities of the person as an educator. There is still little research into this, and certainly little for spelling research. In other words: if there are major conflicts, personality problems are regularly seen, but the reverse cannot be simply stated: if someone has personality problems, major conflicts arise. A personality problem is therefore rather a risk factor, just like a slight limitation in intelligence is: whether problems arise depends on the upbringing, the events experienced and the context in which a person finds himself. Ultimately, one has to look at the behavior that someone exhibits and the long-term patterns in it.

A final pitfall in emphasizing the diagnosis of personality problems is that it can affect the relationship between the person seeking help and the care provider. One is declared 'disturbed', and the other is not – which means that an element of equality in the treatment relationship has disappeared. It should even be borne in mind that the qualification 'personality problem' can be a reaction of the care provider to the impotence he experiences in guiding these complex problems. Looking at the whole system, classifying one member from that system as 'disturbed' can further block the dialogue between the members in that system. Even though this does sometimes occur, one should be aware of this risk.

The above indicates that diagnosis of personality and other psychopathology is not unimportant because timely recognition can help limit escalations, but on the other hand has too little researched, too unreliable and too little predictive value to make statements about the suitability

of the person as educator. Nor can personality diagnosis pre-determine one parent as the culprit for the development of a dynamic that leads to a loss of contact between a parent and a child. Again, this does not alter the fact that this can sometimes be the case.

The conclusion is that relevant alarm signals with which the threat of contact breakage can be detected at an early stage must be sought at the level of concrete behavior of parents. This of course does not detract from the fact that if a parent gets stuck in such a problem, appropriate treatment is necessary.

Therapists and scientists [46] point to the role of insecure attachment and previous trauma. Both problems can lead to disruption of emotion regulation. Dealing with emotions is put to the test by a divorce. It means missing a loved one and everything associated with it, including the loss of the natural daily contact with the children. Problems in emotion regulation increase the risk that the divorce mourning will not be successful [7, 8]. That could mean depression, or unrelenting anger, or an endless pursuit of reunion. In other words: the partner relationship is not really completed and the children involved have to deal with parents with stress for a long time - with all the consequences that this entails for the upbringing and the physical, emotional, social and cognitive development of the children. For early identification of risks due to trauma and insecure attachment, one should be alert to these phenomena, but here too the effects on loss of contact will only become apparent from the biography and behavior of the parents.

Others point out that escalation sometimes only takes place after a conflict-free period, which ends after a major change – sometimes started too quickly [9]. This may concern a move in itself, a move to a place that is too far away, a move to an unpleasant place, or the fact that one of the ex-partners finds a new partner who, for example, looks good in the eyes of the other parent. quickly acts as the child's 'new parent' and thus competes with this parent. Such milestones in the divorce process (moving house, new partner, living together again, new baby) are moments that can serve as a signal for asking whether the children are properly prepared for this and whether their position is being done justice.

Sometimes the opinion is posited – by parents with whom contact has been broken – that if there were no problems between a parent and a child during the relationship, but after the divorce, these were logically through manipulation of the parent with whom the child mainly resides, be caused. On the one hand, it is a fact that research shows that the quality between a parent and a child before the relationship is an important predictor of the quality of that relationship after the divorce. On the other hand, it can also happen that due to the divorce a certain problem of one parent becomes apparent, while during the relationship this was compensated by the skills of the other parent. For example, it can happen that problems from the autistic spectrum of one of the parents were compensated by the other parent during the relationship. With the disappearance of that compensation, the parenting task for the now single parent may prove difficult and may evoke a negative reaction in a child. The reverse can

Incidentally, it can also happen that a child, in great concern about a parent who is not self-reliant, assumes a caring role: an example of a so-called 'parentification' process.

The above makes it clear that the situation can be complex and difficult to predict: the separation is a change in a system, whereby the individual members of that system can behave differently due to a variety of factors.

Conversely, the parents for whom the child chooses often say that the child will have a good reason for this. And that is possible: a parent who is in itself pedagogically skilled can end up in a situation that the child wants to avoid, precisely because of the divorce itself. If a parent falls into depression after the divorce, it can be very difficult for a child to spend time with that parent. If a child feels that a refusal to come is exacerbating the depression, there may be a very burdensome form of parentification [10]. Early recognition of signs of depression in a parent is important [11]. Timely help for depression can prevent harm to the child.

Material problems should also be noticed in time. For example, the living conditions with a parent can be so unattractive that the child does not want to go there. This may involve problems in the housing market and financial problems that are the field of work of social workers and community team workers. Their efforts may also be necessary to avert the threat of loss of contact.

This material aspect indicates that it matters how parents (can) organize their divorce. This also applies in the pedagogical field. The way in which the divorce was announced, the manner in which and the speed with which it was carried out, play an important role for them in determining whether and how they will process the divorce. The children can suffer emotional damage as a result of this, which they did not have before the divorce. There may be questions of guilt, which arouse anger towards one of the parents.

It is clear that preventive education for divorcing parents about how best to tell their children about the divorce is important.

But even in a well-organized divorce, a grief reaction in the children is normal [12] – with the risk that it may result in depression. Recognizing grief and depression in children has rightly received national attention for some time. Schools certainly have a role to play here, as they can observe changes in behavior and performance that are associated with this.

None of the above problems predict a break in contact – but the approach and guidance of each of these problems does reduce the chance of such an escalation. That does not make early detection any easier.

On the one hand, it is clear that the problems after the relationship can be a continuation of the problems during the relationship. Some can be reported early, others become visible gradually due to the stress in the relationship.

On the other hand, there are problems that arise as a result of the divorce or due to developments after the divorce. These can only be signaled when they appear.

- The fact that the quality of the relationship between a parent and child before the divorce strongly predicts the relationship after the divorce, means that it is very important to promote that both parents are given space to develop a relationship with their child. This can start with extending parental leave, for example according to the Swedish model [13].
- Problems often arise because the divorce is not properly communicated to the children [14]. It is understandable in the stress of the breakup, but it is nevertheless a problem if the parents did not present the children with one shared and apologetic story, left a lot unclear, or made changes in their lives so quickly and so drastic that the children unable to process it emotionally. Good information for parents – and preferably before the divorce – should be useful and part of the information they receive during their pregnancy – or if possible before that.
- Relationship therapists and psychotherapists should not only care about the psyche and the relationship of their clients, but should also carry out a 'child check' (ie: ask whether children are involved) and consider the accompanying psychoeducation part of their work. In view of the expected preventive effects on later costs, lenders should reimburse this. This may require additional training.
- The previous point also applies to general practitioners [15], practice nurses, mentors at schools, mediators and lawyers.
- All involved should encourage the understanding in both parents that a divorce involving children may mean the end of their intimate relationship, but not the end of their parenthood.
- In the training courses of all disciplines involved, attention should be paid to alertness to signaling the intensity, duration and development of conflicts between the ex-partners.
- It is also recommended that sufficient attention be paid in the training courses of all disciplines involved to recognizing problematic patterns in relationships between ex partners that may indicate forms of psychopathology, but also to the pitfalls in the diagnosis of psychopathology within the dynamics of conflicts between ex partners.
- As soon as there is interdisciplinary cooperation with multiple organizations (think also of cooperation between psychosocial care and the police), an exchange of file data is particularly helpful. This requires special attention for what is and is not possible in the field of privacy.

B Which signals are valid predictors of coping problems?

In the introduction to dilemma A, various points for attention for early identification were discussed. These are listed again here, because opinions also appear to differ.

When we see divorce problems as complex dynamic problems, the consequence is that on the one hand we must not close our eyes to the possibility that one or only a few factors can be found that explain the problems, but

On the other hand, we must also have the courage to recognize that there is such an interaction of factors that there is no clear explanation – nor a simple intervention. This does not mean, however, that there is no way out (see §5.6 on treatment).

In view of what was discussed in dilemma A, we should formulate signals in terms of concrete parental behavior. Which concrete behaviors deserve attention?

According to some, there are valid signals of specific forms of contact loss, which can be read from the behavior of the child.

According to others, relationship problems are so complex that not one set of signals can be linked to one set of causes.

- A signal that everyone around ex-partners and their children should take seriously is the slander of one parent about the other, and the striving to get people in the area 'on their side' of the conflict. Especially when this happens in front of the children, parents need to be corrected in this, however understandable it is that a person does not show his best side in his anger. A negative opinion of the other parent can also be conveyed through nonverbal communication: posture, voice, and facial expression can speak volumes. The child who sees this only sees the negative communication between his parents. However, it is very important for the future of the children that the image they have of both their parents is positive. This image, that they carry with them – referred to in attachment theory as an 'internalized working model of relationships' [16] – forms the basis for their further relationship formation. Anyone who damages that image damages the future of the children. If allegations are serious and substantiated with observations and facts, they should be investigated as soon as possible (see §5.5 on fact-finding and §5.7 on enforcement).
- Another signal that everyone around the ex partners and their children should take seriously is failure to comply with contact agreements. The schools involved are an important partner in identifying this point. She (but this also applies to all

other parties involved) must have a low-threshold connection with ScheidingsAdviesTeams (see chapter 6 and appendix 5) to report this signal.

- In particular, one of the interest groups pointed to the need to *stalking* to be taken seriously as a signal for a prolonged escalation. Active investigation by the police is highly desirable in such behavior. The results of that investigation and the steps to be taken should be discussed with the Divorce Advisory Team involved.
- Some are convinced that the dynamics of a parent-child breakdown resulting from malicious, self-interested manipulation by one parent can be recognized by some specific behaviors of the child [17]. However, there is little research to support this view. However, everyone is of the opinion that it must first be ruled out that a child refuses contact with a parent because he is being mistreated. However, the way in which this possibility is tested leaves much to be desired. The necessary expertise is often lacking. The possibility that a child is threatened and therefore will not talk about it – a regularly occurring phenomenon in the case of sexual abuse – is, for example, too easily brushed aside.

C Responding to signals versus active screening for contact loss dynamics

While everyone considers it important that signals of impending contact loss are noticed and acted on, opinions about active screening for risks in this area are strongly divided. What is striking is first of all that parents themselves seek little help outside the family circle prior to the divorce. And that if they do, they often don't get the help they expect. In particular, the school is mentioned as an organization in which people have confidence, partly because they have a longer-term relationship with it. During the divorce there is mainly help from family and friends and not so much from a religious community or

fellow sufferers. The GP plays an important role in this phase and is most often mentioned by parents. At the time of the loss of contact after the divorce, the general practitioner, psychosocial care providers and lawyers play a major role, as does the internet. The children, on the other hand, are often alone – not only because their signals are not picked up, but because in the conflict a parent can block the assistance to the child.

What can the people around the parents and the children respond to, and how actively should they organize this?

On the one hand, there are interest groups that are vehemently against any form of organized interference, because in their view this only leads to more involvement by experts, but not to adequate action. In their view, every parent is competent enough to sound the alarm if contact gets stuck and enforcement of the agreements is a particular problem (see § 5.7 on enforcement).

Only targeted screening for domestic violence and abuse should be carried out by experts, whereby the MASIC [18] can play an important role in the eyes of interest groups, but also in the eyes of some experts.

On the other hand, there are interest groups that believe that there are opportunities within every discipline to actively ask questions in the initial contacts in order to map out risks with regard to contact.

- Screening for signals of the dynamics that can lead to loss of contact using reliable and valid questionnaires is currently not an option: there are none. Using questionnaires in this would certainly not be easy either. After all, complex and both conscious and unconscious motives and behavior are often involved, as a result of which questionnaires are not always completed truthfully. This leads to too few useful results (as it is called: too many 'false positives' and 'false negatives'). Theoretically, it would be possible to derive alarm signals from differences between scores on questionnaires administered to both parents and, where possible, also to the children.

- A screening list based on the child's objective behavior, as advocated by some (based on American research), to determine whether one of the parents is manipulating the child, without examining both parents, without interviewing the child and without analysis of the history of the family is seen as a serious possibility by few. Such a method does not do justice to the complexity of the situation. According to the standards of the professional associations of child psychiatrists, orthopedic surgeons and (developmental) psychologists, such a method is even reprehensible: it is not allowed to make statements about the behavior and motives of someone without having spoken to and examined that person himself. .

- It is important that everyone who is directly or indirectly involved in a divorce (and that includes the school) takes seriously signals that point to (the emergence of) a dynamic that can lead to contact problems between parents and child. Such signals should be discussed with parents and, if possible, they should be brought into contact with a Divorce Advisory Team. Schools sometimes feel the risk of losing the relationship of trust with (one of the) parents. They could obtain low-threshold advice about this from the Divorce Advisory Team. A good protocol would be helpful here, so that not every teacher has to figure out this problem himself. Just as many schools have a child abuse awareness officer, a divorce awareness officer at each school would also be an option.
- The following signals are considered relevant by many:
 1. slander (verbal and nonverbal) from one parent about another;
 2. withdrawal reactions from one of the parents (for example, who no longer attends parent evenings, etc.);
 3. notification from one parent that the other parent is withdrawing or is unable or unwilling to provide the signature of the other parent (when registering for one or the other);
 4. visitation agreements are newly implemented;
 5. an inability to comply with a judge's decision;
 6. the presence of multiple sources of stress, such as – in addition to the pain of the divorce – also housing or financial problems;
 7. children's stories about quarrels being fought out within their hearing and/or visual field;
 8. depression in the parents or the children. In the children, school absenteeism, concentration problems, declining performance, reduced social skills, mood swings and sleeping problems are signals that may well be related to the divorce. This can lead to other problems, such as an unhealthy lifestyle, premature sexual relations and debt.
- The moment when one of the parents enters into a new relationship and thus a new adult enters one of the primary systems of the child is a moment that requires attentiveness from the environment. Preventive psychoeducation for this situation should be easily accessible: parents sometimes appear to misjudge the feelings of the children in their feelings for their new partner. In addition, even if the new relationship does not lead to cohabitation, this is an emotional moment for the children.
- Another vulnerable moment when early detection is important is when a child moves.
- It is important that everyone realizes that contact problems between a parent and a child can already start before the divorce. The above signals are therefore not only relevant after a divorce.
- For professionals, the following recommendations can be made regarding early detection:
 1. Professionals in youth care and justice would do well to estimate the seriousness of the conflict, for example with the aid of Glasl's conflict ladder [19], and to gear the involvement of help to this.
 2. Professionals should gain insight into the process by examining the history of the conflict. It is also visible that this problem can be passed on from generation to generation (which indicates, for example, that involving the family does not necessarily contribute to a solution) [20].
 3. Professionals should be aware of parents getting stuck in their personal development in general and in their development as a parent in particular because they have to go through a grieving process after divorce, but also new skills are required of them. The parenting situation need not have been problematic during the relationship.
 4. Professionals should not hesitate to motivate parents for appropriate assistance.
- The above points deserve the attention of study programs and professional associations.

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5.4 The voice of the child

5.4.1 Introduction

If a child grows up with both parents after a divorce, it is almost impossible to live in two houses. The fact that a child and its parents have to miss each other on a regular basis is inevitable and usually difficult for all parties to bear. The child is the most vulnerable party in the whole. What voice does it have in decision-making? How does that relate to the child's developmental level? This poses various dilemmas.

5.4.2 Starting points of the expert team

A child has two biological parents and we know that most children, sooner or later, want to know their biological parents [1, 2]. This own need seems to be driven by the existential idea in the child that his biological parent should take care of him: to be interested, to protect and positively support, to be available [3]. We have established internationally that the child has the right to contact his parents, even after divorce, and vice versa, parents are each responsible for good care for their child [4]. Although that right creates frameworks, the developmental psychological importance is essential for (the survival of) children. In any case, it is important that the child can build a bond with both parents from early childhood and is positively supported and cared for by them [5, 6].

When divorce problems become complex, this poses a threat to the development of the child. The question is what position the child can take so that his development opportunities are optimal. This is first of all because of the above that are **bond** with his parents is unaffected and, moreover, that he has an age-appropriate degree of **autonomy** has in this context, so that his **competences** be able to develop [10].

The need to give the child a place and to hear it, to give him the feeling that he 'has a grip on his life', raises a number of questions in the context of this problem. At what age and level of development can a child have a say or maybe even a decision about its future? To what extent is it necessary for the child to talk about this with an outsider? After all, it is complicating that the child is in different contexts, can behave differently there, can be perceived differently by father and mother and may express different needs in one than in the other. Can the child's voice have a positive meaning in terms of maximizing development opportunities and minimizing harm?

The multitude of factors influencing what the child does and says means that observing and interpreting their behavior requires specific expertise: listening, viewing and conversational skills, as well as methodical skills, asking the right questions repeatedly, over a longer period of time, at the right time and in the right way.

5.4.3 The problems the question in complex coping problems

Three issues in complex interpersonal problems come to the fore:

- How large should the child's participation or self-determination space be during and after divorce?
- At what stage and on the basis of what should a choice be made for professional help in letting the child speak?
- What qualifications does someone need to meet in order to talk to children, examine them and help them express their views in a complex divorce?

5.4.4 Dilemmas and solutions

There are with regard to the *Voice of the child in contact problems with parents* a number of – and sometimes strong – differences of opinion. This means that there are dilemmas: choices between two options that both have disadvantages. The dilemmas are discussed below which the expert team repeatedly encountered in its research and consultations with experts by experience, care providers and scientists and which we must transcend in order to create an approach to the problem of contact loss.

Each dilemma is discussed (as in other paragraphs) in this form:

- the discussion,
- the dilemma, expressed in a 'on the one hand' – 'other side',
- the choices advised by the expert team, based on all the information obtained.

a A quantitative approach versus a qualitative approach

The solutions suggested by experience experts and interest groups with regard to the child's voice in the (distribution of) care for the child are diametrically opposed in some respects.

The law provides that child and parents have the right to contact each other. 'Equal parenthood' is often translated quantitatively (care time).

On the one hand, some experts and interest groups believe that children should spend 50% of the time after divorce with each parent (which is called 'quantitative shared parenting') and that this should be legally defined. In this form, the child has no say.

On the other hand, the position is defended that every care arrangement is tailor-made, partly dependent on the situation before the divorce and the practical circumstances afterwards (what is called 'qualitative shared parenting'). Supporters of this view see the 'voice of the child' as important.

- In all cases, it must be about equality of both parents, both in terms of rights and responsibility. If a somewhat equal division of care and parenting tasks is not desirable or possible, then a division that meets the wishes of both parents and the child is most preferable and most likely to successful compliance with the agreements. A care arrangement must also be in line with the development of the family. Recommendations on this can be found in the Divorce Guideline of the Netherlands Youth Institute (NJI). [7].
- A condition that is always endorsed by everyone is that (emotional) safety must be sufficient. There must be alertness to signs of neglect and abuse, and if there are any, an investigation must take place (see § 5.5 Investigation of the facts).
- The expert team sees the 'voice of the child' in a care arrangement as important. Hearing the child's desires about the care arrangement and his or her own view of how the parents are doing is important for drawing up the arrangement. Development psychological expertise of the person who talks to the child is of great importance, in order to prevent the child from getting the impression that he can determine everything – but also does not have the impression that he has nothing to contribute. Chapter 4 of this report revealed that those who experienced this as a child suffered greatly from not feeling heard.
- It is more difficult to talk to and hear from the child with complex coping problems and PA. See dilemma B below for an explanation.
- The expert team considers the prompt (provisional) establishment of a care arrangement after the divorce (or, if necessary, adoption thereof by the court) as important, as is enforcement of those agreements (see also section 5.7 Enforcement). If necessary, account should be taken of a structure based on a child's adaptability. Development and parenthood are also subject to all kinds of factors and a care arrangement does not have to be fixed for years and can be adjusted (and re-established) if necessary, with a view to the development opportunities of the child.

B ▶ Do you want the child to have a say with a parent during and after the divorce in the case of complex contact problems and/or loss of contact, or keep the child out of conflict?

When there are problems in the relationship between parent and child and there is even a threat of contact loss, what is the role of the child? No one thinks that the child should be burdened with a choice between its parents. Adults serve it

We need to agree on contact and interaction, because if they don't, we sometimes see children making their own choices in all the stress.

On the one hand, some experiential experts and professionals who have been consulted believe that the child's self-disposal space should be large. For them, 'listening to the child' is leading.

On the other hand, other experiential experts find it justifiable that a child should learn to relate to his parents as they are, and to interact with them, even if it is difficult (which was compared to a parent who also does not keep a child home from school if he does not like the teacher). finds).

In addition, children in a loyalty conflict may find it difficult to communicate what they really want; the question is who can interpret 'the authentic voice of the child'.

- According to the law, children from 12 years old are given the opportunity to 'make known their opinion' to the judge. Recent research argues that children from the age of 8 should be explicitly involved in considerations about the quantitative care arrangement by talking with them about what they consider important [8]. Further research needs to be done on whether/how this can be done for younger children.
- In cases where maltreatment and abuse do not play a role or are excluded, but where contact between parent and child threatens or exists, the views of professionals and scientists differ somewhat. However, a majority believe that 'following the child's opinion' is different when the contact breakage is accompanied by: long-term poor relationship between the parents, lack of effect of deployed help, power inequality between parents (e.g. due to money, housing, care time, knowledge, psychological or cognitive abilities, health, etc.).

Children from about 5 years of age have often internalized the complex contact problems (between parents or with one parent) in such a way that their own feelings and thoughts are insufficient ground for a choice of good care and contact arrangements [9].

- The expert team recommends that at all ages the child is offered a good balance between influence on the care arrangement on the one hand and the importance of his long-term development on the other. Each phase offers its own possibilities, which are different for every child, depending on the talents and vulnerabilities of that child.

C Have the child talk to a confidant or a professional during or after divorce

Experts by experience, care providers and researchers warn against influencing the child and against incompetent, inexperienced conversation.

On the one hand, there are interest groups that would prefer to keep all experts out of the process – either because they do not trust professionals at all, or because they believe that the quantitative distribution should be the starting point, or because they believe that the children have already been influenced in such a way that their opinion is no longer pure their own opinion. We also understand from experts that engaging an expert to talk to the child can disrupt the relationship between parents and child.

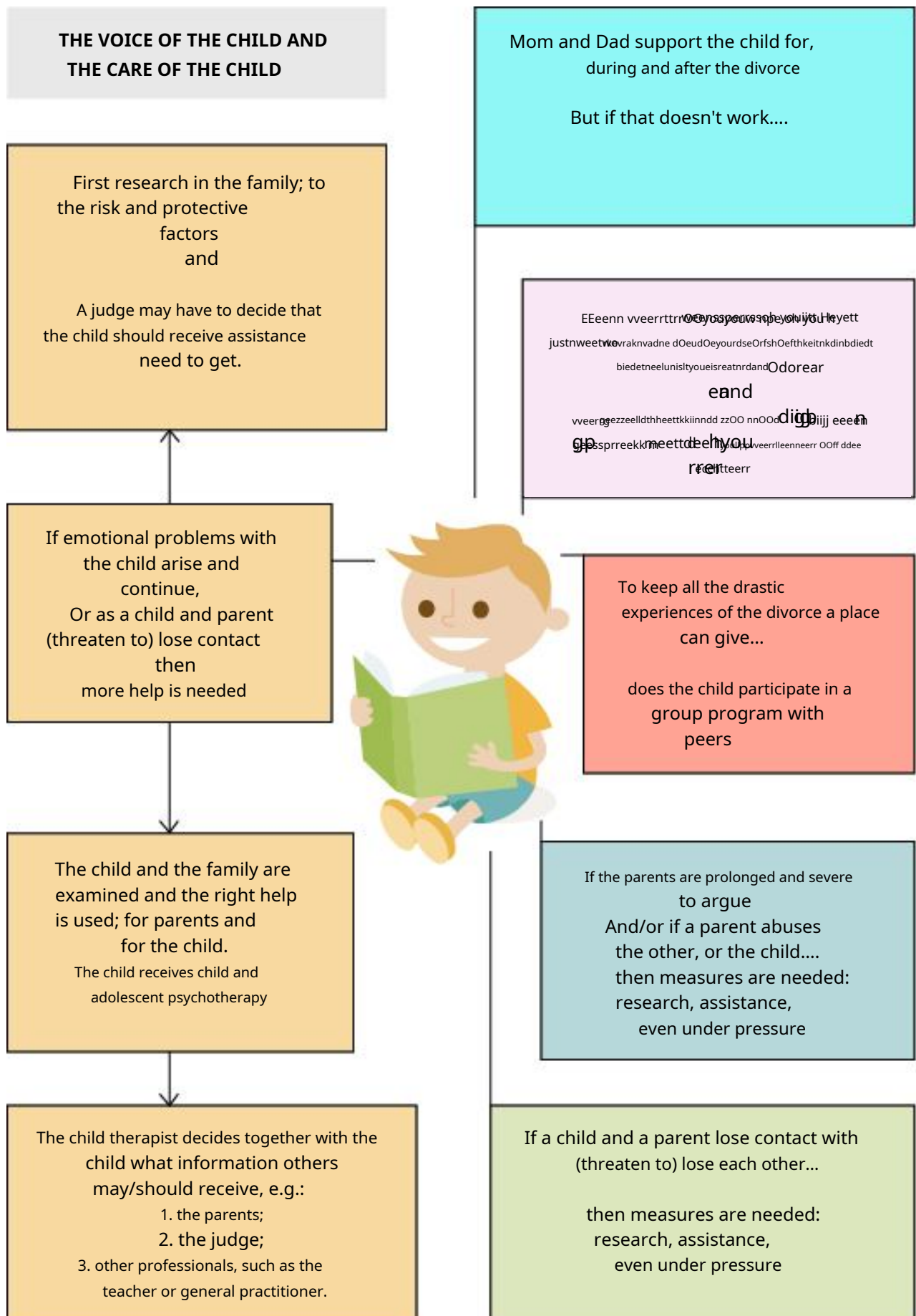
On the other hand, various interest groups and experts argue that the child would benefit from a confidential counselor outside the family. However, many also believe that many mistakes are made when speaking with and listening to children. The required expertise is estimated to be high [10].

- Children in our study indicated that they would have liked to be heard and seen better, and that professionals should ask further questions.
- Experts and interest groups as well as professionals and scientists agree that children should not be burdened by a row of different professionals, one after the other or next to each other, who, with varying goals, talk to them about their problems (the so-called 'stacking of interventions'). and professionals').
- The professionals and scientists have hardly expressed any thoughts about the positioning of a confidential counselor for the child. Some find that a natural process of contacts in the social network, including a child's teacher and/or mentor, can fulfill this function. The child receives support from his immediate environment, who has knowledge about and is alert to problem signals. Some professionals are experimenting with the Your Contributed Mentor (JIM) [11], but there is still insufficient knowledge about its value and about the question for which children this intervention is suitable.
- The expertise of the person who talks to the child in complex situations, e.g. about the division of care between two parents, is placed at specialist level by most, such as child psychotherapists or clinical (child) psychologists or remedial educationalist generalists who have specifically trained themselves in this skill. In view of everything that is discussed in those conversations (their daily lives, their parents; the divorce, all reactions to it, symptoms of problems in the attachment relationships), the expert team believes that this is justified advice, whereby we note that specialist knowledge of complex contact problems and PA is essential.
- When it comes to the role of the judge in direct contact with a child, some experts and advocacy groups believe that judges are not the right professionals to hear a child who finds himself in a conflict situation between his parents. On the other hand, various professionals and scientists are of the opinion that, if a judge so wishes, and certainly if requested by the child, a meeting will take place and the child can take a confidential adviser with him. It has also been mentioned that it is not good if the child has the conversation with the judge just before the hearing of the parents; a different time must be chosen for this. A judge could also sit down at the table at the multidisciplinary consultation of care providers, including parents. And the judge could also sit down with the care provider and/or the child's counselor, including the child. Everyone agrees that the environment in which and the moment at which a child is heard matters.

- Possible further development of support options for children are:
Villa Pinedo;
JIM (Your Contributed Mentor);
Parts of the GIRFEC program out Scotland;
Analogous to KOPP groups (Children of Parents with Psychiatric Problems), children's groups can be set up where children who have lost contact with a parent come into contact with each other within appropriate age frameworks, are informed and supervised.
- When hearing children, multidisciplinary and interinstitutional cooperation is a point of attention.

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5.5 Fact-finding

The importance of fact-finding and the careful handling of facts is endorsed by all. The big question in a complex situation, in which contact is imminent, is how to act when parents face each other with opposing views and opinions about what happened in the (recent) past. When parents accuse each other. When parents disagree about their respective roles in the loss of contact and about what is needed for the future – especially for the child. How should we deal with that when determining what is going on and what needs to be done?

The truth in the middle? → Fact-finding!

There is much to be said about the word truth. The word 'truth' has a value. What is truth? Is he in the middle? However, it is largely about everyone's individual experience, their own story of the events. Complex family dynamics the truth is not in the middle. But if there is an accusation from one parent to another of child sabotage, or even assault or sexual abuse, there is

the real question is what the facts are. This involves collecting facts in various ways. With the term 'factual investigation' we try to avoid the word 'truth' as much as possible.

Point of departure

Good fact-finding consists of collecting data, whereby a clear distinction is made between actual facts and the perception of those involved on the events.

For a decision on whether it is safe enough for a child a. the facts about safety are important and b. what happened in the process of loss of contact in which parents confront each other, disqualify and/or blame each other. Accusation of abuse from one parent to another parent is in all cases harmful from the perspective of the child and endangers growing up unthreatened. Whether or not the accusation is true.

In order to gain as complete a view as possible of the situation that has arisen, it is necessary, in addition to knowledge of the hard facts, to record the story of both parents. This creates a collection of data. The whole helps to determine from the perspective of the child what is needed in terms of the deployment of care and/or justice.

On the one hand, an investigation of the facts is necessary before making a decision about access and/or custody. It is necessary to know the facts and subjective experiences, so to do extensive research, before making any decisions.

On the other hand, fact-finding does not always yield valid statements. Beliefs, prejudices and assumptions are not excluded. The outcome is never 100% objective. The time involved in research increases the chance of a hardening of the conflict and makes it more difficult to maintain or restore contact between the child and both parents.

To overcome the dilemma, the experts and experts give the following advice:

- Distinguish between facts, opinions and interpretations at all times. Make the distinction clear in reports.
- In fact-finding, use multiple sources for comparison and/or confirmation.
- Check the sources, set quality requirements for source reports and stick to them. (eg in action line 5 of the plan to improve fact-finding in the Youth Protection Act).
- Recognize patterns; Isolating a child from the other parent is a well-known pattern and form of emotional and psychological domestic violence.
- Provide a connection between care and law; cooperation and data sharing enhance everyone's effectiveness.



Recommendation

The recommendation concerns both an operational and a substantive part.

First of all: provide a 'counter' behind which a team of specialists is located, who will deal with the case as soon as possible in the event of accusations against a parent. This team carries out careful fact-finding and immediately deploys the necessary care (see paragraph

5.6). This is a difference with the current situation in which the deployment of care and contact maintenance or recovery often waits for 'proof'. The basic principle is that there is (supervised) contact between the child and both parents. If there are valid reasons for acute insecurity, contact under supervision is a condition.

Behind 'the counter' is a team of specialists with both psychosocial and legal expertise. The investigative team is decisive, is comparable to LEBZ and MDA++, which pick up an investigation within a week in case of assault/sexual abuse. It is also important to establish a link with the Action Tables of the National Network for Care and Punishment when a decision is made about the use of a civil or criminal procedure.

Second: Increase the quality of fact-finding. In addition to research into the concrete facts, there should be a thorough description by/with both parents about everyone's developmental history, in a so-called own timeline. The stories of both parents are articulated, also with the aim of de-escalating. If this has been done before by a professional; then this timeline belongs to the file. The team also has research possibilities such as application of the MASIC, parent-child interaction observation, family conversations, child conversation (section 3.3), network consultation. The Child Protection Board participates or is positioned close by, possibly in a coordinating role with regard to the investigation. We recommend including the coordinating role in the discussion about the redesign of effective youth and family protection.

The expert team recommends that the universities conduct more research into the reliability and validity of the research tools that are used, such as interaction observation and the tests and questionnaires that are used in research.

NB In the event of unsafety, in addition to direct care for safety, continuing contact requires all attention.

Together (family, professionals and network) it will be determined which risks must be investigated in order to prevent unsafety (risk-based care). Specifically when it comes to an allegation of sexual abuse after a divorce, the 'desk/team' immediately finds out whether there are previously known signs of concern. If these are not available, contact will be continued during the fact-finding investigation, with appropriate care being taken.

The process can move through all phases of Braithwaite's pyramid; whereby the pressure on cooperation in the investigation is increased as soon as the judge comes into the picture.

5.6 Treatment of complex coping problems and PA

5.6.1 Introduction

The expert team has delved into the question of what assistance could be effective in the event of a stalled divorce in which a contact break between a parent and a child has arisen or threatens to arise.

As in the previous paragraphs, first a summary is given in broad terms of the guidelines on assistance that have been obtained from the consultations with experts and professionals by experience. This is followed by theoretical insights from the literature. After formulating the dilemmas at stake, solution directions are formulated.

5.6.2 Guidelines from interest groups, experts by experience, professionals and scientists

- Social prejudice against parenthood by single fathers must be combated, both among social workers and judges. It has been noted several times that fathers suffer from *gender bias* in care and justice: mothers are still more self-evidently seen as caring parents than fathers.
- Parents naturally react emotionally after a break in contact, with anger and sadness sometimes being vented by coercive behavior and putting the problems outside themselves ('externalizing behaviour'). This behavior in turn evokes emotions in the environment and often condemnation – also by care providers. In particular, it is noted that condemnation of this behavior now too often leads to an erroneous judgment about parenting. Moreover, an unfounded relationship is often made between parenthood and a classification of, for example, a personality disorder (whereby the classification is also often poorly founded). More research is in order in this situation, including into the significance of the events for those involved.
- The conflicts of interest that sometimes occur between organizations such as Youth Protection and Safe Home must be addressed.
- A major problem is the waiting times in case law, research and assistance. When a contact breakage occurs, the passage of time aggravates the problems and makes recovery more difficult; the literature also indicates this [1, 2]. The space that ex-partners now have to constantly file lawsuits or hinder relations [35] is problematic. In the regulation, a focus on 'recovery' are desirable. Ways should be sought to limit wrong-doing litigation, for example by not denying sued parents the right to see their children and offering alternatives such as supervised parenting. It is important to train judges and social workers in this respect [6] (see also the 'Enforcement' chapter of this report). This is a task for education and possibly also for the legislator. However, realizing faster aid and being able to offer supervised treatment also has to do with capacity problems and financing, for which a solution must be found from politics.
- The majority of those interviewed by the expert team argue that it is important to deploy social workers who specialize in complex divorce, PA and family insecurity as soon as possible. A minority, however, argue that parents should not receive any assistance at all, because that only leads to more complications, while they see the solution in determining and maintaining the division of parenting time after divorce.
- The necessity of a parenting plan is endorsed by everyone. However, some argue in favor of a more global plan that can always be adjusted, while others believe that a number of fixed agreements that can be adhered to for a long time are more effective.
- Everyone agrees with the need for a balanced distribution of contact time between parents – with various interest groups arguing that a 50/50 division of parenting time should be assumed, while others argue for more flexibility, for example by aligning with the situation before the divorce.
- Everyone endorses the need for enforcement in the event of non-compliance with the agreements in the parenting plan; there is discussion about the way in which (see the chapter 'enforcement').
- Even though not everyone is positive about professional assistance, everyone is of the opinion that in the event of suspicion and allegations of neglect and abuse (much) faster diagnosis is necessary than is currently the case – if possible supported by a guideline – so that the safety of children and that of parents (also in the event of unfounded allegations) can be secured more quickly. Various interest groups and professionals recommend using the MASIC [7] or the ARIJ . questionnaire to support this diagnosis [8] to be taken by specialized

aid workers. Reference has already been made elsewhere in this report to the need for specific training for diagnosticians and care providers involved in child abuse in general and PA in particular, for example when they hear or supervise a child.

- As a last treatment option, when communication between the parents really fails, offering guidance towards 'parallel parenting' is called.
- Care providers consider it essential to organize the diagnosis and assistance in the event of contact breakage in such a way that the parents' willingness to change is as great as possible. This requires that both parties feel that they have been heard and that care providers must not be tempted to hold one parent responsible for the contact problem before this has been done sufficiently.
- Care providers believe that it must be assumed that there are complex family dynamics of which the loss of contact and the break in contact form a result. In most cases, no simple, unambiguous cause can be found.

5.6.3 Different practitioners place different emphasis

The expert team can conclude that more scientific research, also in the context of Dutch culture and regulations, is necessary to investigate the different dynamics and treatments of complex cohabitation problems and PA (see chapters 2 and 3). It will therefore come as no surprise that the experts who work in this area place different emphases in their assistance:

- Some work primarily to improve communication and cooperation between parents and their ability to understand what the conflict means to their children.
- Others focus on (early) traumas of parents, whether or not in combination with other disorders.
- Still others argue for primacy in the supervision of children.
- Some are focused on restoring contact, others on creating peace by stopping contact and helping parents deal with the fact that they no longer see their child, while others want to restore contact between the child and both parents, but otherwise all communication want to stop between the parents.
- Experts who focus on family dynamics more often advocate a combination of these approaches, adapted to the complexity of the problem. This includes intensive treatment, but also an acceptance of the fact that not everything can be

unloaded. In this view, it is important to restore contact between the child and both parents, as is the creation of conditions for everyone's further development.

5.6.4 Survey by TRIQS

In light of this chapter, it is important for care providers to know how their efforts are valued in the eyes of the respondents (see Chapter 4 for a detailed discussion of this study as well as the limitations in the representativeness of this survey). Care providers receive a scale score of 3.5 (on a scale of 010) from the respondents – one of the reasons for the low score is that it often happens in the care sector that one of the two parents does not want to cooperate and the care provider then refuses to cooperate. empty handed state; after all, for help in the voluntary framework, the consent of both parents is required.

The general practitioner and school receive a better assessment than the care providers when it comes to support and assistance.

Most support is experienced from family and friends, but there are caveats to this. Family and friends often choose sides. On the one hand, this can provide support, but on the other hand, it can actually reinforce conflicts. Research also shows that a kind of tribal war can arise [2, 4, 915]. Furthermore, it appeared that the larger social network of, for example, religious communities and associations offers little support.

In the eyes of the respondents, there appears to be hardly any help for the child itself during the divorce process. According to them, there is also limited help for the child after the divorce.

Remarkable is the difference in perspective of care providers and experiential experts of parents and children. Care providers emphasize changing parents themselves through psychological intervention. Experts by experience tend to focus on external rigor (detailed parenting plan, rules and laws, enforcement and/or other external pressures). The explanation for this difference in perspectives may lie in the experience with regard to cooperation between the parents: for care this cooperation is precisely the instrument, while the experts by experience in the field of PA have experienced that it is precisely this cooperation that does not succeed, as a result of which the hope for change evaporates.

5.6.5 Theoretical considerations about PA

The literature on PA describes different dynamics [1619] (for a comprehensive overview see appendix 1, *Vision document*).

- For example, a parent can make the image the child has of the other parent without being aware of it so black that he or she no longer wants to have contact with it.
- So much stress is experienced in contact with each other that the child chooses rest by choosing one of the parents.
- A parent can be genuinely convinced of insecurity for the child, even without there being a real risk to the child.
- The more serious form of PA consists of convincingly keeping the child away from the other parent with a deliberately fabricated accusation of insecurity, or magnifying incidents that are the result of, for example, a lack of cooperation between the parents, high negative emotions [20], or a lack of experience with the new living and parenting situation.

Research shows that it is very difficult to prove that an allegation of neglect and abuse is false, in the sense of: made with the evil intention of harming the other parent and not with the good intention of protecting the child [21]. The consequences of an incorrect care report (based on concern) or of a false care report (based on bad intentions) can be very great. It may result in judges erroneously ruling that the accused parent should undergo therapy for the alleged child abuse, that parental authority is terminated or, if the judge applies criminal law, even that the parent is sent to prison [2123].

Proving innocence in child abuse is difficult, especially if there are no (impartial) witnesses. This means that the acquittal of the parent in the event of unjustified care notifications is often not an option; rather it will be stated that the abuse cannot be proven [21]. The accused parent therefore remains marked.

These dynamics occur in all conceivable variations and 'gray shades'. From a systems therapeutic perspective, the dynamics can be summarized as follows: a child always thinks about his two parents at the same time; it sees the relationship with its parents through the triangle father-mother-self that arose at birth (the three

angle referred to in literature as 'the triad' [24]). The child will always see his or her relationship with the father and mother (the two dyadic relationships within the triad) in the perspective of the third relationship, that between the parents [25]. Everything one parent does, therefore, the child takes with him into the relationship with the other parent. The child is therefore sensitive to what one parent says and does with regard to the other. This process underlies PA. Parents and children are all part of this system and guidance with contact problems must therefore be aimed at the entire family system in order to do justice to this complexity. The focus is not 'who is to blame' but 'how it works'. This does not mean that everyone has an equal share in the origin of the problems: in some situations, there can clearly be perpetrators (and even criminals) and victims. With all this, stressful issues such as financial and housing problems can have a very negative impact on the development of the interactions.

5.6.6 Risk factors for complex coping problems and PA

The risk factors for the emergence of these dynamics are at various levels that are inextricably and reciprocally linked. Unraveling is an artificial procedure, but can still provide entrances for treatment (see also appendix 1, *vision document*).

- Intrapersonal risk factors (related to the psychological functioning of the person himself) and their relationship to parenthood, such as attachment, sensitivity, temperament, impulse control, reflection capacity, pedagogical awareness, personality problems, trauma, grief and depression [9, 2631];
- Interpersonal risk factors (factors in the interaction between those involved) and their relationship to parenthood, such as relationship history, conflict, insecurity, ambivalent feelings of attachment and loyalty towards families [2, 4, 915];
- Situational risk factors and their relationship to parenting, such as stress from housing problems, financial difficulties and interference by family and friends, where conflicting interpersonal, cultural and religious values may play a role [32, 33]. The distance between the homes of parents also plays a role: if this is increased by moving house, this can cause or worsen PA [35].
- Harms done by caregivers, such as bias towards fathers, difficulty handling anger, unfamiliarity with PA, unknown

ness with ways to re-establish contact between a parent and child. Like the role of the social environment, these can exacerbate the complex separation [34].

The above factors, mutually influencing each other and sometimes inextricably linked, can make the problem – certainly if given the time to proliferate and other risk factors pile up – grow from a problem with shades of gray to a problem that becomes black and white. The complex problem then grows into PA, for example. Incidentally, this is not a predictable, simple, linear cause-and-effect relationship, because not every child will react the same under comparable circumstances [12, 3537]. The child's own contribution (understanding, resilience, competences, sensitivity) is one of the aspects of the complexity. But if PA arises, if the child no longer wants to see one of the parents for no good reason, then this is complex, jammed family pattern ingrained in the child's consciousness. This rejecting behavior of the child towards a parent is therefore not an absolute fact, but something that arises at a certain moment, in a certain context, and develops (increases or decreases) over time. This offers hope of being influenced by aid. A first recommendation for assistance is therefore to look at the whole system, at all involved (including the family), their history, their interactions and their context (including the living distance and the like).

In view of the above, in the language we use to describe this dynamic, it is important not to choose words that suggest that the child, or one member of the family, is responsible for his choice or guilty of this situation. A second recommendation that follows from the foregoing is therefore to be very careful in the choice of words in contact with parents and children. The 'time' factor is, as argued above, a culprit: when contact between a parent and a child is stopped, for example because of conflicts, accusations or proceedings, the reduced contact time results in an alienation of the parent who is present during that time. period is not seen [1, 2]. Three recommendations follow from this:

- In the first place, work should be done on a culture change in which accusing and being proved right is subordinated to maintaining or restoring contact between parents and child and the development opportunities of all those involved;
- secondly, the speed of investigation and legal proceedings should be increased;

- and thirdly, the fact that proceedings are underway or that an allegation has been made should no longer be an argument for stopping the association between the accused parent and the child, but at most for continuing it in a secure environment.

5.6.7 Transgenerational transmission, role of the risk factor 'psychiatric problems'

Children of parents with psychological disorders are more vulnerable than children whose parents have no psychological complaints [55]. Traumatic experiences in the parents themselves can already influence the development of the child during pregnancy, right down to the level of the child's organs [38]. If parents have psychological complaints or disorders, this can make a child more but also less sensitive to the dynamics of PA. Whether children actually develop complaints depends on the amount and nature of the risk factors and protective factors that can occur in several domains (parent, family, child, broader social network). Hosman et al. [39] developed a theoretical model describing the influence of risk and protective factors on the transgenerational transmission of psychopathology,

Mental problems are common and a risk factor for parenting. For example, parents with mental problems may find it more difficult to sensitively attune to the needs of their children. This can lead to overly coercive or unpredictable behavior as well as to withdrawn and dismissive parental behavior [40, 41].

Conversely, a physical or psychological limitation in the child can also make parenting a 'top sport': considerably more is asked of these parents than of the parents of an average child [7]. And this in turn can have consequences for the mental health of parents, both negatively and positively. On the one hand it increases the chance of a divorce, on the other hand if parents feel competent in parenting, it can also strengthen satisfaction with parenthood.

Finally, the divorce process itself can also contribute to the problems: for example, children attending violent quarrels between parents in the context of a divorce causes developmental damage to children [42]. Such situations are a form of child abuse.

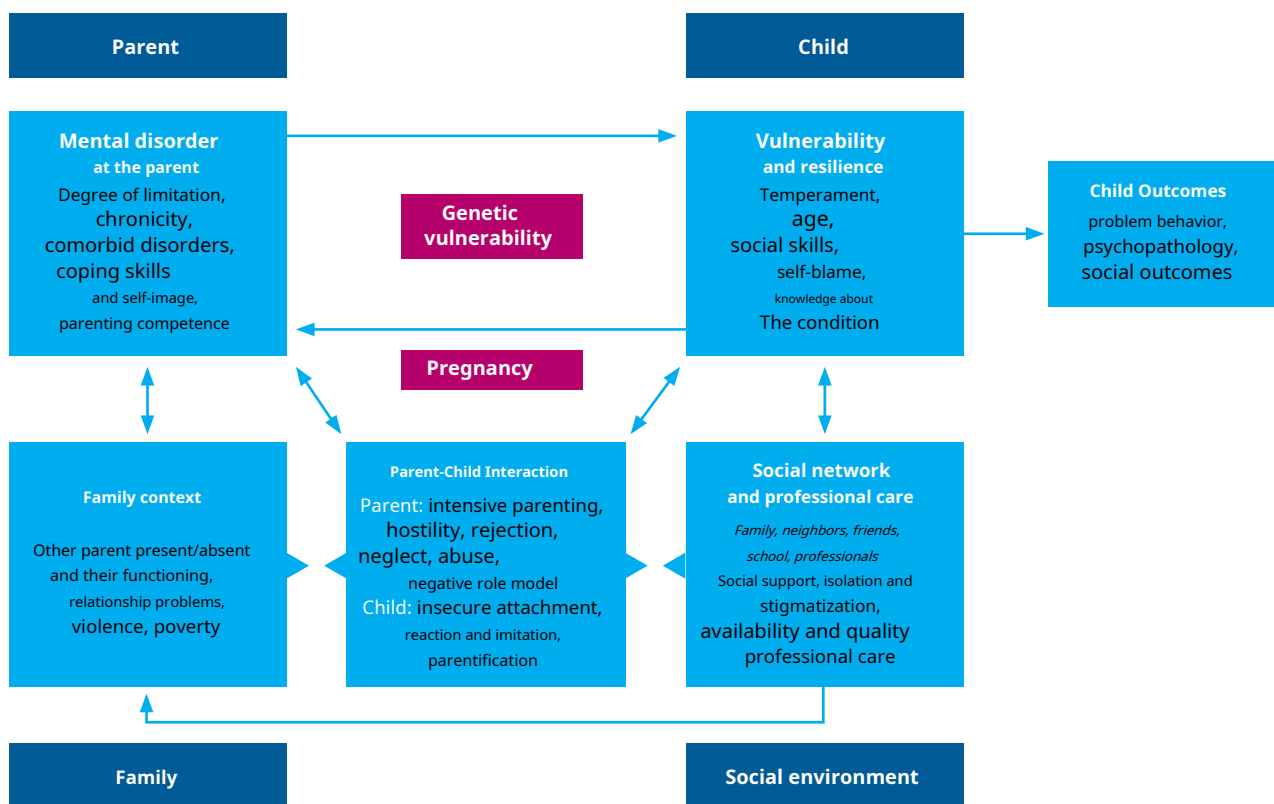


Figure 17.1: Model for the development of children of parents with mental illness (based on Hosman et al., 2009).

5.6.8 Interventions

Several interventions have been developed. The efficacy of these interventions has not yet been well studied. Studies consist mainly of clinical anecdotal material, case studies and a few qualitative studies with small groups. Moreover, there are few studies on the long-term consequences of the intervention. As with research into the effectiveness of interventions in multi-problem families, research into effective elements is important to optimize treatment quality. As Grietens [43] describes, in complex problems only one factor seldom offers an explanation for the effectiveness of an intervention. Several components are important.

First of all, the importance of building a working relationship is strongly emphasized in the literature [44, 45].

- In general, these elements can be mentioned that are used in interventions in families with multiple problems *possibly* make a positive contribution to the treatment effect:
an intervention prelude,
attention in the intervention for all family members, a focus on gaining trust from the family,

actively involve the family in making all planning and goals and expanding the *empowerment* of the family [46].

- A complicating factor for families in a deadlocked divorce process is precisely this working relationship with all family members. Organizing the joint wishes of parents during and after a divorce is a challenge. At the same time, the working relationship with the practitioner is one of the predictive factors in the outcome of the intervention [47].
- In general, the working relationship should be multilateral [48]. The care provider will above all have to be clear about his or her starting points and the choice of treatment goals, such as working towards reunification with the parent with whom there is a break in contact.
- Building a relationship takes time – and sometimes pressure or compulsion. It may take time for the counselor to get both parents into the room at the same time during or after a divorce. Incidentally, this is not always necessary to be able to work with the entire system: after all, a family lives in the heart of the people present, which means that one can work with the system without the entire system being present.

- Specifically, time must sometimes be taken prior to diagnostics to organize safety first. The appeal to parents to change causes stress in itself, on top of the stress of the conflicts and the fear of losing contact with the children. The stress can evoke reliving past traumas. The situation is therefore insecure. The insecurity can be further enhanced if someone questions a parent's parenting competences. Insecurity makes it difficult to discuss insecurity openly. Turnell [49] has developed a method for this situation (there is a suspicion of insecurity, but the person concerned denies it) to create the necessary safety by approaching the problem differently. This approach is no longer about getting an acknowledgment or confession with regard to the suspicion, but about looking for everything possible to help the (former) family members to build up future security [49]. Various research instruments are available to
- gain insight into parenting qualities. An example is the EAS (*Emotional Availability Scaling*) [50]. This research can be carried out with some speed and in a multidisciplinary manner.
- The work of De Shazer and Dolan is supportive of complex family relationships [51]. It opts for a solution-oriented way of working: goal-oriented, focused on resilience and talents within a family. It should also be noted that a solution-oriented method does not mean that only the present and the future are looked at - in the diagnostics, for example, how past experiences or psychopathology get in the way of avoiding pitfalls or unrealistic goals in the intervention.
- If there is indeed a question of insecurity, a range of dynamics can again be involved – in many combinations and shades of gray. It can vary from powerlessness due to overstrain to antisocial exploitation (see also appendix 1, *Vision Documents* t). Fidler et al. [52] argue for a combination of psychoeducation and psychotherapy for complex problems and PA.

Integration of diagnostics, intervention and justice

The complexity of the problem means that the dynamics of things often only gradually become clear, partly through the response to interventions. One-off research into safety can contribute, but is often not sufficient. Monitoring

(by the practitioner himself) of responses to interventions and combining that information with the imaging from the past is called process diagnostics.

- Process diagnostics can start immediately at the start of the care, and also on an outpatient basis, ie in an outpatient setting.
- Another option is to make use of family day treatment (6 weeks long, 3 days a week). At the same time, a gradual recovery of contact can take place and, moreover, growth in parenting qualities can be sought. One parent can be informed about the growth in parenting of the other parent. Reassurance about the quality of the parenting of the other parent can also be a solution for complex contact problems and PA.
- Parents and children suffer from complex divorce and PA. However, the pressure that arises from this, and the pressure from the professional, can sometimes be insufficient to come to a solution or increase the resistance to change. The expert team experiences that there is broad consensus from the sources consulted that enforcement of judgments by the family court is important. On the other hand, there is also a consensus that the legislation in itself is insufficient to organize good parenting [42]. When PA is involved, both systems (care and justice) cannot resolve this separately: united cooperation between justice and care providers is of great importance [53]. This means that care providers with conviction and legal backing must be able to tell parents what the consequences will be if they do not cooperate, and that judges can make confident use of the findings from the intervention without having to ask for new research. Parents know better where they stand.

Necessary (further) development of new forms of treatment for complex coping problems and PA

Where much has already been tried but little result has been achieved, where problems are complex and only process diagnostics appear to be possible, and certainly where the court has indicated the need for intervention, the expert team believes that the following programs may be effective and deserve further development and research:

- In family day treatment (such as from Yulius in Baren drecht) or a 'nesting program' (such as from the family clinic in Beilen, from the GGZ Drenthe), diagnostics and promotion of safety and parenting skills can be integrated.

- For trauma-related family problems, a clinical family admission such as at Accare, where the KINGS method [17] is used, can be a solution. There is also an integration of diagnosis and treatment.

The expert team strongly recommends:

- to carry out scientific evaluation of the above programs and to set up experiments with these promising programs in other regions;
- foreign programs such as Family Bridges [54], or the interventions of Woodall and Woodall [55], and to see how these interventions relate to feasibility within Dutch society and Dutch law.

In the USA, UK and Croatia, the parent with whom the child lives and who blocks contact between the child and the other parent is sometimes ordered by the courts to have no contact with the child for three months and to leave the child live with the parent from whom it has become estranged. First of all, it should be noted that the cooperation between assistance and the judiciary is different in the USA and the UK than in the Netherlands. They are more hierarchical societies (with a greater 'power distance'), and court decisions have more authority there. Secondly, it should be noted that the effectiveness of this intervention has only been substantiated by anecdotal evidence (case descriptions). The Dutch therapists with whom the Expert Team spoke believed that removing the child from the parent it had chosen would be a traumatic intervention for that child. The American expert with whom the Expert Team spoke believed that this was not the case, and had even once heard the lament of a youth: 'Why didn't you do that before?' It is clear that everyone thinks that placing the child with a neglecting or even abusive parent should be ruled out. The expert team is of the opinion that this aspect has not been sufficiently investigated when carrying out this intervention. Independent research into this way of working should be awaited. Priority should be given to developing and evaluating family-centered approaches with a focus on trauma,

Another program, for cases where no progress could be made in any way in communication between the parents, is the 'parallel parenting' programme. In addition, the care arrangement has been established and the parents must comply with the agreements, but they hardly need to communicate with each other anymore. All that is asked of these parents is minimal practical information about planning for intercourse – and this communication can go through a counselor for quite some time. Costly as that is, it may be less costly than the effects of PA. However, this solution has also been little researched. For example, there are major reservations about this approach when it comes to its application in families with young children, who themselves are still unable to tell (consistently) much about their experiences, feelings and needs. They could grow up in two completely different worlds, which may not be conducive to their identity development. Moreover, the methodology has not yet been fully crystallized. A scientifically sound evaluation would also be very desirable here, because it is probably an outcome that is the best possible in a number of cases. The expert team is of the opinion that this outcome should not be offered too early as an acceptable solution, because there is a risk that avoidant attachment parents (parents who much rather 'park' their feelings than discuss them) will be too quick for a (total) break in contact with them. would choose the ex-partner. Moreover, the methodology has not yet been fully crystallized. A scientifically sound evaluation would also be very desirable here, because it is probably an outcome that is the best possible in a number of cases. The expert team is of the opinion that this outcome should not be offered too early as an acceptable solution, because there is a risk that avoidant attachment parents (parents who much rather 'park' their feelings than discuss them) will be too quick for a (total) break in contact with them. would choose the ex-partner. Moreover, the methodology has not yet been fully crystallized. A scientifically sound evaluation would also be very desirable here, because it is probably an outcome that is the best possible in a number of cases. The expert team is of the opinion that this outcome should not be offered too early as an acceptable solution, because there is a risk that avoidant attachment parents (parents who much rather 'park' their feelings than discuss them) will be too quick for a (total) break in contact with them. would choose the ex-partner.

In general, the Expert Team recommends that professional associations and training programs pay more attention to the development of multidisciplinary and interinstitutional cooperation between youth care, youth protection, youth mental health care, mental health care and the judiciary with regard to diagnosis and intervention for trauma processing and emotion regulation so that adult care can also be parentage can be placed.

The Expert Team also advises professional associations and training courses to pay more attention to working with complex coping problems by including this subject (including PA) in the curriculum. Finally, the Expert Team sees that insufficient attention is paid to the supervision of children, regardless of age. The context and age of the children require a differentiated approach. Here too, the above-mentioned multidisciplinary and interinstitutional cooperation is a point of attention; this is a task for professional associations and universities. Possible further development of support options for children are:

- Villa Pinedo;
- JIM (Your Contributed Mentor);
- parts of the GIRFEC program from Scotland (Getting It Right For Every Child);
- Analogous to KOPP groups (Children of Parents with Psychiatric Problems), children's groups can be set up in which children who have lost contact with a parent can come into contact with each other within appropriate age frameworks, be informed and supervised.

a **Dilemma: Should research into all aspects of complex coping problems and PA be carried out before you can start treatment?**

On the one hand, the appropriate authorities should investigate all aspects of complex interactional dynamics and PA, including inter and intrapersonal issues and safety. The practitioners who follow the advice of the research should immediately adopt the formulated problems in order to avoid loss of time, duplication and confusion.

On the other hand, what can be researched beforehand must be researched. Where there is uncertainty, or the insecurity experienced by parents is too great to establish a treatment relationship, treatment and diagnostics should be integrated in order to restart the development of the family. It may be necessary for the judge to order this.

Possible solution directions:

1. More attention should also be paid to the working relationship in studies that are not integrated with treatment. The research method should maximize the willingness to change of those involved, so that the acceptance of the results of the research is already promoted. The research itself will take more time, but less time will be lost in organizing the aid. This principle is referred to as *therapeutic assessment* [56].
2. Agree with the appropriate authorities if instanties Safe at Home and the Child Protection Board, together with the family judge and social workers, who takes which role in relation to a family, who is in charge, who can make which demands and when which sanctions will be applied. Research, assistance and justice are realized in mutual consultation – sometimes consecutively, and where possible parallel. The agencies designated for that purpose mainly focus on research into security aspects and development threats, while the aid workers work on the working relationship with the whole family, also during the investigation.

5.6.9 Dilemmas

The need for treatment is clear, various options and development possibilities are available, but there are also some dilemmas: choices that both have their advantages and disadvantages. These are contrasted below, after which possible solution directions are indicated with which the dilemma can be overcome.

B ▶ **Dilemma: to what extent are the research instruments used and current knowledge sufficient to guide treatment advice?**

On the one hand: the appropriate bodies act on the basis of current knowledge and existing resources, because despite their limitations in this complex problem, not investigating is not an option. Psychopathology, trauma and stagnant grief processes are relevant risk factors in this problem.

On the other hand, the risk factors occupy too much of a place in the research, because it should focus on the quality of parenting. Rather, there should be research into growth in parenting. The quality of that parenting only becomes clear in a longer research process in which diagnostics and treatment are integrated.

Possible solution directions:

1. There should be more room for process diagnostics in the design of research and treatment of complex problems.
2. There is an urgent need for more scientific research to develop practical, applicable, valid tools for the diagnosis of parenting.

3. Scientific research must be linked to safety investigations that are carried out in complex problems and PA.

C ▶ **Dilemma: should the work relationship be leading for intervention within a voluntary framework?**

As stated earlier, the working relationship with a family partly determines the outcome of the intervention [56]. This is a challenge when complex dynamics and PA are stuck. There can be different situations, such as a parent who wants help and another parent who does not want to join, or a parent who feels that the other parent needs to change and rejects the idea that their own

parenting change can help. There are also situations in which a parent blocks guidance by systematically submitting complaints. There is a continuum that runs from organizing the working relationship on the basis of both parents' willingness to change to organizing the parents' willingness to change due to outside pressure.

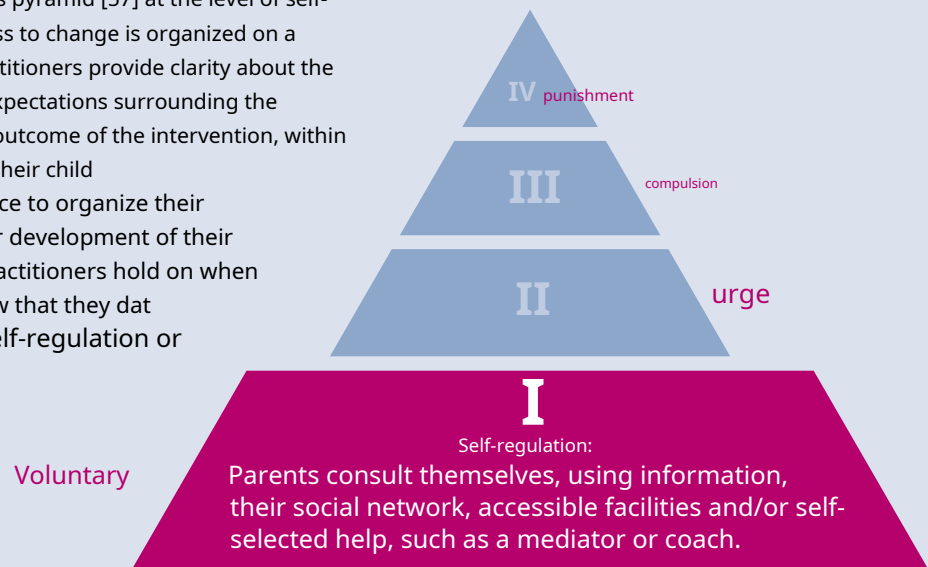
On the one hand, voluntarily entering into a working relationship with parents shows their willingness to change and has a predictive value for the outcome of the intervention.

On the other hand, in the case of complex problems and PA, there is often no agreement between the parents or between a parent and the care provider on what care should focus on. The assistance then stops. It takes pressure from outside to shape it.

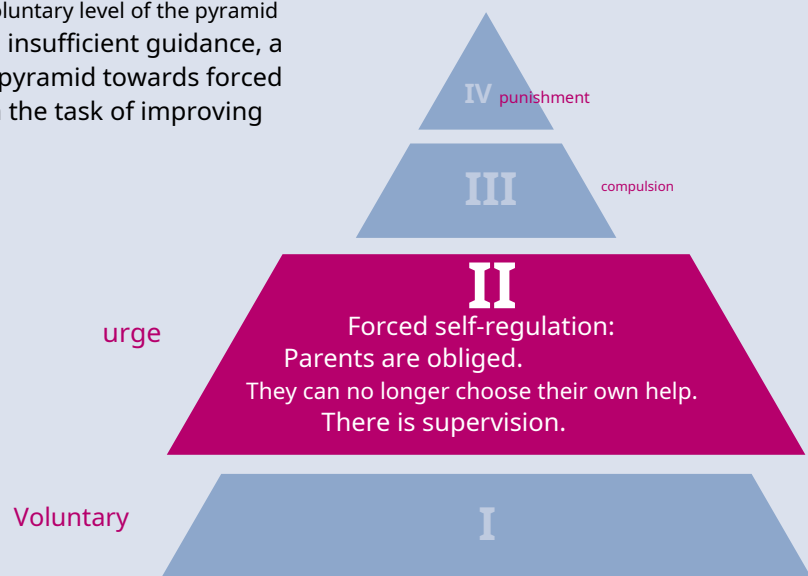
Possible solution directions:



1. According to Braithwaite's pyramid [57] at the level of self-regulation, the willingness to change is organized on a voluntary basis. The practitioners provide clarity about the frameworks, rules and expectations surrounding the treatment duration and outcome of the intervention, within which both parents and their child children are given a place to organize their parenting for the better development of their child. This also gives practitioners hold on when they get stuck and know that they dat to a level of forced self-regulation or even enforcement.



2. When self-regulation at the voluntary level of the pyramid van Braithwaite provides insufficient guidance, a step can be made in the pyramid towards forced self-regulation/urge with the task of improving parenting.



d ▶ **Di lemma: when will you know at which level of the pyramid of Braithwaite you can deploy the intervention? When will you know what level of pressure (from friendly will to a more forced frame) you have to bet?**

On the one hand: because assistance only works well on a voluntary basis, the starting point is to work within a voluntary framework. The question of whether external motivation should nevertheless play a role is not determined by the burden of the child, but only the family dynamics.

On the other hand: because the differences in perspective between the parents and care services at PA are too great and the agreement in willingness to change is too small, family dynamics offer insufficient support for care services. The seriousness of the PA plays a role in the choices that are made, because otherwise the risk of harm to the child becomes too great. The professional must work in collaboration with the judiciary at the level of forced self-regulation or ask for forms of enforcement.

Possible solution directions:

1. Family dynamics determine mindset. The therapeutic framework for a multidisciplinary approach to family dynamics can be helpful here. In this way you can arrive at a concrete description of the family goals to be achieved that the care providers can support together with the parents [58].
2. The severity of the PA determines the level in the pyramid: the more serious, the more reason to organize external motivation to change. The more pressure is exerted, the greater the need for a therapeutic framework and the commitment of a multidisciplinary team [58].
3. In the context of process diagnostics, the day clinical or clinical family psychiatry can help answer questions regarding safety and parenting qualities and tackle them immediately.

E ▶ **Di lemma: with this complex problem, is it possible to avoid insecurity prior to close the intervention sufficiently?**

On the one hand: if you have sufficiently researched safety at the start of the intervention, you should take that as a starting point and start providing assistance.

On the other hand: in the interviews with therapists there appears to be an awareness that, despite research, insecurity can be overlooked and that safety must therefore be tested several times. It is a point that requires constant attention. Integration of diagnosis and treatment is important.

Possible solution directions:

1. The risk of missing unsafe situations can be reduced by making use of investigative tools such as the MASIC, risk assessment tools such as the ARIJ and/or forensic children's interviews such as the NICHD at the start of the assistance. Incidentally, this requires academically trained staff who work in a multidisciplinary team.
2. Assessment of a treatment process (*monitoring*) should also always pay attention to the aspect of safety. There is an urgent need for more research into how this can be done in a valid way.
3. When there is insufficient certainty about safety, safety can be leading and a choice can be made for treatment programs such as *The resolutions approach* van Turnell and Essex [59], or the family day care Yulius and the family clinic in Beilen.
4. Another choice, in the extreme case that both parents do not want to talk to care providers, can be to provide individual guidance to the child in order to clarify the child's development and possible insecurity in that working relationship. This approach also deserves scientific study.

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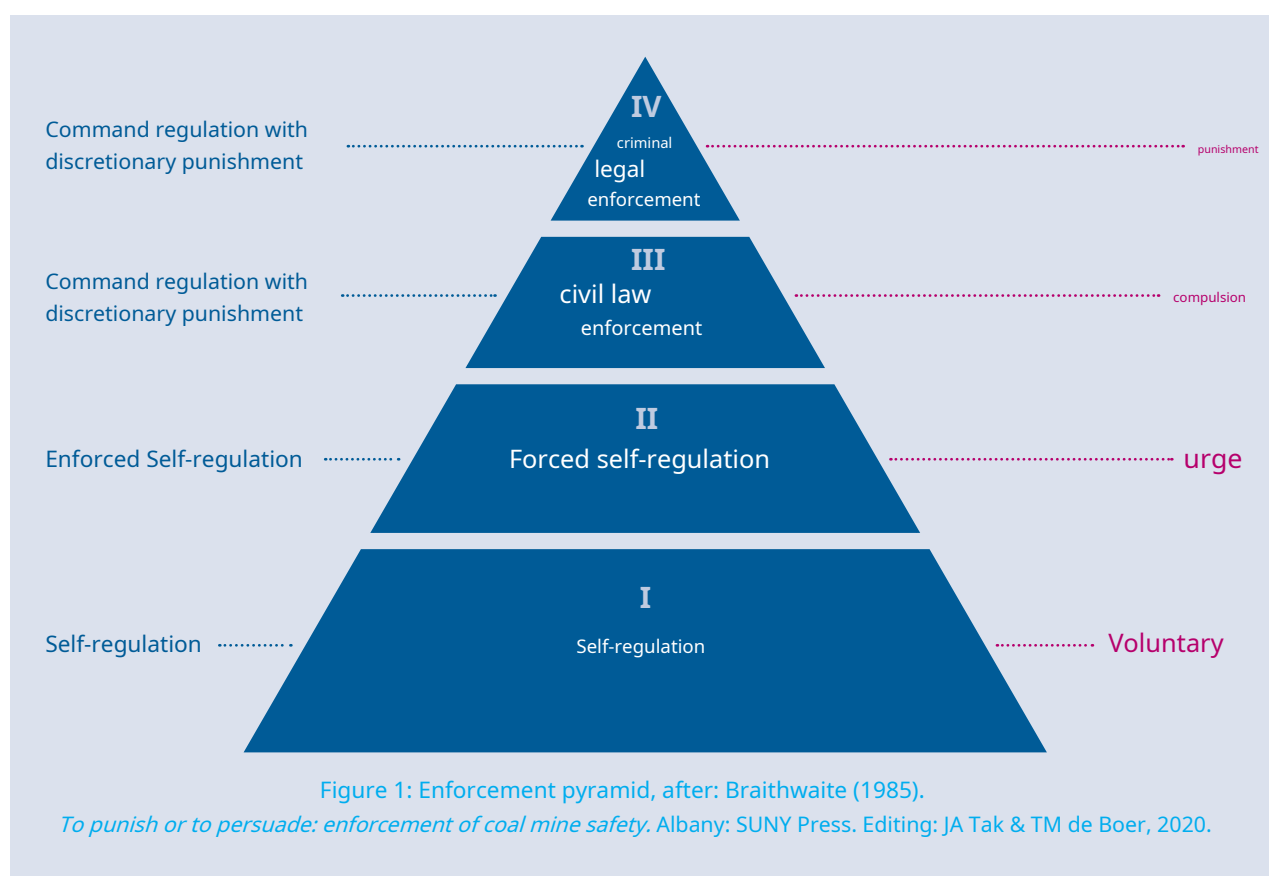
5.7 Upholding the right of parents and child(ren) to associate with each other

5.7.1 Introduction

When the relationship between a parent and a child threatens to get stuck, a complicated situation easily arises. And, vice versa: when parents fail to complete a divorce properly, problems easily arise in the relationship between a child and one of its parents. Which principles apply here? What dilemmas arise when acting according to these principles? Are there possible solutions?

in which urge and coercion play a role? In this section we take umee, one step higher on the 'enforcement pyramid' presented at the beginning of this chapter.

The level of the approach will be indicated for each subsection. The degree of coercion is related to the seriousness of the conflict. At each level there will be a process of recognizing the problem, investigating it, devising and weighing up options for action, making a plan, executing and monitoring it and evaluating it. It is always indicated who is involved.



5.7.2 Principles

First of all, it must be established that both before and after a divorce, parents and children have the right to unimpeded, unburdened and safe contact with each other. That is what most of the world thinks and it is thus enshrined in the International Convention on the Rights of the Child, to be precise in art. 9 paragraph 3 CRC, but also in European treaties (Article 8 ECHR and Article 24 paragraph 3 EU Charter) and in our own legislation: art. 1:377a of the Civil Code.

There is no reason to deviate from the idea beforehand

that both parents have equal rights to contact with their child, even if this is not always the situation from a legal point of view. Sometimes, for example, one of the parents has no authority. Only a court decision can change this in the event of a difference of opinion between the parents.

Some expectant or new parents are not aware of a father's rights when a child is born out of wedlock: an unmarried father does not automatically ('by right') have joint custody of their child with the mother. It also happens that the

the parents cannot come to an agreement and the mother does not allow the father to be given authority. In conflict situations regarding upbringing, this unequal position can lead to major problems. That is why (at the time of writing this report) a law is being drawn up that will regulate joint custody immediately upon recognition of the parenthood of a child. Having an equal right to contact with the child does not mean that fathers and mothers have equal contact with their children in daily life. Often there is disparity in the amount of time each parent spends on parenting tasks, for practical and/or educational reasons. Even if their relationship is good and even if they put the interests of the children involved first, they will not always realize a 50%-50% division of contact with their children.

The loss of contact between a child and a parent is stressful, if not damaging, for all parties involved. The psychosocial consequences regularly lead to long care and legal processes without restoring contact between parents and children. The problem may even repeat itself in the next generation. The social costs of these problems are extremely high.

In view of the above, it is in the public interest for parents to have unimpeded contact with their children and it is therefore justified for the government to intervene in situations where this does not happen. If problems arise here, the establishment of agreements and the maintenance of contact and agreements should therefore not be the sole responsibility of the individual citizen (in this case the parent concerned). More precisely: of course every parent has the responsibility to seek help in the event of an (imminent) break in contact with his or her child and every parent has the responsibility to cooperate in implementing solutions, but the government rightly bears the burden of realizing of the necessary conditions and implementation of enforcement.

The way in which enforcement is achieved should of course not promote the legalization of contact problems. After all, the aim is to treat the primary emotional problems in divorce as emotional problems and to reverse the tendency to fight the anger converted grief in court. This goal (often referred to as 'dejuridization') is widely supported by parents, care providers and

lawyers. Passing on complex relationship conflicts to the Child Protection Board, the judiciary and youth protection rarely leads to solutions, it does not lead to the development of necessary relationship skills and to acceptance and reconciliation. On the contrary: it mainly leads to delay, costs, escalation and psychological suffering. Moreover, it leads to an overload of care and justice.

It is therefore necessary to limit the possibilities of stacking legal proceedings. The imposition of aid should be seriously considered.

5.7.3 The problem the question

It regularly happens that one of the parents has made agreements about contact – whether or not formally laid down in a parental covenant or parenting plan. – does not comply. Even when these agreements have been ratified by a judge, it often happens that a parent does not cooperate. Sometimes a parent simply fails to do so, but he or she can also stop the cooperation by initiating a lawsuit or filing a complaint, in the meantime suspending contact and thus creating a situation where the child is deprived of contact with the other maintain parent. Making accusations of neglect or abuse against the other parent can also serve to frustrate contact. After all, the investigation into accusations can take a long time and even lead to a final rift between the child and the accused parent. Can contact be imposed in those problematic circumstances? And can it be enforced? How should that be?

5.7.4 Dilemmas and solutions

There are many and strong differences of opinion with regard to maintaining contact between parent and child. This means that there are dilemmas: choices between two options, both of which have so many disadvantages that they do not reasonably lead to one of the two choices by themselves. The dilemmas that the Expert Team repeatedly encountered in its research are discussed below, which must be overcome in order to create effective enforcement.

Each dilemma is discussed in this form:

- introductory: the discussion,
- the dilemma, expressed in a 'on the one hand' – 'on the other hand',
- the choices advised by the Expert Team, on the basis of all interviews conducted.

a

Making appointments in times of stress versus a breather

When parents end their partner relationship, the spontaneity and naturalness of the relationship disappears – between each other, but also often between them and their child(ren). That means that agreements have to be made about contact and education and everything

what is associated with it. (This dilemma is actually a general dilemma in divorce, but since this concerns the start of making the agreements whose enforcement requires attention, this is discussed here.)

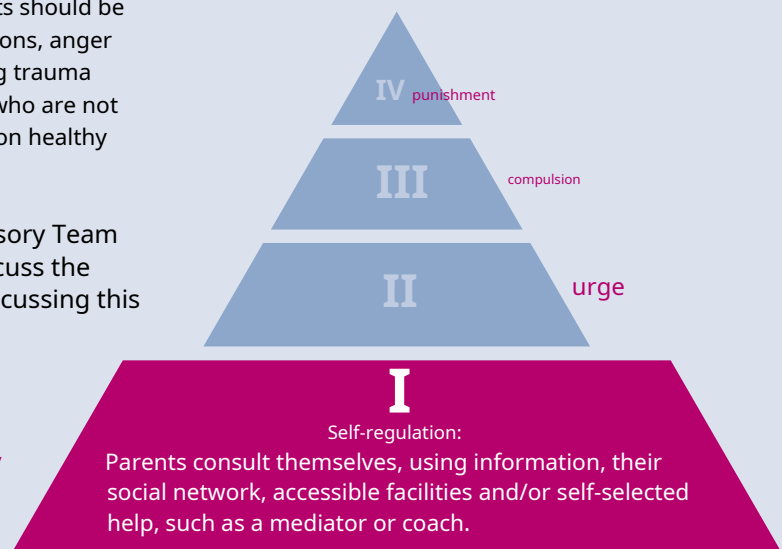
On the one hand, making those agreements is necessary – certainly when it is not possible to allow 'the normal life' of the children to continue more or less smoothly. Drawing up a parenting plan can be a good way to start a dialogue about continuing education and parenthood.

On the other hand, making agreements requires consultation, which can be very difficult for those involved in the separation phase, either because of the emotions [1] or because of practical circumstances. Drawing up a parenting plan can therefore create new conflicts and perhaps better postponed.

- The Divorce Advisory Team (or a comparable team, see appendix 5) could offer a 'divorce course' to properly inform parents about the importance of good contact with each other and to train the children and the necessary skills in this. Directing is an important task for such a team.
- It is possible that agreements can be made for, for example, the first six months, until proper consultation is possible about the contact arrangements.
- It is possible that parents can be helped by the so-called Divorce Advisory Team (see appendix 5) to use their network to manage differences of opinion in pedagogically acceptable jobs.
- From this Divorce Advice Team, parents should be supported in processing their frustrations, anger and sadness, for example by deploying trauma and family or relationship therapists, who are not focused on relationship recovery, but on healthy divorce.
- After six months, the Divorce Advisory Team could sit down with parents to discuss the parenting plan, with the aim of discussing this constructively with both parents. to bring conversation.

- The Divorce Advisory Team would also have the task of monitoring whether contact between parents and child is going well, for example by functioning as a reporting point for parents and children if this is not the case (monitoring).
- Guiding the conversation with parents about a parenting plan requires competences that can be further clarified. Is that a task that can be performed by a team within a neighborhood, or that needs to be referred?
- The care provision here is at the stage of (promoting) self-regulation.
- The above requires legal and budgetary adjustments.

Voluntary



B Responsibility of the citizen versus the responsibility of the government with regard to making agreements about contact

It is therefore clear that parents must make agreements about contact (see dilemma A), but who guarantees that they will always be reached? The parenting plan after divorce is required by law. However, whether these agreements are actually made is only checked with parents who

were married. That seems just as absurd as if the MOT were only mandatory for one type of car, and not for another. How big should the role of the government be here?

On the one hand, it can be noted that in about 80% of the cases a divorce proceeds without major problems, despite all the disappointment and sadness. Imposing obligations on everyone means in 80% of the cases redundant work or even unwanted interference by the government in private affairs.

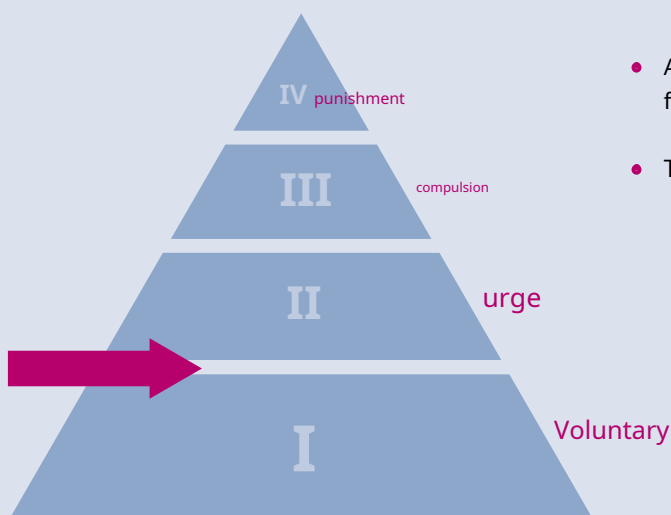
On the other hand, it is precisely in divorces with many conflicts that agreements do not come about at all. The sooner this is identified, and the sooner it is addressed, the smaller the damage for all involved.

This cannot be achieved without active government involvement.

- The birth of a child must always be registered. The government is thus already actively involved in parenting and the enforcement of medical care and education. But: no one who gives his child sufficient medical care and just lets him go to school will have to deal directly with the government. However, indirectly, in the sense that the government actively monitors or has monitored the quality of care and education. But only when problems are identified, intervention is considered. By analogy with this widely supported vision of the relationship between government and parenthood, making agreements about contact could be guaranteed by:

1. all parents who register the birth of their child (whatever type of relationship they have – married, cohabiting, LAT or very short-term) at the same time with that declaration to point out their responsibility with regard to the upbringing and also to make them promise to commit themselves to the unimpeded contact of the child with both parents.
2. inform all parents, when filing a report, that if problems should ever arise in maintaining that unimpeded contact, they should contact the ScheidingAadviesTeam. This team could also function with regard to contact arrangements as a compulsory education officer relates to the enforcement of compulsory education.

- At this stage, the intervention is in the transition from self-regulation to forced self-regulation.
- The above requires budgetary adjustments.



C Citizens' responsibility versus government's responsibility with regard to the enforcement of agreements

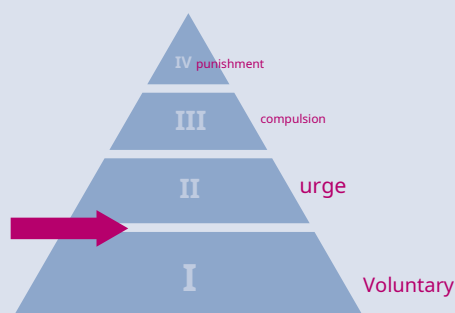
When contact between a child and a parent threatens to become blocked due to the non-compliance with agreements by one of the parents, it is extremely difficult for parents to keep each other to those agreements. Who is responsible?

Both experts and interest groups advocate restraint with regard to coercion and enforcement of agreements (whereby, for the sake of clarity, everyone agrees on the need for directive intervention when there is a question of insecurity for the child).

On the one hand, you would want coercion to stay out of the picture here as much as possible, for the concerned parents and their environment to take responsibility here and resolve this, for example, through family consultation. That is a lot more effective than waging a legal battle.

On the other hand, we see that family members can intensify the struggle between parents and that parents even simply ignore court decisions about visitation arrangements. It is striking that these parents are rarely pressured by the law – it is sometimes noted that mothers in particular seem to be put under little pressure. All this calls for an active enforcement policy. In doing so, however, recourse to the courts must be kept to a minimum.

- The Divorce Advice Team could be the place where a parent (or a child) reports if an obstacle arises in the interaction between a parent and a child. Whether there is a parenting plan or not, whether there is a court decision or not: a member of this desk who monitors the divorce should accept this report and enter into a discussion as soon as possible (see the next point) with both parents to see what is going on and what should be done.
- The criteria used to test whether a parenting plan is going well enough deserve clarification. An assessment framework from the CRC could be developed, for example, to be used when a parent or child reports a complaint about contact.



- Being able to report this problem and the actions that result from it must be financed from community funds, at most with a contribution according to the parents' capacity.
- From this team, someone should inform the parents that it is in everyone's best interest for a child to see both parents, and often enough to maintain a meaningful parent-child relationship (unless a judge has decided that this is not desirable in relation to identified insecurity). The aforementioned international and national rules are violated when a visitation arrangement fails, and in a legal sense there is often talk of 'withdrawal from parental authority'. Parents could be made aware of this outside the courtroom or lawyers. In addition, they can be pointed out that they are exposed to imposed interventions and supervision if they do not restore the agreed visitation arrangements within a reasonable period of time (for example two weeks).
- At this stage, the intervention is in the transition from self-regulation to forced self-regulation.
- The above requires budgetary adjustments.

d ▶ postponement of access versus right of access during investigation and legal proceedings

When a legal battle develops over the form or implementation of a visitation agreement, that battle is nowadays characterized by long procedures and waiting times. Not infrequently, during these procedures, one of the parents is deprived of contact with the child, the child of contact with its parent. As a result, the child may develop a stronger bond with the parent with whom it is most close. Sometimes this situation can last so long that after much tug-of-war it is decided to deny the child and the parent with whom it is not staying the right to contact. It is often argued that such an arrangement provides peace of mind. But with this, in spite of the intention of the (international) provisions and in contrast to social science,

common views on (the development of) good parenting formally reinforce the loss of contact with the other parent.

The long duration of investigations and legal proceedings thus creates its own, and very destructive, dynamics in the conflict between the parents. The current organization of care and law plays its own escalating role in this. Parents have the right to *second opinions* file complaints against care providers or investigators and may appeal against decisions of judges. We would also like to refer to Nivel's recently published report on five years of disciplinary law in youth care [2].

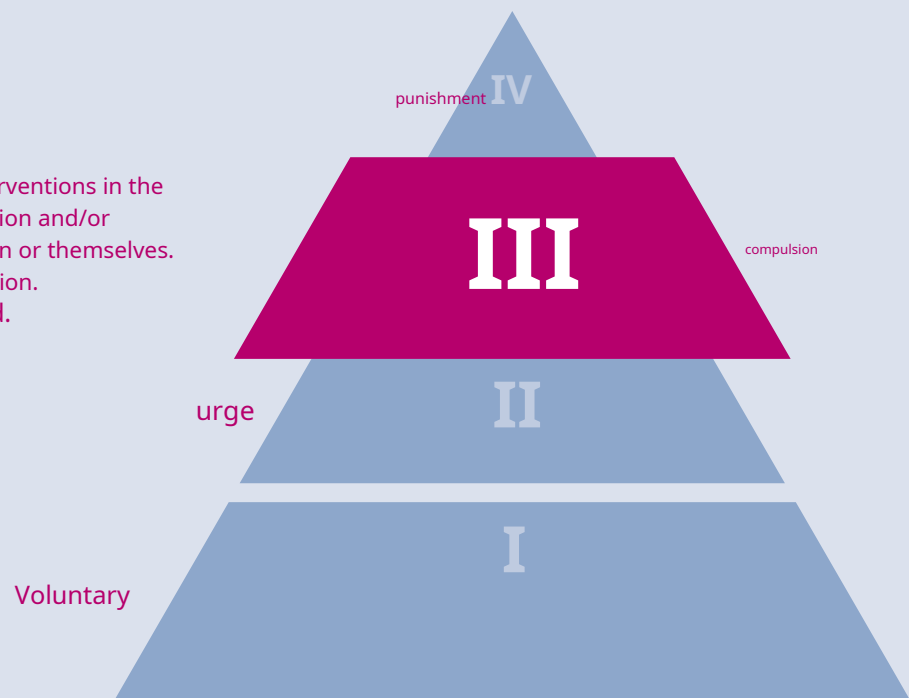
On the one hand, it is part of legal protection that citizens have the right to *second opinion* request, appeal a judgment or file a complaint against a professional who has acted negligently. Without these procedures, a citizen is immature and powerless against the mistakes that are inevitably made.

On the other hand, it can be concluded that in practice the right to complain and the right of appeal leads to an accumulation of procedures. Parents and children, but also social services and the judiciary are heavily burdened as a result. Moreover, proceedings sometimes seem to be instituted to serve an improper purpose: namely to suspend the contact of the child with one of the parents, even if there is no good reason to do so.

- It is recommended that a ceiling be set for the number of complaints to be submitted and the number of procedures to be conducted.
- Not only should care recipients be protected against incompetent, biased or careless professionals, but care providers should also be protected against resentful or compulsive complainants. It is advisable to enter into discussions with the professional associations about the handling of complaints procedures.
- Initiating an appeal or complaints procedure should no longer be a ground on which a parent is given the space to block his child's contact with the other parent. This should be assessed as 'withdrawal from parental authority', *unless* based on facts and circumstances objectively determined by an independent body, it appears that the situation is unsafe for the child and the handling should therefore be changed.
- If a parent is in a situation where he or she needs to be informed that the law is being violated, namely the non-compliance with established agreements, this should be done as soon as possible – for example within a week. This can be done by a member of the divorce advisory team, or by a so-called family representative (see appendix 5).
- The determination of sanctions should also be done quickly, for example within two weeks at the latest. A short procedure with the judiciary would be desirable for this.
- The implementation of the sanction that has been determined must then be carried out by the police – on the initiative of the family representative – by officers who are well prepared for this.

- At the same time, a specialized worker under the supervision of a behavioral expert must (at least) investigate the reasons why the intercourse stagnated and did not get going again. If the problem was evoked by fear, the need to control the situation, by reliving past abuse or separation and the like, this researcher should indicate adequate therapy. Such an assessment must be made in a multidisciplinary consultation within the ScheidingsAdviesTeam. According to the professional associations NIP, NVO and P3NL, a behavioral scientist should be present with a post-master's degree in this issue. This in turn can work together with child psychiatrists and therapists.
- To what extent therapy can also be imposed is a question that is addressed in § 5.4 of this chapter.
- It is important to be in control. From the ScheidingsAdviesTeam, this is the family representative/case manager, or possibly the family lawyer. During the proceedings before the court, this is the directing judge.
- At this stage, the assistance is at the civil enforcement stage.
- The above requires legal and budgetary adjustments, such as separating the financing of help for children and adults and help by a legal professional, analogous to debt counseling that also does not have such divisions.

Civil enforcement:
parents are imposed interventions in the field of contact, examination and/or treatment of their children or themselves. Police can enforce execution. Sanctions are expected.



E If safety is at stake: maintain or suspend contact?

Maintaining contact between children and parents is not justified under all circumstances: the situation in which the parent and child see each other must meet a number of requirements. These can be derived from the CRC. In general, it can be stated that the upbringing situation of both parents must be sufficiently nurturing (in terms of nutrition and medical care), must be sufficiently safe (without threatening physical and/or psychological violence) and must be sufficiently stimulating (in terms of attention to play, movement, social development and training). In the context of mounting conflicts between divorcing/

For divorced parents, it is common for a parent to stop contacting a child/children and the other parent, accusing the other parent of pedagogical incompetence, neglect, maltreatment and/or sexual abuse. In practice, it takes a long time for these allegations to be sufficiently investigated to be able to reject or confirm them. All the while, the relationship between the child and the accused parent is weakened. This also sometimes leads to a legal confirmation of the end of the contact between parent and child.

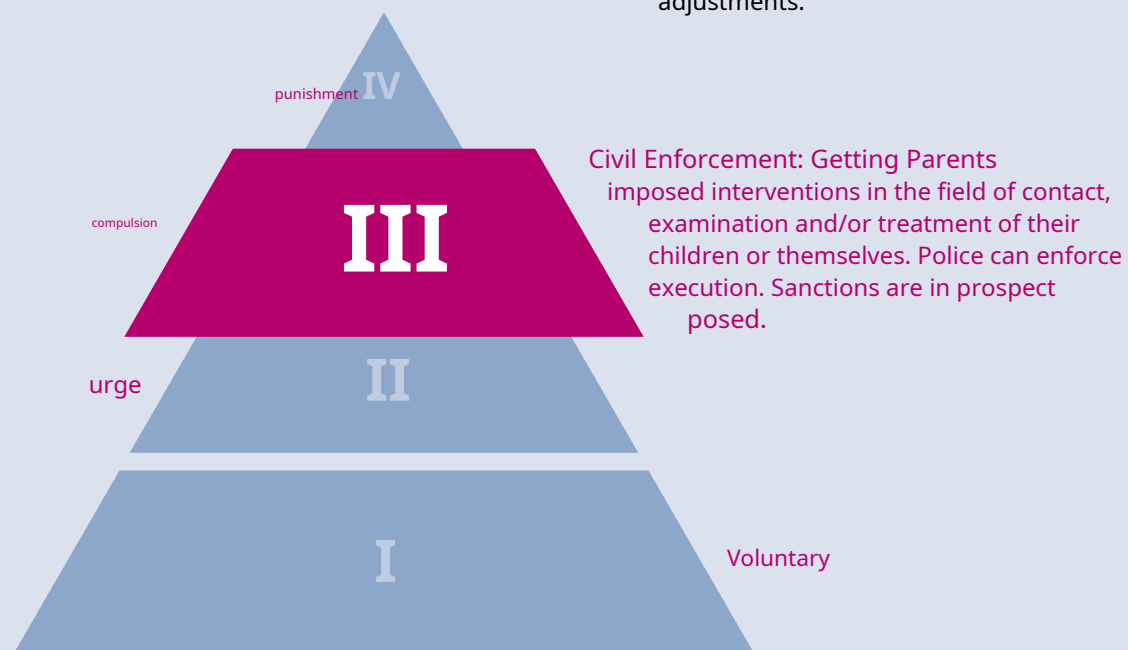
On the one hand, no one wants a child to find themselves in a neglectful or abusive situation – let alone be forced to do so 'because there are agreements'. The child would be deprived of all trust in his environment – including his trust in legal authority. The consequences would pose serious risks to the development of the child and entail high social costs. There are therapists who say: a child who does not want to see a parent should not be forced to do so.

On the other hand, it is known that accusations, especially when they arise as a result of relationship problems, are not always justified.

This certainly does not mean that they should be ignored. However, they should not be grounds for immediately stopping any contact between the child and the accused parent. There are researchers (and interest groups) who state: a child who does not want to go to a parent - unless there is proven abuse – manipulated and must go to that parent.

- Allegations of incompetence, neglect, assault and sexual abuse need to be investigated much, much faster than they are now.
- Several professionals note that making a file analysis in which all data from the care providers involved (including that of the general practitioner, including the practice nurse for mental health care, the school, the school doctor and the police) are combined and that describing such a complete possible 'lifeline' is necessary. They note that a close examination of the chronology of events and allegations can provide clues as to whether the accusation is manipulative. Describing this lifeline could be the job of the family representative/case manager.
- Fact-finding, often referred to as 'truth-finding', has long been seen as the job of the police and not of aid workers. However, care providers also have a task here: they must always check whether the facts and conclusions mentioned in their file are based on valid research, or are still hypotheses that require further research. Both interest groups and professionals note that many mistakes are made in this area. It is clear that education and professional associations also have a role to play here (see also appendix 6 on the family representative/case manager).
- It should be noted that interdisciplinary collaboration is hampered by privacy rules. It is recommended that professional associations and the legislator consider how privacy legislation can be applied in such a way that it does not stand in the way of a valid assessment of the situation.

- For hearing children in investigations into accusations about a parent's behavior, a competent specialist should be engaged for this task: a behavioral scientist at an academic level with a post-master's specialization in this problem.
- There is a need for more clinical psychologists and child psychotherapists with this specialization. At the same time, researchers should be given adequate legal protection, so that practicing this profession becomes less risky (as explained earlier in dilemma D). There are currently too few clinical psychologists and therapists with this competence. More space should be made available in training courses. Only then will it be possible to have sufficient manpower to meet the demand.
- The fact that an investigation is ongoing is not an argument for stopping contact with the accused parent. If there are clear doubts about the safety of the child with one of the parents, the safety of the child can be assured by realizing some form of supervised contact during the duration of the investigation. If the allegations prove to be well-founded, this can then be continued so that damage due to loss of contact does not occur on top of the damage caused by, for example, neglect. Supervised walking should also be available on weekends.
- The necessary quality of this supervised interaction needs to be described in more detail. In any case, it must be safe and stimulating, but also sufficiently frequent and to be observed with sufficient expertise.
- The research resources to reliably and validly assess parent-child interaction in that situation are currently insufficiently available. For example, measuring stress in the child is still in its infancy. Observation lists for interactions are often not attuned to unstructured situations, such as a social moment. Research resources to measure the perception of the parent-child relationship are often limited in terms of age range and often include old or weak norms. Scientific research on this point is therefore urgently needed.
- At this stage, the assistance is at the civil enforcement stage: cooperation in the investigation should be mandatory, as should cooperation with the accused parent, whether supervised or not.
- There is little agreement in the field about the nature and effectiveness of sanctions. See dilemma F.
- The above requires legal and budgetary adjustments.



f

Compulsion versus motivation

What could be simpler than 'just obeying the law'? Usually it goes well. In practice, however, in about 20% of the cases there is little that is simple: people can have all kinds of reasons for evading legal rules, moral obligations, court decisions and mutually agreed agreements (see appendix 1 *the vision document*).

Does coercion help in that case? Everyone agrees on only two things: (1) threatening with measures, but not taking them, is in any case ineffective and (2) anything that can be done voluntarily is more effective. Some believe that there is no evidence whatsoever for the effectiveness of coercion – others argue that there is hardly any enforcement in the Netherlands with regard to visitation arrangements and treatment.

On the one hand, the vision of the famous therapist Albert Ellis is widely supported: 'Everything that has to be done leads to misery'. Pressure produces counter-pressure, external motivation provokes resistance, because no one accepts that his autonomy is restricted without some form of resistance. All efforts must therefore be aimed at developing insight and reflection.

The effect of coercive measures is widely doubted. Moreover, some coercive measures are not always feasible or effective: for example, a mother who lives on social assistance cannot be imposed a penalty, because then she can no longer feed her child. And a very wealthy parent will hardly experience a penalty payment as pressure. Imprisoning a parent is also a drama for the child. The mere presence of the police is described by some as 'traumatizing'.

On the other hand: 'We can lead a horse to the water, but it must drink itself.' If convincing, motivating or seducing really doesn't work, perhaps the following should apply: 'If you don't want to hear, just feel'. Isn't that what we do with compulsory education? Nobody says that a child who has to go to school doesn't learn there.

There is also a fairly wide circle of people who consider coercive measures to be effective, such as giving instructions within a family supervision order (OTS), imposing a penalty payment or even detention.

However, the build-up of the coercion should take a number of steps, so that the application of criminal law is only seen as a last resort (unlike in Belgium, for example, see Annex 7) because criminal proceedings take a lot of time, with all the associated side effects.

- The type of coercion must be weighed against the possible harm it causes to the child. For example, the police should always come to your door in plain clothes and specialize in family law and non-violent intervention.
- Financial sanctions can make the situation worse for some, while others can be insensitive to them. Non-financial measures are also conceivable, such as transferring the primary residence of the child to the parent who does not see the child.
- All things considered, the expert team recommends that the division of care tasks be aligned as well and balanced as possible with the habits, situation and possibilities of parents. Where this is not possible, it should at least be guaranteed that the non-resident parent and the child are given the opportunity to shape their parent-child relationship, without this being negatively influenced by acts or omissions of the resident parent.
- Even stronger can be intervened by the child actually be placed with the other parent. Some researchers argue that this should be accompanied by a strict ban on communication with the reluctant parent. This approach is in vogue in the United States, among others, and is sometimes advocated by interest groups in the Netherlands, but research into this is still limited. Coercion is particularly found to be effective by the American researcher Warshak [3] (acknowledging that more research is needed). Mandating contact (after excluding abuse) sometimes leads to the young person sighing: 'Couldn't that have been done sooner?' – on the other hand, the Dutch attitude towards the law is so different that it is questionable whether this approach would also work here. Dutch therapists doubt that. More research is needed here too.

other options should be considered. This could include compulsory treatment for the entire family, in which (the relationship of) the child is alternately examined and treated in a residential setting with one parent and with the other.

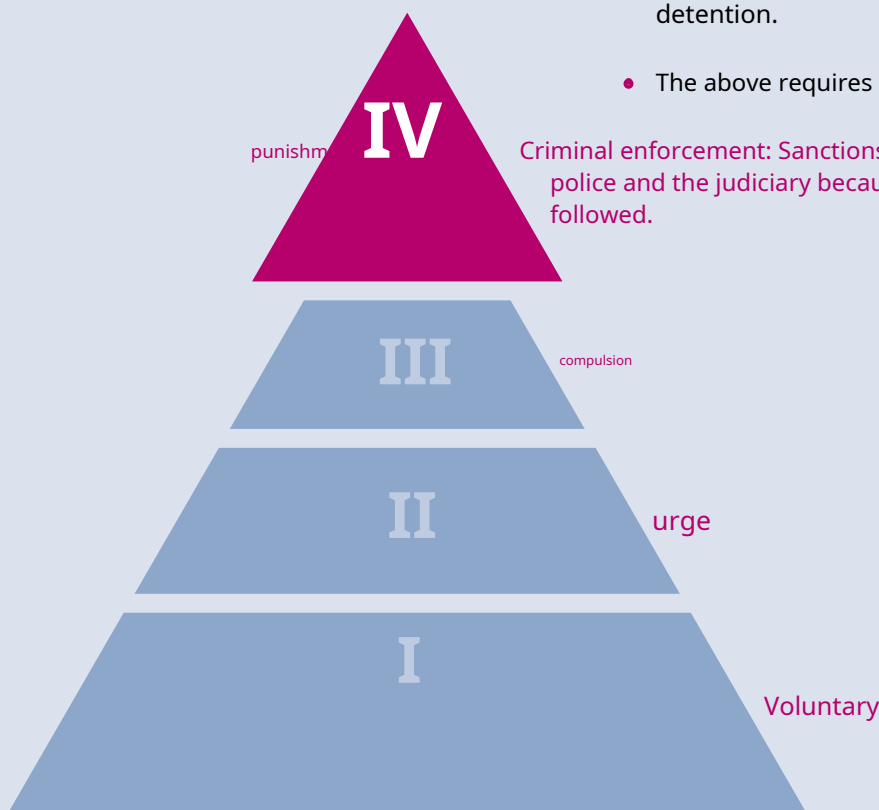
- Another option is to impose on the parents only minimal and functional communication with each other and to have this communication monitored for some time and if necessary corrected by, for example, a family representative. This is costly guidance, which should last until sufficient de-escalation has been achieved. This approach is called 'parallel parenting' [4].
- It would be even more drastic to impose a conditional suspension of parental authority on one of the parents or to terminate the parental authority. However, this parent must still be given the opportunity to have contact with his child. This step may have a corrective effect. Carrying out this step is not only a sanction, but also an intervention that can be functional in the context of forced aid to stop the conflicts. Even with such a measure, one should be suspicious of undesired financial effects that would put a strain on the child's situation.
- Good management is of the utmost importance in all of this. The family representative could submit one of the above measures to the court and, after the court has indeed imposed the sanction, can have it implemented. Because whatever the sanction is: checking compliance with the intervention should not be the task of one of the parents.
- At this stage it is of the utmost importance that psychodiagnostic research is also carried out into why the parent is not cooperating. It is not uncommon for old traumas and personality problems to play a role. Participation in this research should be mandatory. As with the other measures, the imposition of treatment only makes sense if consequences are actually attached to not following the court's instructions.
- In the research – and even more so if it is imposed – it is important to work from the start in a way that promotes acceptance of the conclusions and the willingness to change. After all, research always has an effect on the person under investigation. This can be done by not seeing this effect as a side effect or placebo effect, but by maximizing it. In that case we speak of *therapeutic assessment*: the requester becomes a co-investigator of the problems. At the end, there is ideally a shared problem definition and a shared solution definition: an important generally effective factor for the success of an intervention. Such a method takes more time, but the costs of not accepting the results are undoubtedly higher. A family day or residential treatment would provide a good context for such an approach.
- Per region (possibly supraregional) there should be a center of expertise for diagnostics and an institute that can perform one of the recommended treatments, for example a family treatment in a day or residential setting.
- Collaboration with treatment should also be imposed. But this also requires coordination with the professional associations, because there is a discussion about mandatory treatment: the dilemma has certainly not yet been overcome. This seems to have to do with our culture, but also with vision and knowledge of what works in care.
- When a penalty payment or hostage-taking is imminent, plainclothes officers first visit the parent concerned (within a short time, for example two weeks) to warn that a sanction is imminent. This is a penetrating 'information conversation' that is preferably conducted during school hours, so that the children are not exposed to the tension that this creates. The parent should preferably be assisted by a counselor. After a second warning ('enforcement meeting', in the same format) has no effect, the sanction is imposed. If the desired effect is not yet achieved and civil law no longer has sufficient options, criminal law will be discussed.



- If a sanction such as hostage-taking is involved, we suggest that the parent concerned is presented with a choice: the hostage situation or clinical treatment. (see section 5.5).

- When prosecution for withdrawal from parental authority and the associated sanctions are involved, the guidance is at the stage of transition from civil to criminal enforcement. A criminal sanction can be a fine, community service or (un)conditional detention.

- The above requires budgetary adjustments.



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6. Conclusions and advice from the expert team with related to tackling parental alienation and complex coping problems

6.1 Introduction

This report by the expert team PA / complex coping problems is teeming with recommendations. These are arranged in this chapter. The order used goes from abstract to concrete. There's a reason.

Although the reader will of course be looking for concrete action points, the expert team wants to emphasize with this way of presenting that complex coping problems and PA are not problems that can be solved with simple actions. The problems arise between people who are influenced by their own history and by each other – but who are also influenced by their environment, both professional and non-professional. The family system, with the parents and the children, can already be complex, but education, assistance, justice and enforcement are also complex systems, with many stakeholders, many functions and many rules. All these systems also mutually influence each other and they are influenced by systems that are even further away from everyday life: economy, legislation, technical developments.

– systems that, in their mutual interaction, form the culture in which everyone lives. A culture that develops, which is also a consequence of, but also has consequences for the developments in all those other systems, including the family it started with.

The PA phenomenon has to be understood in the context of all that complexity. PA, however great the individual drama is, can be seen as a system problem, given the frequency with which it occurs and the appeal it makes to care and justice.

Incidentally, PA can sometimes have a single cause, for example the (mis)behavior of one of the parties involved. However, it can also very well be the result of a combination of factors. For example, the team heard about processes in which individual factors such as stagnant grief processes add up to old hurts (traumas) or other problems in emotion regulation (insecure attachment), to being stoked by the family (enraged at the pain inflicted on their loved one), to impulsive behavior in parting (where anger or infatuation is turned into action too quickly

converted), with housing problems, with waiting times for help or legal settlement, with too quick or too one-sided judgments by care providers, with choosing sides due to the environment, with phase problems and loneliness in the children involved, with ineffective help (and waiting too long for referral), in the case of ignored court decisions, in the absence of enforcement.

Recommendations have been formulated in all these areas. The expert team believes that any advice should be seen in the context of the complexity described above in order to prevent this problem from being tackled too simply. That could sometimes work in an individual case, but it would not solve the social problem of complex coping problems and PA in the longer term.

Changing complex problems is difficult: they are often '*wicked problems*' where many interventions have failed. In this chapter we therefore start by indicating what could be done at the level of the different systems involved. In the opinion of the expert team, the expert team believes that by implementing changes in various areas and levels, this severe suffering that is caused to thousands of people due to cohabitation problems.

6.2 Tasks for all

6.2.1 Vision development

Perhaps the most important and at the same time the most difficult – but the first that needs to be tackled further: the development of a common vision on complex interaction problems and PA by all those involved: the ministries, municipalities, financiers, health insurers, care providers, lawyers, the police, researchers, professional associations and training. The expert team recommends taking as starting points for all policy, education, research and assistance:

- that looking at this problem in a system-oriented way and seeing the consequences of complexity should be the starting points;
- whereas, moreover, when looking at these problems, great attention should be paid to the development that preceded them and the story of those involved;

- that is actually aligned with what the International Convention on the Rights of the Child (CRC) says about this [1], namely:
that parents and children have the right to unimpeded contact with each other, even after divorce; that children have the right to a safe and stimulating environment;
- that actual investigative and enforcement action must be taken if blockages (threaten to) arise in the interaction between a parent and a child;
- that work is being done on consensus on the question of enforcement, so that care providers in counseling parents have a clear understanding of what pressure they can exert on parents – and conversely judges have a clear idea of what they can rely on from care providers – so that ultimately the predictability of the process increases which will be of great benefit to parents and children.

6.2.2 Dialogue between all parties involved: building a bridge between care and justice to provide space for relationship recovery

Complex contact problems and PA often lead to the involvement of a multitude of professionals. A permanent dialogue – a 'mutual inquisitive conversation' – should be conducted between them. This conversation should be cross-disciplinary, organization and sector: designers (regulators, professional associations, trainers), implementers (professionals from healthcare, justice, education, municipality), researchers (universities, colleges, specialized diagnosticians), enforcers (disciplinary committees, police), and certainly the parents involved and their children should also be involved.

The expert team recommends that municipalities monitor this at a local level, and the Ministries of Security and Welfare at a national level, and facilitate (for example) five-yearly conferences to monitor developments.

A substantive focus in this dialogue should be on slowing down, even reducing, the tendency to try to settle differences of opinion by claiming his or her 'right' before a judge, and instead work on a situation in which everyone has the space and the means has to develop further – and where undisturbed interaction between parents and children is a matter of course, even if the parents find meeting each other painful.

At a very practical level, this conversation could be about how care and justice can join forces and how privacy legislation can be adapted in such a way that it is possible for police, diagnosticians and care providers to manage a joint file on this complex problem. This creates a complete overview of all events and provides a better insight into the patterns that are at play, so that more adequate help can be offered.

6.2.3 Promoting the role of fathers in parenting: a matter for legislators, employers, but eventually from everyone

The expert team was already aware of this, but the research that was carried out confirmed the impression that social stereotypes regarding father and motherhood influence behavioral science judgement, advice, judicial judgment and police enforcement practices. Despite all the developments outlined in this report, the father's role in parenting is still underestimated and disadvantaged. Disadvantaged because employers consider their leave around the birth of their child even more problematic than that of their female employees, disadvantaged by very short leave opportunities at the start of fatherhood, but also disadvantaged by a negative attitude of care providers and judges towards male behavior [2, 3].

The legislator has rightly explored and used options, such as assigning parental authority to both parents as standard when registering the birth. And in the whole preliminary phase of that birth, more could be done to involve expectant fathers. In the case of marriage, the signing of a cohabitation contract and the birth registration, information could also be given that makes it clear that taking part in the care of your child is something obvious and necessary for men. Extending the birth leave slightly was a good thing. Further expansion is more than desirable. Making this actually possible, and also matters such as facilitating the participation of fathers in consultations at school, for example, is a matter for employers.

Preventing distant relocations after divorce, where a parent becomes inaccessible for children, could also become a more natural matter. But it is certainly everyone's business to raise boys and girls in such a way that they take mutual care for their children for granted.

6.3 Knowledge transfer and method development: a matter for colleges, universities and professional associations

– and therefore also from the government

6.3.1 Knowledge development: a task for government and universities

The expert team identifies important gaps with regard to:

- the epidemiology of PA,
- the available diagnostic tools to investigate complex coping problems, and
- the available interventions and knowledge about the extent to which existing interventions are effective.

A condition for developing knowledge is agreement on a definition of PA. The expert team has developed a proposal for this in its vision document, see Appendix 1.

In the report, the expert team identified several projects that show promise and deserve research, with day and residential family treatment standing out.

At the same time, resources should be developed at the universities to investigate the safety of parenting situations in divorced parenthood in an efficient, reliable and valid way in a way that does justice to the variations of father and motherhood. The expert team recommends that experienced behavioral scientists from the professional field be involved in conducting research.

The expert team calls for vigilance with regard to a gender bias in diagnostics, assistance and legal proceedings. Researchers and educators have a task here.

The government should facilitate such investigation without delay. The appointment of an Endowed Professor of Complex Interaction Problems would be appropriate in this regard.

6.3.2 Knowledge transfer: in higher professional education and university courses, in the medical, psychosocial and legal fields, attention should be paid to the dynamics of divorce problems and signals of complex coping problems and PA should be known.

The expert team notes that many (both involved parents and involved professionals) complain about a lack of knowledge about divorce in general and complex divorces and PA in particular. The expert team recommends that the programs examine their programs on:

- basic knowledge of children's rights,
- the basic knowledge regarding divorce, bereavement, trauma and child abuse,
- the knowledge of signals of complex coping problems and PA, and
- the attitude towards the path to be followed, in which emotional problems should not be legalized.

The expert team realizes that a lot is already being asked of training. It therefore recommends, in line with the plan of the Scheiden Zonder Schade platform, to place as much knowledge as possible on a central website that has been validated by professionals, and to also develop educational material in this area centrally, including knowledge tests.

6.3.3 Method development in information and separation counters: a task for national and municipal government and universities and colleges of higher education.

Method development preferably takes place in interaction between practice and research. Within the project *Divorce without Schade* [4] have already started various experiments, which will certainly also contribute to the prevention of complex problems and PA.

- The national government should financially facilitate the municipalities in setting up divorce counters (such as a ScheidingsAdviesTeam, see appendix 5) for integrated guidance on questions about divorce in which parents can receive coherent advice and support for legal, pedagogical, financial and psychological problems.
- The national and local government should follow the guarantee the opinion of the expert team that all who have children (inside or outside a relationship): get good information about how a divorce notification can be given to the child, and about the importance of the child's right to contact with both parents,

in the event of a divorce (but also when waiving a further cohabitation) are obliged to draw up a contact arrangement that offers real upbringing space to both parents (the expert team realizes that this is of course difficult in the case of unregistered relationships – but consideration should be given to also having a declaration of intent signed in this area when registering the birth. than in fact no more than a declaration of agreement with the CRC, in particular regarding handling and care, get the urgent advice in case of disagreement first to contact a Divorce Advisory Team in the municipality and not first to lawyers,

in the event of non-compliance with agreements regarding the visitation Both parents can report this to the Divorce Desk / ScheidingsAdviesTeam, and that this team has the right to call both parents for an interview and the right to take follow-up steps if they repeatedly fail to comply with visitation agreements.

6.3.4 Multidisciplinary collaboration and research: a task for study programmes, professional associations and implementing organizations

Above all, the expert team noted that privacy legislation leads to incomplete files and that interdisciplinary work should be facilitated. Good research into the history of complex coping problems is important to prevent those involved from feeling unheard or from inadequate help being deployed. But training courses should also train and motivate their students to do this – and organizations should also facilitate these competent, motivated employees to make such analyses. Experts by experience reported many complaints about this. The training experts in the team are aware of the complaints of the care providers about their facilitation in this area.

The expert team recommends that:

- courses – including teacher training colleges and teacher training courses – pay more attention to interdisciplinary collaboration and working methodically;
- training courses pay more attention to skills in order to form verifiable, verifiable files that are transparent to those concerned and are reliable sources for (follow-up) assistance;
- judges and care providers work together to tackle the stagnating relationship between a parent and a child; this may require new forms of training, where these sectors, each with their own traditions and language, could meet.

6.3.5 Accessibility and sufficient capacity for guidance, treatment and enforcement: a task for the government, insurance companies, the judiciary, Safe at Home, the Child Protection Board, education and universities and aid institutions

The expert team notes that the theme of 'escalation due to waiting times' is a recurring theme in all discussions with all participants. Capacity problems in care, diagnostics and justice are related to financing, in which all parties have a task. But also his professional

(non-bureaucratic) forms of cooperation are necessary between organizations.

Hopefully, these capacity problems will diminish as the focus is on prevention and dejuridisation. The expert team has the following recommendations regarding the deployment of care.

- The accessibility of couples therapy should be improved by including it in basic health insurance.
- Therapists should also be able to commit to help end relationships and reorganize parenting.
- Child and youth therapy courses, but also the basic courses for higher vocational education, social work, social welfare work, orthopaedics, child and youth psychology, psychology, psychiatry and child psychiatry and the police should pay more attention to complex coping problems and PA.
- More behavioral scientists and therapists should be trained to speak responsibly with children in the context of complex coping issues and allegations of neglect, maltreatment and abuse.
- The professions in primary care should learn in their training to perceive signals of complexity and to appreciate their value. Possibly in addition to the focus of their core activities, they should have an eye for housing problems, financial problems, high negative emotions, attachment and personality problems and the safety of the educational situation.
- Attention should be paid to low-threshold consultation options for first-line workers with specialists in the above areas.
- In order to prevent interventions from stacking up, a realistic assessment of the seriousness of the problems is important. It is important not to first see whether something low-threshold can work and only then to scale up. Doing good research immediately prevents parents and children from becoming tired of therapy and the trust of parents and children in the care system disappears. Such scrutiny should be imposed if the need is recognized by experts but a parent is reluctant.
- Reporting to the police in the event of obstruction of access should be simplified.
- The police should have in every team staff who are trained in de-escalating maintenance of contact and support for the children who are involved in this.

- The capacity problems in healthcare are exacerbated and are in danger of being further exacerbated by complaints and disciplinary law. While this law should primarily serve to improve the quality of care, in practice it functions too much like criminal law. In addition, improper use of procedures – namely suspending visitation arrangements and being able to ignore court decisions – are the order of the day. The expert team therefore recommends two measures:

in all circumstances, including accusations against abuse, etc., efforts should be made to continue the parent-child relationship in a safe setting;

first responders should be better protected counter-manipulative complaining. If this does not happen, it can be expected that independent care providers and institutions working on a contract basis will turn away (even further) from this problem. Their rights but also their financial protection deserve improvement. The attitude of disciplinary committees requires attention.

6.3.6 The role of schools

The expert team notes that the lack of permanent confidential counselors for children in complex divorce situations is very urgent. The GP is such a figure, but cannot be reached independently for the youngest. The teacher at school is. Attention is needed for this in teacher training and teacher training. The pedagogical vision of the school plays an important role here. But schools would not all have to reinvent the wheel themselves if a national guideline was developed for the schools.

In particular, schools should be mindful of keeping an ex-partner away from student discussions. Schools should also have an active policy in informing both parents and not assume that one parent will inform the other. Every school has attention officers for issues such as child abuse, autism, dyslexia and bullying. Divorce issues and PA also deserve such attention.

Schools should facilitate their teachers in their hours in order to be able to plan extra speaking time with parents where necessary, for example if they are no longer willing to come to a meeting together.

Schools should make it a practice to report signs of imminent divorces, relocations, departure or appearance of parents' partners in the pupil monitoring system, paying attention to the fact that the privacy of the parents is not infringed upon inspection.

(see also below: the importance of timely identification).

6.4 Improving diagnostics and treatment: a task for education, institutions and researchers

In the above, the expert team has already wanted to make it clear that the approach to complex coping problems must be interdisciplinary and requires a broad system-oriented view. When estimating the seriousness of the problem, the focus is on the safety of the child.

The timeliness of the signaling is a first point of attention. The expert team expects that early identification and attention to the problems will have the effect of significantly reducing the chance of contact loss occurring.

- The early identification of problems in the field of grief, trauma, finances or housing in parents and children is a matter for all involved. Increasing the level of conflict, keeping the partner or ex-partner away from matters that concern the child, (non-verbal) slandering the other parent, developing radical plans for relocation, etc.: these should all be behaviors that set off an alarm bell. go off in the area.
- The main question in diagnostics should primarily focus on the pedagogical actions of the parents, not on the question of which problems they all have – although those problems are certainly relevant risk factors that deserve attention. The realization that risk factors have a moderate predictive value with regard to the upbringing situation should be promoted.
- As relevant behaviors that should warn against reinforcing the conflict between the parents, the expert team recommends paying attention to concrete parental behaviour. Here the expert team refers to the list in section 5.3 of signals of loyalty-influencing behaviour.
- The fact is that developments such as relocation and the formation of new relationships and families can be the sparks that can ignite conflict. Timely psycho-education can prevent problems, but of course that requires that these changes are detected in time. The school has unique possibilities here, but also the sports trainer, etc. They should be able to find their way to a Divorce Advisory Team very easily.

A second important focus is to keep an eye on the development history of those involved, what they have experienced and what their story is about it.

- In diagnostics, ample attention should be paid to the way in which the problem has developed and to the story that those involved tell about it. The youth of the parents should also be questioned.
- The quality of the file formation in fact-finding, diagnostics and assistance requires attention. The sources of claims about the parents should be verifiable and errors in previous reports should be corrected. It should be normal to make a clear distinction between facts, opinions and interpretations, to use multiple sources, to check them, to set requirements for source reports and to hold each other to account as professionals.

A third important point for attention is the organization of diagnostics and assistance. Waiting times have a very destructive effect on this problem. Low-threshold, interdisciplinary collaboration is highly recommended by the expert team.

- The ScheidingsAdviesTeam and the family representative are regularly featured in this report. The expert team is in favor of such a structure, but is also aware that various pilots have been set up within the Scheiden Zonder Schade project that have a strong relationship with it. The expert team emphasizes the importance of directing, cooperation and integration of diagnostics and treatment: for example, a structure such as the ScheidingsAdviesTeam mentioned. Another interpretation is of course conceivable.
- The same applies to the concept of the family representative: it is not the task of the expert team to design concrete structures, but the team is eager to share the ideas that have arisen with all interested parties.
- Rapid diagnostics and assistance could be arranged from the Divorce Advisory Teams. Building up the 'background' of the team (the experts who can be consulted or deployed but who are not always present) will certainly take time, but will also require funding. The use of supervised contact (when insecurity has been established in a parent) should also be easy to arrange from this team.
- The expert team is in favor of intensive cooperation between assistance and the judicial authorities and the police, in order to ensure effective enforcement of the law

to make contact arrangements as soon as possible after a violation thereof has been reported to the police or a Divorce Advisory Team.

- Even in cases where a parent's parenting abilities are called into question after a complaint or accusation, the expert team advises not to stop the intercourse but to continue it – if the accusations are considered serious – in a safe and pleasant place.

The fourth point has to do with the organization of diagnostics and help, but also with an underlying behavioral science vision.

- Separation between diagnostics and care has various risks, but in the case of complex problems it leads to missing opportunities to better motivate parents to follow the conclusions of research – and subsequent court decisions.
– actually accept. The development of organizing research together with the researched in such a way that the research itself already contributes to change (*therapeutic assessment*) deserves attention in the development of the practice.

Finally, the expert team believes that there is room for improvement of diagnostic resources and aid methods.

- More attention should be paid to the children involved in both diagnosis and treatment. The set of research instruments into their world of experience has limited validity. It is important that they themselves be spoken to, both because they are an important source of information and because they should not be completely deprived of the feeling of having some control over their lives. The search for age-appropriate information and responsibilities that are appropriate to personal capacities requires specialized knowledge at the level of a specialized behavioral scientist, such as a child psychotherapist.
- The expert team recommends applying but also carefully evaluating the use of research tools such as the MASIC [7] and ARIJ [8]. Monitoring the safety of the parenting situation should be an integral part of any intervention.
- The expert team recommends that various interventions for children be further developed, such as peer groups, Villa Pinedo and JIM. International comparison is also recommended, for example by investigating which aspects of the Scottish GIRFEC program would be useful in the Netherlands.

- In the above, the expert team has already recommended that more forms of treatment should be developed for complex coping problems and PA. The expert team would prefer to further develop (and research) day and residential family treatment. Experiments involving compulsory relocation of the child to a parent who has become alienated from the child are considered risky by the expert team, and research would also be appropriate for this, in which the findings of these methodologies can be studied abroad, such as those of Warshak [5], Woodall and Woodall [6], and its feasibility can be analyzed in the Netherlands
- Research and development is also recommended to develop a clear, unambiguous and affordable method of achieving parallel parenting for those cases where communication between parents is completely stalled and no intervention has any effect.

6.5 Fact-finding

Experience experts, interest groups and professionals indicate the importance of good fact-finding. It is not about finding the (subjective) truth. It concerns the sound determination of facts in combination with the narrative, the story, of a family as a dynamic system with individual and collective timelines.

Good fact-finding is necessary to:

1. make an analysis of what is going on in a matter of (imminent) loss of contact and
 2. to take a responsible decision regarding treatment, assistance and/or enforcement.
- Fact-finding plays a major role in forensic diagnostics. The aforementioned attention to the quality of file formation is very important here. But the time factor is also essential here: the expert team notes that after an accusation against one of the parents, substantiated by observations and facts, an investigation must be started as soon as possible to prevent the problem from settling in.
 - In such a case, the Divorce Advisory Team should easily be able to turn to the LEBZ or MDA++ (multidisciplinary collaboration, including with the Child Protection Board) for further investigation, which will pick up the case within a week. The Action Table (National Network for Care and Punishment: police/OM/VT/RvdK) can be used to choose a civil or criminal procedure. Collaboration with the Kinder and

Youth trauma center in this area could be further developed.

- The development of well-spread regional facilities that operate across the country is highly desirable.

6.6 Enforcement: a task for the government

Parents and children have the right to associate with each other. It is the duty of the government to ensure that this right is given substance. It is a duty of a parent of authority to foster the bond between the child and the other parent. This includes making sure that agreements about contact between parents are made and that they are complied with. If the parents cannot reach an agreement, the judge will establish a contact arrangement, which must be complied with. If agreements made or regulations established by the court are not complied with without well-founded reasons, we come to the field of enforcement. In the pyramid of Braithwaite we are in the two upper parts.

Enforcement is a collective term for activities aimed at achieving proper compliance with legal rules in the area of parenting. The activities range from providing compliance assistance to sanctioning violations of legal rules or non-compliance with agreements made or court decisions. Sanctioning is a government matter. The expert team states that leaving sanctions to parents does not have the desired effect: it provokes vigilance, aggravates conflicts and the chance of (permanent) loss of contact increases instead of decreases. The expert team believes that the type of coercion should be weighed against the potential harm it may cause to the child.

The expert team recommends that the government take responsibility for enforcement, in particular sanctions in the event of non-compliance with statutory rules or non-compliance with agreements made or court decisions. Responsibility for enforcement should no longer be placed solely with parents.

- The Divorce Advisory Team could play a role in this:
Enable the SAT – via a short route to the courts – can dispose of means such as fines and periodic penalty payments, preferably to be forfeited to the state, to promote and realize civil law enforcement.
Make it possible with a simple donation procedure can be scaled up from civil law enforcement to criminal law interventions if necessary.

- Promote the deployment of specialized police, preferably at the initiative of the SAT or a director, in enforcement situations that require it. Attention to this in police training is necessary.
- Adjust the legislation and regulations to what is necessary for the elaboration of these recommendations, including the explanatory notes.

6.6.1 Police deployment

Deployment of specialized police via and by the SAT is desirable: a police officer in plain clothes trained for this purpose visits the parent concerned (within a short time, for example two weeks) to warn that a sanction is imminent. This is an intrusive 'information conversation'

which should preferably be fed during school hours, so that children are not exposed to the stress this creates. The parent can be assisted by a trusted person. After a second warning, an 'enforcement meeting' (with the same set-up, in a comparable period of time) has no effect, the sanction is imposed.

6.6.2 Civil sanctions

If the desired effect is still not achieved, then civil sanctions come into the picture.

- Financial sanctions (fines, periodic penalty payments) can turn the situation for the better, while the other is insensitive to it. The expert team has the

Explanation of the possible role of the SAT in enforcement

The expert team considers the Divorce Advisory Team (SAT), possibly also the place where the family representative, or the case manager or a director, is located, as the place where a parent (or a child) reports when an obstacle arises in the interaction between a parent and a parent. child. The SAT ensures that parents are made aware of the right; The basic principle is that a child sees both parents.

The SAT informs parents that the law is being violated if a visitation arrangement is broken and that there may be a question of 'withdrawal from parental authority'. That they are exposed to imposed interventions and supervision if they do not restore the agreed access arrangements within a reasonable period of time (for example two weeks). Reporting these problems and the resulting actions should be funded from community funds, at most with a contribution according to the parents' ability to pay.

The basic principle is that any mutually agreed visitation or care appointment that - without serious grounds or motivation - has been unilaterally canceled by one of the parents, will be immediately compensated in the following week(s).

When a legal battle develops over the form or implementation of a contact arrangement, that battle is currently often characterized by long procedures and waiting times. It is not uncommon for one of the parents to be deprived of contact with the child during these procedures.

The SAT ensures that the initiation of procedures is not a ground on which a parent is given the space to block contact between the child and the other parent.

turn. This is assessed as an unacceptable non-compliance with legal rules, if necessary also as 'withdrawal from parental authority'. The exception to this can only be in serious objections. Research into this is initiated by an independent institution such as the Child Protection Board, or the LEBZ in the event of sexual abuse or MDA++ in the event of child abuse. Objectively established facts and circumstances must show whether there is a situation that is unsafe for the child, if contact takes place. The need to start an investigation as soon as possible is obvious.

If a parent is in a situation where he or she needs to be notified that the law is being broken, the SAT will do this as soon as possible - within one or two weeks. The orientation and imposition of sanctions should also be done quickly. This requires a short route to court.

In the meantime, the SAT is directing an investigation into the reasons why contact has stagnated. This will often be possible by a specialized professional under the supervision of a behavioral expert. Compliance assistance can be initiated in this way if necessary. The SAT ensures proper coordination during this complex phase. During a judicial procedure, the control lies with the judge.

Finally: the expert team is not set up to devise structures for healthcare, but wants to use this example to promote thinking about the control function, because it fits in well with experiments in the country.

impression from the interviews that the desired effect can indeed be achieved. However, research into the effectiveness is desirable. However, unwanted side effects can sometimes be foreseen, for example in families where the financial need is already high, the child may feel the unpleasant effects of this action.

- Non-financial measures can also be used: a 'minor' intervention can consist of transferring the primary residence of the child of the parent who violates the rules to the other parent.
- A more severe sanction can be: temporarily or permanently establishing co-parenting with a fifty/fifty division of the time that the child spends with one and the other parent.
- An even more far-reaching (temporary) intervention can be to place the child full-time with the other parent. This intervention must always be accompanied by guarantees: it must be preceded by an investigation, also into the financial capacity of the child, and there are guarantees that parenthood is normalized again for both parents and the child within a reasonable period of time.
- The drastic sanction to (temporarily) suspend one or both of the parents from custody (or to terminate it). Carrying out this step is not only a sanction, but also an intervention that can be functional in the context of forced assistance to stop the conflicts when nothing remains but to completely stop the communication between both parents.
stop and let it run through a third party (the idea behind 'parallel parenting').
- Hostage taking: this sanction should preferably be requested from the court by and through the SAT. The costs should be borne by the government and recovered from the unwilling parent. The goal is: contact recovery. The aim is to motivate the reluctant parent to agree to treatment prior to the use of this heavy substance. If a sanction such as hostage-taking is involved, the parent concerned is presented with a choice: hostage-taking or clinical treatment (assuming appropriate treatment is available).

6.6.3 Criminal sanctions

When civil law offers insufficient options, the SAT scales up to criminal law.

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Attachments

This is reflected in divergent views on diagnostics and interventions. The terms used to describe the problem also vary. One thing is clear: the complexity of this problem. This document sheds light on the backgrounds of this complexity, on the basis of which a vision on complex coping problems is formulated. This vision is then focused on one specific form, namely the situation in which a child withholds contact with a parent as a result of (conscious or unconscious) manipulative behavior of the other parent, even though that behavior may be part of the complex interaction between both parents.

Given the variety of terms that circulate, it is necessary to indicate which terms are used in this document:

1. To name the phenomenon of a parent losing contact with a child, without referring to any cause or dynamic, we use the term **'loss of contact'**.
2. For the wide variety of problems and interaction patterns that can lead to (imminent) loss of the contact between a child and a parent we use the term **'complex coping problems'**. The term 'association' here refers to contact between parent and child, regardless of the parent's legal status, ie regardless of whether one or both parents have parental authority. Where we mainly want to focus on the underlying processes that lead to (the threat of) loss of contact between a parent and a child, we speak of the **dynamics of (imminent) loss of contact between parent and child**. When a parent himself has the intention not to let his child go to the other parent, while the child does want to, we speak of **blocking intercourse** (see section 4).
3. For the specific system dynamics in which (conscious or unconscious) manipulative behavior on the part of one of the parents plays a decisive role in the (imminent) loss of contact between a child and a parent, it is difficult to choose a term that has no connotations and which does not immediately give the image a form that does not do justice to the underlying complexity. We call the behavior of the influencing parent that makes the child's image of the other parent more negative **loyalty-influencing behavior**. But what do we call the behavior of a child who rejects a parent?
 - a. In English literature this is **parental alienation** called – in Dutch often translated with **'parental alienation'**¹. However, that term seems to

suggest that the child is the primary actor in this process here. This image presents the child as the perpetrator, rather than as the victim of this special form of child abuse. In reality, however, it is one parent who rejects the other, although in the complexity of the conflict it is sometimes arbitrary who is to blame for 'the beginning'.

- b. In practice, the term **parental detachment** is also used. However, this term easily leads to misunderstanding. On the one hand, also in view of the consequences of complex divorces for the later relationship formation of the children, it is clear that this problem can negatively influence the quality of the attachment relationship(s) with one or both parents. Then the 'internal working model' has changed, the internalized social-emotional-cognitive result of the attachment process, which influences the child's relationship formation. That is a qualitative change. The term, by the prefix 'ont', however, suggests a quantitative and, moreover, definitive change. Situations in which the child actually and definitively breaks away from any emotional bond with the parent concerned are rarely described, however. The term should at best be used for a (possibly temporary) suppression of the child's attachment behavior: there is (possibly temporarily) less proximity-seeking behavior in the child. The term 'detachment', when used without all of the above caveats, is too absolute to characterize loss of contact between parent and child. This term is unknown in this usage in professional journals and scientific publications.
- c. An alternative is the term **parental refusal**. Consider, as a parallel, the difference between 'school phobia' (a child has a reason to be afraid of school) and 'school refusal' (a child does not want to go to school, but for a reason that is not primarily related to the school). has to do). This term makes it possible to indicate the problem at the level of behavior (the child does not want something, that much is clear) without immediately opting for an perspective that suggests a statement about causes, intentions or underlying psychological processes.

Although this term can also rightly suggest that the child is the primary perpetrator.

The downside of this term is that it is new.

- d. The term **parental rejection** is an alternative to the term 'parental refusal'. There too lies the parallel with school refusal and phobia (Holtjer, OlieHallmans & Hendriks, 2017). The term is less new and closer to the concept of 'parental alienation', used in the field

1. Parental alienation is sometimes mistakenly translated in Dutch as 'parental alienation', which is, however, a translation of 'parental estrangement', which means a different dynamic, namely a contact problem that arises because a child has been afraid of the other parent.

is known. And here too the suggestion that the child is the primary actor in this process has not completely disappeared.

- e. A term that places the primacy of the dynamic much more with the loyalty influencing parent(s) is **parent rejection**. In English it would be *co-parental rejection* called: the rejection of one parent by another. This may also involve mutual rejection. The behavior of the child is hereby defined more as a function of the behavior of the parent(s). It may be that in the stress of the parental conflict it makes a choice to step out of this tension itself. The undeniable drawback of this term is that the expert team came up with it themselves and she is new to the field – which could also be an advantage.

The discussion of terminology is complicated by the strong **polarization with regard to this issue**. The polarization between the parents who are caught up in this dynamic seems to continue in care and in the legal field, but also in science. At one end of the continuum in this discussion is the view that parental alienation does not exist, but is only used by abusive parents to give them the opportunity to continue to abuse their children and ex-partners (CSMC, 2019; Bruch, 2001, 2002; Clemente, PadillaRacero, GandoyCrego, Reig Botella, & GonzalezRodriguez, 2015; Dore, 2004; Emery, 2005; Isman, 1996; McCurley, Murphy, & Gould, 2004; Meier, 2009; Nichols, 2013; Przekop, 2011; Schafran, 2003; Smith & Coukos, 1997; Thomas & Richardson, 2015; Walker, Brantley, & Rigsbee, 2004; Wood, 1994; Ziogiannis, 2001). In contrast, it is argued that parental alienation (usually referred to as 'parental alienation' within the group that prefers this term) must be explained on the basis of 'pathogenic parenthood' of one manipulative parent. In addition, the manipulative behavior is often related to cluster B personality problems, such as narcissistic or borderline personality disorder (Koops, 2017). There is a group of activist parents (Recognize Parental Disposition, 2019) who has nothing good to say about the current aid; for them, term parent alienation is central. So it is clear that it is difficult to come up with a term to avoid all the pitfalls. In the report of the expert team, the original English term is often used: parental alienation, abbreviated to **PA**.

In addition, the team often speaks of **complex coping problems** and **(the dynamics of) loss of contact**.

In view of the discussions and polarization in the field, it is important to formulate a vision that forms a common ground for the (further) development of advice for

diagnostics, psychological, social and practical assistance, legal procedures and interventions and interdisciplinary cooperation. This vision document aims to contribute to the endeavor to transcend the contradictions surrounding this issue. To this end, the most general and most accepted theoretical frame of reference for describing complex psychosocial problems is first chosen: the systems theory (section 2). Subsequently, in section 3 'complex coping problems' is defined and analyzed and in section 4 the same happens with PA – as one of the variants of complex coping problems where the team that this paper developed focuses on. Here too, the aim has been to achieve analyzes that can transcend the contradictions in the field and help to move from the prevailing tournament model to a cooperation model in which the interests of the child are optimally served. The follow-up to this document will consist of recommendations with regard to complex coping problems and PA, in the areas of:

- diagnostics,
- interventions,
- multidisciplinary collaboration and
- social organization of all that.

These recommendations are further developed in dialogue with concerned parents, children and experts.

3. The theoretical framework behind this vision

Complex coping problems has many variants, with diverse factors that influence each other and that all have their own meaning for those involved (cf. Holtjer, OliemansHallmans & Hendriks, 2017). This leads to a range of possible dynamics. These dynamics tend to perpetuate each other for a long time and make the problem difficult to influence despite the fact that all members of the involved system suffer from it. This shows the **complexity** of the problem: there is interaction between several people with differing worlds of experience, motives and skills, which has led to a situation that is unpleasant for everyone, but which cannot be ended together. This term refers to the theory of complex dynamical systems (VanGeert, 1994, 2009, 2012) and not to complexity as used in legal frameworks.

2. As an aside, it should be noted that this team, which received this assignment from the Minister of Justice and Security in order to comply with a motion of the House of Representatives, bears the name 'Expert team Parental alienation'. The term "parental alienation" has been retained in the name of the team because the relevant chamber motion contains this term.

First of all, this document now refers to various possible causes and defines the problem at the level of: **behavior to be observed** of parents and children, framed in a **system vision** which, moreover, does justice to the **development processes, experiences and meaning** of all participants in that system (Belsky, 1984; Bronfenbrenner & Ceci, 1994; Tak, Veerman, Bosch & Couturier, 2014). Within the complex coping problem there is a specific dynamic called parental alienation (Gardner, 1985; Zander, 1999). BeePA we find that the behavior of one parent very likely stimulates or possibly even causes the rejection by the child of the other parent, although it is often not the only cause (Baker, 2010; Baker & BenAmi, 2011a, 2011b; Baker & Brassard, 2013; Baker & Chambers, 2011; Baker & Damall, 2006; Baker & Eichler, 2014; Baker & Verrocchio, 2013, 2014; Buchanan et al., 1991; Kaplan, 2008; Verrocchio & Baker, 2015) and is in addition, care providers reported that there is often a problematic interaction between the parents.

In view of the above, this problem should therefore always be viewed in a way that does justice to the complexity of the situation and the (development) history of the parties involved. The necessity of the latter follows from the fact that the ex-partners never intended to end up in this situation.

4. View on complex coping problems

'Complex coping problems' is defined in this document as follows:

Complex coping problems concerns a (threatening) **loss of contact** between parent and child(ren) on the basis of the **resistance at a child** to associate with a parent, **for any reason**.

Complex coping problems can occur in the **context of complex relationship problems of the parents, or in the context of relationship problems between the child and the parent**. This relationship problem is often (but not exclusively, see section 1) accompanied by a complex divorce, i.e. a divorce with conflicts that persist for so long and which have escalated to such an extent that one or both parents cannot protect their children's interests and well-being (and thus also lose sight of their mutual interests) to such an extent that these children suffer damage. Such conflicts are usually difficult to influence and are usually related to several bottlenecks in several areas of life. The loss of contact is related to this problem and can make it worse.

Characteristic in the **process** of the occurrence of this (imminent) loss of contact is that one child, several children, or all children in a family indicate in one way or another (verbal and/or non-verbal) that they no longer wish to have contact with one of the parents, and more or even just wanting association with the other parent. In some cases all children choose the same parent and in some cases one child chooses one parent and the other child chooses the other parent; the latter can also lead to conflicts between the children.

The motivation of the child wanting less or no more contact with a parent can express itself in all kinds of ways, for example by strongly withdrawing, denigrating and strongly negatively speaking about the other parent, without feeling guilty and without seeing other sides. The child may also turn away from the other parent's family and present all of this as his own deliberate choice. Such behavior can be the result of all kinds of forces in and around the family system. Below are some possible causes. There can be one of the following processes or any combination of each of those processes, moreover in every conceivable mutual relationship of strength:

1. a one-sided interpretation of the situation, for example as a result of a bad divorce report, whereby one parent is blamed for all the tensions;
2. find it difficult to keep having to 'move' from one house to another, forgetting things, or not being able to go to sports or friends with one of the parents;
3. the fact that the parent is difficult or even almost unreachable as a result of moving or migration;
4. the parent being difficult or even almost unreachable as a result of being preoccupied with work or a new partner relationship;
5. the living situation of that parent is particularly unattractive, for example because friends or friends of the child are unreachable there, or because that living situation is dominated by new housemates;
6. the phase problem in the child (possibly reinforced by the conflicts), in which one-sided identification or a still limited person perception (Selman, 1980) play a role, as in preschoolers and adolescents;
7. a mismatch of the parent's temperament and personality with that child;
8. a limited cognitive agility, such as can be found in young people with a high level of anxiety, an inhibited temperament and forms of hyperactivity or autism, making choices once made by the young person difficult to adjust;

9. inability to fit in emotionally with that parent's new partner choice, as well as difficulties in accepting new step or half-siblings;
10. being afraid of that parent, because of abuse by that parent and/or by witnessing abuse of one parent by another;
11. poor care by that parent due to addiction, depression or lack of pedagogical awareness on the part of that parent (which sometimes only becomes visible after the divorce due to the loss of compensation from the other parent).

In addition to the above process, there are factors that may have an extra strong effect on **the child's perception of the interaction** between the parents and that can lead to PA:

12. a one-sided identification with the environment that stimulates the child to choose one parent. Family, important others such as friends, internet groups, teachers or clergy, but also social workers and lawyers can contribute to this (whether consciously or not and whether or not partly due to religious convictions or private experiences). Problems with regard to financial settlement, housing or travel distance that hinder interaction with peers can reinforce this process;
13. experiencing great relational stress between the parents, or with one parent, from which the child tries to escape by choosing one of the parents;
14. Experiencing the parents' great inability to bring calm to the conflict, so that the child chooses for himself and creates the most peaceful situation for himself;
15. experiencing a great need for care from one of the parents, whereby the child comes to the aid of this parent and does not want to leave it alone;
16. the fear of losing the contact and/or love of one of the parents if this is not 'chosen';
17. the feeling that one of the parents has lost in the divorce battle and that the child has to compensate for this by choosing the 'losing parent' and excluding the 'winning parent';
18. the unconscious influence by the non-rejected parent on the child's cognitions and emotions in relation to the other parent, as a result of negative emotions towards that parent displayed in the presence of the child (e.g., stress during intercourse, unresolved grief, fear, jealousy, anger, despair and revenge). This influencing can also take place non-verbally: the child can also feel through behaviour, attitude and tone how difficult one parent is having with the other, and/or with the child's interaction with the other parent;

19. the conscious formation of a special or even exclusive bond with the child by purposefully hindering contact with the other parent. This is done, for example, by negatively labeling the other parent's understandable behavior, magnifying awkward behavior on the part of the other parent, slandering the other parent, telling falsehoods, or being taken out of context or even false accusations of neglect, or whisper abuse;
20. rewarding the child's choice behavior for that parent by rejecting the other parent.

The (conscious or unconscious) influencing behavior of a parent can be related to several aspects, such as:

1. the still undiminished strong negative emotions towards the ex-partner such as fear, anger, hatred, disgust, contempt, et cetera,
2. the traumatization due to the divorce itself, for example through acute abandonment, the discovery of cheating or the confrontation with a dark side of the ex partner,
3. reliving traumas through parallels with previously experienced situations,
4. the flare-up of older, unprocessed grief,
5. activating existing emotion regulation problems through stress, in the form of uncontrolled anger, whether or not partly as a result of insecure attachment, a limited intelligence, et cetera,
6. the presence of personality traits, such as morbid anger or revenge, leading to malicious behavior in one of the parents, and/or
7. activating other personality problems, such as bipolar disorders, with increased need for structure and reduced empathy.

5. View on parental alienation (PA)

parental alienation (PA) is defined in this document as follows:

PA Re rejecting (contact with) a parent by the child related to (subconscious influence by the other parent, by the child towards a choice and/or by rewarding the choice behavior of the child - in the context of complex divorce issues.

To be able to speak of PA:

1. From the dynamics mentioned above (in section 3), options 1 to 11 should be excluded on good diagnostic grounds as the primary explanation for the child's behavior, namely in those

the extent to which it can be reasonably assumed that the other parent can in principle be a secure attachment figure for the child;

2. it must also be established that there is parental influence (by one or both parents) of the cognitions and emotions of the child towards the other parent,
3. and that this influence is related to the child's resistance to contact with one of the parents. Incidentally, this is difficult to investigate: if the parent is aware of his behaviour, will he try to deny it? – if he is not aware of his behavior, he will also deny that he is the cause of his child's behaviour.

Remark: if the contact between a parent and a child is blocked because one of the parents prevents this, while the child in question does want that contact, one cannot speak of PA in the sense of this definition. In that case we speak of "**blocking intercourse**". Again, it is important to carefully rule out whether the blocking parent's concerns are justified or whether the blocking parent is having problems. Such a situation, like PA, demands all our attention, for the same reasons.

When investigating possible PA, the following are: **points of attention** of interest:

- serving parents in conflict (in counseling) **from the beginning** stimulated to separate their own grief and process from that of their child, but also to be able to receive sufficient diagnosis and help at an early stage to make this possible. This stimulates parents' ability to **mentalize** – the ability to think about their own thinking and feeling and that of others. This greatly enhances their ability to reorganize their parenting.
- There may be **pure PA** when one parent influences the child's cognitions and emotions and the other parent does not. There may also be a **mixed form of PA**: Both parents influence the child's cognitions and emotions towards the other parent – sometimes the same, sometimes one less than the other. In addition, there may be **mixtures** where one or more of the motives as mentioned, for example, in points 1 to 10 above, together with PA, lead to contact problems. For example, one parent may exhibit behavior that triggers the other parent – which in turn is perceived and interpreted by the child under the influence of all reactions in his environment.

The interaction between both parents therefore always remains a point of attention.

- The consequence of the above interactional vision is that an approach in which the cause of the problems is placed with one parent in advance is too simple. Buysse (2016) therefore advocates seeing the concept of 'parental alienation' as a continuum in which a very negative parent-child relationship is an extreme position, but many other positions can arise in the complexity of interactions. Therefore, detecting PA always means **diagnostics of underlying processes**.
- The wider environment of the child is also always a point of attention, even when the focus is on manipulative behavior of one or both parent(s). Not infrequently we see that **splitting family and friends** and a form of tribal warfare ensues (Visser et al., 2017). The context should be seen broadly so that whatever the members of the family **meaning** grants falls within this (Buysse, 2016).
- Specific attention requires manipulation by the **educating legal processes and ignoring court decisions** to the point that no one sees a solution anymore and in a long-term imbalanced situation it is decided to elevate it to the status quo. For example, training takes place by not appearing at crucial moments, by not answering letters, by constantly submitting complaints, or provoking complaints by ignoring agreements and court decisions, always seizing opportunities for appeal – sometimes also at the suggestion of lawyers. Not infrequently **lawyers and social workers split into that situation** with the system. That is, they make choices that reinforce the separation between the parent in question and the child, thereby siding with one of the parents. The best interests of the child are no longer leading in this battle.
- The **waiting times** in the various organizations and bodies involved, these dynamics can considerably aggravate. The organization of care and the administration of justice therefore also require attention: timely intervention is crucial.
- Also the position of professionals in terms of time, energy and money-hungry **complaints procedures** that are often done to them in this arena requires improvement. This is an unnecessary waste of common resources. Moreover, these procedures affect the motivation of professionals to such an extent that more and more professionals withdraw from this sector and therefore less and less help is available.

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Appendix 2

Interest groups

Father Knowledge Center

Peter Tromp

The vanished Self

Tacko Angel fries

Hovs (Recognize Parental Alienation)

Annemarie vanMackelenbergh

Passage Foundation

Sipke Baarsma

KOG . Foundation

Alfred Groenen

Foolish Fathers Foundation

Leo Bevaart

Ed van der Werk, advocacy

(not in Triq's report, but spoke to ET)

Experts

Expert	Function and work area
Kristel Hessels	Psychologist and systems therapist, Fivoor
Madeleine Rijckmans	Senior scientific researcher, GZpsychologist IO, Forensic Psychology Tilburg University, Rinogroep
WilliamBernet, MD	Professor Emeritus, Department of Psychiatry, Vanderbilt University School of Medicine, Nashville, Tennessee
Prof. dr. Dr Ramon Lindauer	Professor in Child and Adolescent Psychiatry at AmsterdamUMCUvA and the Bascule
drs. Ad Oud	Psychotherapist and GZpsychologist, no longer practicing. Worked at GGZ Arkin in Amsterdam and Psychologist Practice Huiswaard in Alkmaar until 2018
Prof. dr. Dr Corine de Ruiter	Professor of Forensic Psychology, Maastricht University; Clinical Psychologist Specialist (BIG)
Aafke Scharloo	Clinical psychologist specialized in the field of people with developmental disabilities, sexual abuse and trauma, independent professional
Prof. dr. Dr Geertjan Stams	Professor of Forensic Orthopedagogics UvA
mr. Annemarie de Jong	(formerly) Policy officer at Nova
mr. Theda Boersema	Lawyer and mediator at B&CMelissen lawyers
Kimde Carpentier	Orthopedagogue generalist and Systemic Therapist IO, Cardea
Simone van Poelgeest	Behavioral scientist, Cardea, UvA
dr. Marga Akkerman Zaalberg van Zelst	Clinical child & adolescent psychologist, psychotherapist, VKJP trainer and supervisor
Sander van Arum	Orthopedagogue, psychotherapist and systems therapist.
dr. Richard A. Warshak	Clinical Professor of Psychiatry at the University of Texas Southwestern Medical Center, Dallas, Texas, and a clinical, consulting, and research psychologist in private practice
Tako Angel Fries	President The Disappeared Self
Sietske Dijkstra PhD	Relational and social safety expert, researcher, teacher/developer professional training, Dijkstra . agency
Marjanne Boesenkool	Behavioral Scientist, Parlan Youth and Parenting Aid
Prof. dr. Dr Matthijs Kalmijn	Professor of Sociology and Demography at NIDI

Expert	Function and work area
dr. Jana Knot Dickscheit	Associate Professor University of Groningen, Faculty of Behavioral and Social Sciences, Department of Special Education: Behaviour, Education and Children's Rights; GZpsychologist at Molendrift.
drs. Bernadette Jansen	Behavioral scientist/researcher Strong House
Ellen Loykens	Director of treatment affairs and clinical psychologist/orthopedagogue, Molendrift
drs. Erika Holtjer	BIG registered Healthcare Psychologist, MfN registered Mediator, Forensic Mediator, Parenting Coordinator. GZpsychologist INTERPSY, coordinator TeamComplex Divorce, Forensic Mediator, facilitator NOvA, teacher/trainer for the legal profession and court. INTERPSY and self-employed.
Janny Metz	Behavioral scientist/basic psychologist, Safe Home Haaglanden
Cindy de Rijke	Policy advisor at Pro6, Specialist youth care
Marjon Boschman	Relationship and family therapist. ARKIN Youth and Family Center for Relational Therapy
Andaye Steijlen	Orthopedagogue, system therapist IO, Arkin Youth and Family
Flip Jan van Oenen	Physician, family therapist, Arkin, Amsterdam
dr. Margaret Visser	Clinical psychologist and senior researcher at Kenter Youth Care, Child and Youth Trauma Center. Developer Children from the Knel.
Jan Olthof	Psychotherapist, founder School for Systemic Education, Maastricht
Joep Zander	Educator, artist and private practice and author.
drs. Christel Aarntzen	Orthopedagogue, family and child psychologist, Levanah, Radboud University
Prof. dr. Dr Lenneke Alink	Professor of Forensic Family Pedagogy, Leiden University
dr. GH van der Helm	Lecturer residential youth care Leiden University, UvA & Fier
Erna Janssen	Social worker, developer of training courses and NLPtrainer, private practice deFamilieAcademie
Ellis Knegt	Orthopedagogue generalist, Behavioral expert, Child Protection Board, location Arnhem
Carla Ashbeuk	Orthopedagogue generalist, Behavioral expert, Child Protection Board, location Arnhem
Petra Brouwer	Behavioral expert, Child and Adolescent Psychologist SKJ, Council for Child Protection location Amsterdam

Expert**Function and work area**

Judith Kuijpers

Director of Safe Home Southeast Brabant, representative of the National Healthcare/Crime Network

Machteld Beukema

Head of Safe at Home, GGD South Limburg, representative of the National Healthcare Network / Penalty

Bianca Poldervaart

Strategic advisor on policy, Child Protection Board, representative of the National Healthcare/Crime Network

Nicole Jansen

Project leader in the \One approach Care & Security National Police, representative of the National Network for Care/Crime

mr. Judith van Schoonderwoerd

National Public Prosecutor Domestic Violence, Child Abuse and Sexuality, Public Prosecution Service, representative of the National Network Care/Punishment

mr. drs. NM Nierop

Coordinator National Expertise Group Special Sexual Affairs

drs. Fleur van den Heuvel

Coordinator National Expertise Group Special Sexual Affairs (LEBZ)

Visited body**Name and function**

Acccare Beilen

Peter Dijkshoorn, child and youth psychiatrist
Femy Wanders, GZpsychologist, clinical psychologist and psychotherapist

GGZ Beilen

Cecil Prins, child and adolescent psychiatrist
Bea Bolt, family therapist
Sieger van Lottum, treatment coordinator

Yulius Barendrecht

Wouter van der Does, child and youth psychiatrist

Appendix 4

Kalmijn report

Research memo for the benefit of Expertteam Parent Alienation

Divorce and loss of contact between parent and child

Matthijs Kalmijn, November 16, 2020

Introduction

In this memo, at the request of the Parental Alienation Expert Team, I report on further analyzes of the OKiN survey. The OKiN survey is a survey conducted in collaboration with Statistics Netherlands among adults aged 2545 and their parents and possible stepparents. What is special is that a systematic overrepresentation of children who grew up in separated families has been selected via the population registers. The (divorced) parents were also approached with questionnaires, as well as their possible new partners. This concerns a large-scale quantitative sociological study in which respondents were questioned using structured questionnaires.

The research was made possible in part by funding from the scientific research program Family Complexity.² Details of the study are described in Kalmijn et al. (Kalmijn et al., 2018). The OKiN builds on previous publications on parent-child relationships and divorce (Kalmijn, 2014, 2015a, 2015b, 2016a, 2016b; Kalmijn & De Graaf, 2000).

The current analyzes looked at children aged 2,545 who experienced their parents' divorce before the age of 18 and whose parents are still alive (at the time of questioning). Loss of contact is determined on the basis of questions about actual contacts. All analyzes are about divorced families, except Table 1 which compares children whose parents were not divorced in childhood.

In this memo I briefly explain the tables and draw the main conclusions from each table.

The reporting is mainly factual, theoretical interpretations fall outside the scope of the assignment.

At the end of the memo, a number of other questions from the expert team are answered that do not require analysis.

Findings

On the following pages 13 tables, including explanation of the findings.

Finally

Finally, we looked at contact loss in the divorced mother herself, a smaller group but nevertheless interesting. As with fathers, we see a strong connection here. Overall, we see that loss of contact with children after divorce is associated with stronger feelings of loneliness, especially among parents and less so among children.

Other questions

The studies of Baker et al. in the US and Italy are interesting psychological studies that also show clear links between divorce and aspects of parental alienation. A difference with the OKiN is that these studies are not based on representative samples. This is not necessarily a problem for uncovering all kinds of mechanisms. This may well be the case for the measurement of prevalence, also in view of the higher prevalence of contact loss that I found in lower educated parents.

1. Matthijs Kalmijn is professor of social demography at NIDI (Netherlands Interdisciplinary Demographic Institute). See also www.matthijskalmijn.nl
2. Funded by the European Research Council within the Horizon 2020 program [ERC grant agreement no. 669334]. See also www.familycomplexity.eu.

Table 1: Loss of contact between child and parent by marriage history biological parents

	Situatie ouders in jeugd			N
	Ouders bij elkaar	Ouders gescheiden in jeugd	Total	
	%	%	%	
Wel contact met vader				
Wel contact	98.0	77.1	84.8	3,942
Geen contact	2.0	15.5	10.5	489
Kent vader niet	0.0	7.4	4.6	216
Total	100.0	100.0	100.0	4,647
N	1,722	2,925	4,647	
Wel contact met moeder				
Wel ontact	98.8	87.7	91.8	4,251
Geen contact	1.2	4.9	3.5	163
Kent moeder niet	0.0	7.4	4.7	216
Total	100.0	100.0	100.0	4,630
N	1,722	2,908	4,630	
Wel contact met vader (gegeven kennen vader)				
Wel contact	98.0	83.2	89.0	3,942
Geen contact	2.0	16.8	11.0	489
Total	100.0	100.0	100.0	4,431
N	1,722	2,709	4,431	
Wel contact met moeder (gegeven kennen moeder)				
Wel ontact	98.8	94.7	96.3	4,251
Geen contact	1.2	5.3	3.7	163
Total	100.0	100.0	100.0	4,414
N	1,722	2,692	4,414	

Source: OKiN volwassen kind data 2017. Nu volwassen kinderen (25-45).

Source: OKiN volwassen kind data 2017. Nu volwassen kinderen (25-45).

Table 1: Children were asked whether they had contact (face-to-face or by telephone) with the biological father and biological mother in the past 12 months. If there was no contact at all in 12 months, I am talking about loss of contact in this memo.

In the case of children of married parents, hardly anyone has lost contact with the father or mother. Of children of divorced parents, 16% have no contact with the father and another 7% do not know the father (anymore). These percentages are much lower for divorced mothers, but still higher than for married mothers. In the rest of the analyses, children who do not (at all) know their father (anymore) are left out.

Table 2: Reported reasons for contact loss in children of divorced parents.

	%	N
Reden geen contact vader		
Uit elkaar gegroeid	7.0	31
Ruzie	11.3	50
Wil vader niet zien	35.8	158
Vader wil kind niet zien	9.1	40
Wettelijke beperkingen	0.2	1
Nieuwe partner in de weg	5.9	26
Geen speciale reden	11.3	50
Eigenlijk nooit contact	19.3	85
Total	100.0	441
Reden geen contact moeder		
Uit elkaar gegroeid	9.5	14
Ruzie	21.8	32
Wil moeder niet zien	50.3	74
Moeder wil kind niet zien	4.1	6
Nieuwe partner in de weg	3.4	5
Geen speciale reden	4.8	7
Eigenlijk nooit contact	6.1	9
Total	100.0	147

Source: OKiN volwassen kind data 2017. Rapportage kind.

Table 2: Children who no longer have contact were asked to indicate the main reason for this. Possible reasons were presented beforehand. There is quite a lot of heterogeneity in these reasons. The most common reason is that the child no longer wants to see the parent. In quite a few cases respondents say that there was no special reason ('it turned out this way') or that people have grown apart (together 18%). Quarrels are also mentioned, but less often than one might expect. Arguments can, however, play a role among children who no longer want to see their father. With mothers the numbers are different. If there is no more contact with the divorced mother, half of the children say they no longer want to see the mother, with fathers this was 36%.

Table 3: Loss of contact with father by characteristics of adult child

	Wel contact met vader			N
	Wel contact	Geen contact	Total	
	%	%	%	
Opleidingsniveau kind				
LO, LBO	76.0	24.0	100.0	358
MAVO	79.7	20.3	100.0	177
MBO	80.9	19.1	100.0	963
HAVO/VWO	87.0	13.0	100.0	239
HBO	86.3	13.7	100.0	657
WO	91.4	8.6	100.0	315
Total	83.2	16.8	100.0	2,709
Chi-2 toets= 40.98				
P-waarde= 0.000				
Huidige leeftijd kind				
25-29	86.8	13.2	100.0	1,056
30-34	82.7	17.3	100.0	750
35-45	80.0	20.0	100.0	898
Total	83.4	16.6	100.0	2,704
Chi-2 toets= 16.99				
P-waarde= 0.000				
Geslacht				
Zoon	84.2	15.8	100.0	1,239
Dochter	82.4	17.6	100.0	1,470
Total	83.2	16.8	100.0	2,709
Chi-2 toets= 1.45				
P-waarde= 0.229				
Source: OKiN volwassen kind data 2017. Rapportage kind.				

Table 3: We examined whether there is a relationship between loss of contact and demographic characteristics of the child. There is a strong relationship with education level: lower educated children lost contact more often than higher educated children. There is no correlation with gender. There are age differences: older (adult) children have lost contact more often (20% loss of contact in children aged 35-45). A cohort effect can be seen here: in older cohorts the involvement of the father after divorce was less, which probably translated into a greater risk of contact loss.

Table 4: Loss of contact with father by father characteristics in childhood

	Wel contact met vader			N
	Wel contact %	Geen contact %	Total %	
Leeftijd bij scheiding				
Leeftijd 1-5	79.6	20.4	100.0	907
Leeftijd 6-12	84.6	15.4	100.0	1,455
Leeftijd 13-18	87.0	13.0	100.0	347
Total	83.2	16.8	100.0	2,709
Chi-2 toets= 14.12 P-waarde= 0.001				
Contact vader direct na scheiding				
Co-ouder	96.0	4.0	100.0	198
Wekelijks	88.9	11.1	100.0	1,264
Maandelijks	76.7	23.3	100.0	566
Minder vaak	64.2	35.8	100.0	385
Total	82.7	17.3	100.0	2,413
Chi-2 toets= 165.27 P-waarde= 0.000				
Ernstige ruzie ouders na scheiding				
Nooit	89.3	10.7	100.0	899
Soms	86.1	13.9	100.0	592
Regelmatig/vaak	77.9	22.1	100.0	845
Weet niet	75.8	24.2	100.0	356
Total	83.2	16.8	100.0	2,692
Chi-2 toets= 58.87 P-waarde= 0.000				
Ernstige ruzie ouders in huwelijk				
Nooit	90.6	9.4	100.0	744
Soms	89.0	11.0	100.0	572
Regelmatig/vaak	75.2	24.8	100.0	751
Total	84.6	15.4	100.0	2,067
Chi-2 toets= 79.38 P-waarde= 0.000				
Taakverdeling ouders in huwelijk				
Egalitair	92.7	7.3	100.0	413
Tussenin	88.5	11.5	100.0	816
Traditioneel	77.9	22.1	100.0	1,139
Total	84.1	15.9	100.0	2,368
Chi-2 toets= 67.82 P-waarde= 0.000				
Alcohol vader in jeugd				
Bij gelegenheden	90.6	9.4	100.0	843
Matig	84.9	15.1	100.0	913
Veel	83.5	16.5	100.0	346
Overmatig	62.8	37.2	100.0	188
Total	85.0	15.0	100.0	2,290
Chi-2 toets= 94.33 P-waarde= 0.000				
Vader psychische hulp nodig gehad				
Niet	88.2	11.8	100.0	1,911
Voor verslaving	74.0	26.0	100.0	96
Voor psychische klachten	83.1	16.9	100.0	302
Voor beide	72.1	27.9	100.0	61
Total	86.6	13.4	100.0	2,370
Chi-2 toets= 31.71 P-waarde= 0.000				

Source: OKiN volwassen kind data 2017. Rapportage kind.

Table 4: This table examines whether there is a relationship between loss of contact and characteristics of the parents' marriage and characteristics of the divorced father. In all cases, strong connections are visible. Loss of contact is more common if (a) the separation took place earlier in the child's life, (b) there was a lot of arguing between parents during the marriage and after the divorce, and (c) the division of labor between father and mother was traditional (in the sense that the mother in particular did the household chores). The strongest connection is visible in the contact with the father immediately after divorce. If the father saw the child little (less than monthly) in the first year after divorce, the risk of loss of contact later (when the child is 25-45 years old) is even 36%. Problems that affect the father are also important, in particular alcohol use, addiction problems, and psychological problems, which are significant risk factors for loss of contact. This is not to say that most fathers who no longer see their children have these problems,³

3. Because retrospective questions have been used, the measurements of problems in youth are relatively simple and concrete. Retrospective data have been found to be reasonably valid as long as they concern relatively concrete and simple matters (De Vries, 2006; Hardt & Rutter, 2004).

Table 5: Loss of contact with mother by characteristics of mother in childhood

	Wel contact met moeder			N
	Wel ontact	Geen contact	Total	
	%	%	%	
Leeftijd bij scheiding				
Leeftijd 1-5	95.2	4.8	100.0	896
Leeftijd 6-12	94.6	5.4	100.0	1,450
Leeftijd 13-18	93.6	6.4	100.0	346
Total	94.7	5.3	100.0	2,692
Chi-2 toets= 1.23				
P-waarde= 0.539				
Ernstige ruzie ouders na scheiding				
Nooit	96.3	3.7	100.0	899
Soms	96.3	3.7	100.0	592
Regelmatig/vaak	92.2	7.8	100.0	845
Weet niet	93.8	6.2	100.0	356
Total	94.7	5.3	100.0	2,692
Chi-2 toets= 18.83				
P-waarde= 0.000				
Ernstige ruzie ouders in huwelijk				
Nooit	97.2	2.8	100.0	744
Soms	95.3	4.7	100.0	572
Regelmatig/vaak	91.9	8.1	100.0	751
Total	94.7	5.3	100.0	2,067
Chi-2 toets= 21.50				
P-waarde= 0.000				
Taakverdeling ouders in huwelijk				
Egalitair	93.7	6.3	100.0	413
Tussenin	95.0	5.0	100.0	816
Traditioneel	95.3	4.7	100.0	1,139
Total	94.9	5.1	100.0	2,368
Chi-2 toets= 1.53				
P-waarde= 0.466				
Alcohol moeder in jeugd				
Bij gelegenheden	96.7	3.3	100.0	1,108
Matig	94.9	5.1	100.0	612
Veel	87.3	12.7	100.0	166
Overmatig	81.7	18.3	100.0	71
Total	94.8	5.2	100.0	1,957
Chi-2 toets= 51.14				
P-waarde= 0.000				
Moeder psychische hulp nodig gehad				
Niet	97.0	3.0	100.0	1,788
Voor verslaving	83.8	16.2	100.0	37
Voor psychische klachten	92.7	7.3	100.0	640
Voor beide	90.9	9.1	100.0	55
Total	95.6	4.4	100.0	2,520
Chi-2 toets= 37.07				
P-waarde= 0.000				
Source: OKiN volwassen kind data 2017. Rapportage kind.				

Table 5: The same analyzes are presented in this table, this time for the loss of contact with the divorced mother. The numbers here are smaller because there are not very many children who have lost contact with the mother (5%). However, a number of connections are the same as with the loss of contact with the father. Mothers more often lose contact if there was a fight between father and mother and if the mother exhibited problem behavior or psychological problems in childhood.

Table 6: Current relationship of divorced parents and loss of contact between child and father

	Wel contact met vader			N
	Wel contact	Geen contact	Total	
	%	%	%	
Contactfrequentie tussen ex-en (12 maanden)				
Weet niet	5.1	10.0	5.9	159
Geen	34.1	81.6	42.1	1,133
Een keer	10.8	2.9	9.4	254
2-5 keer	25.9	2.2	21.9	590
6+ keer	24.1	3.3	20.7	556
Total	100.0	100.0	100.0	2,692
Chi-2 toets= 415.48				
P-waarde= 0.000				
Contact tussen ex-en (volgens kind)				
Weet niet	4.3	23.1	7.5	201
Goed	40.2	3.3	34.0	916
Neutraal	29.0	12.6	26.3	707
Niet goed	9.8	7.1	9.3	251
Slecht	16.7	53.9	22.9	617
Total	100.0	100.0	100.0	2,692
Chi-2 toets= 594.25				
P-waarde= 0.000				
Source: OKiN volwassen kind data 2017. Rapportage kind.				

Table 6: In the study, children were asked how the relationship between the divorced parents was functioning at the time of the study, ie long after the divorce. In this table this is broken down for children who no longer see their father and children who do see their father. In line with expectations, the vast majority of children with contact loss no longer have contact between the father and mother. More importantly, more than half of the children with loss of contact still describe this relationship as 'bad'. There is therefore no question of a shift in the direction of neutral relations between the ex-partners. With divorced parents where there is still contact between father and child, the relationship between the ex partners is significantly more often neutral or even good.

Table 7: Child's feelings about separation after loss of contact with father

	Wel contact met vader			N
	Wel contact	Geen contact	Total	
	%	%	%	
Veel moeite gehad met scheiding				
(Zeer) eens	46.5	41.1	45.6	566
Neutraal	21.8	20.3	21.6	268
(Zeer) oneens	31.7	38.6	32.8	407
Total	100.0	100.0	100.0	1,241
Chi-2 toets= 3.76				
P-waarde= 0.153				
Vader scheiding kwalijk genomen				
(Zeer) eens	23.3	41.1	26.2	325
Neutraal	12.9	17.8	13.7	170
(Zeer) oneens	63.8	41.1	60.1	746
Total	100.0	100.0	100.0	1,241
Chi-2 toets= 37.97				
P-waarde= 0.000				
Moeder scheiding kwalijk genomen				
(Zeer) eens	18.5	14.4	17.8	221
Neutraal	16.6	22.3	17.5	217
(Zeer) oneens	65.0	63.4	64.7	803
Total	100.0	100.0	100.0	1,241
Chi-2 toets= 4.85				
P-waarde= 0.089				
Door scheiding minder vertrouwen				
(Zeer) eens	29.7	25.2	29.0	360
Neutraal	16.9	16.3	16.8	209
(Zeer) oneens	53.3	58.4	54.1	672
Total	100.0	100.0	100.0	1,241
Chi-2 toets= 2.02				
P-waarde= 0.363				
Source: OKiN volwassen kind data 2020. Rapportage kind.				

Table 7: This analysis examined whether children experienced the divorce differently if contact with the father was lost. It is striking that a significantly larger proportion of the children who have lost contact with the father have resented the father that the parents have separated. This may be an important cause of some of the contact loss, certainly in combination with the finding from table 2 that a large group of children say they no longer want to see the father. Furthermore, it is not the case that children with loss of contact say that they had more difficulty with the divorce than children without loss of contact.

Table 8: The role of mothers in relationships with father

	Wel contact met vader			N
	Wel contact	Geen contact	Total	
	%	%	%	
Moeder vermijdt/vermeed contact met vader				
(Zeer) eens	30.3	40.6	32.0	397
Neutraal	19.2	23.8	19.9	247
(Zeer) oneens	50.5	35.6	48.1	597
Total	100.0	100.0	100.0	1,241
Chi-2 toets= 15.18				
P-waarde= 0.001				
Moeder heeft contact vader-kind belemmerd				
(Zeer) eens	11.9	17.8	12.9	160
Neutraal	12.1	16.3	12.8	159
(Zeer) oneens	75.9	65.8	74.3	922
Total	100.0	100.0	100.0	1,241
Chi-2 toets= 9.21				
P-waarde= 0.010				
Praten moeder over vader				
Nooit	26.2	64.9	32.5	403
Neutraal/positief	50.4	13.9	44.5	552
Negatief	23.4	21.3	23.0	286
Total	100.0	100.0	100.0	1,241
Chi-2 toets= 129.06				
P-waarde= 0.000				
Source: OKiN volwassen kind data 2020. Rapportage kind.				

Table 8: Children were asked about the mother's role in the relationship(s) between father, child and mother. Significant connections can be seen here. Children who have lost contact with the father are more likely to say that the mother has hindered contact; obstruction by the mother therefore appears to be a (partial) cause of contact loss, at least in the child's view. Children who no longer have contact with the father are also more likely to say that the mother avoided contact with the father. Mothers of children who have lost contact for the most part no longer talk about the father. In about one in five cases there is negative talk about the father. This is comparable to the families in which there was no loss of contact with the father. The difference is especially present when talking in a neutral or positive sense about the ex:

Table 9: Loyalty conflicts by loss of contact with father

	Wel contact met vader			N
	Wel	Geen	Total	
	contact	contact		
	%	%	%	
Gevoel te moeten kiezen tussen ouders				
(Zeer) eens	16.0	15.6	16.0	179
Neutraal	10.2	9.9	10.2	114
(Zeer) oneens	73.7	74.5	73.8	827
Total	100.0	100.0	100.0	1,120
Chi-2 toets= 0.03				
P-waarde= 0.984				
Gevoel tussen conflicten ouders in te zitten				
(Zeer) eens	10.4	17.0	11.2	126
Neutraal	10.3	10.6	10.4	116
(Zeer) oneens	79.3	72.3	78.4	878
Total	100.0	100.0	100.0	1,120
Chi-2 toets= 5.54				
P-waarde= 0.063				
Vervelend om te praten over ene ouder bij andere ouder				
(Zeer) eens	21.5	22.7	21.6	242
Neutraal	15.5	13.5	15.3	171
(Zeer) oneens	63.0	63.8	63.1	707
Total	100.0	100.0	100.0	1,120
Chi-2 toets= 0.44				
P-waarde= 0.802				
Schuldgevoel jegens vader				
(Zeer) eens	14.0	8.4	13.1	162
Neutraal	8.0	8.4	8.1	100
(Zeer) oneens	78.1	83.2	78.9	979
Total	100.0	100.0	100.0	1,241
Chi-2 toets= 4.57				
P-waarde= 0.102				
Schuldgevoel jegens moeder				
(Zeer) eens	14.7	11.9	14.3	177
Neutraal	8.0	11.9	8.6	107
(Zeer) oneens	77.3	76.2	77.1	957
Total	100.0	100.0	100.0	1,241
Chi-2 toets= 3.96				
P-waarde= 0.138				
Source: OKiN volwassen kind data 2020. Rapportage kind.				

Table 9: In this analysis it was examined in various ways whether children experience more conflicting loyalties ('sitting between the parents') when they no longer have contact with the father. However, in none of the cases is there a significant association between contact with the father and reports of conflicting loyalties.

Table 10: Loss of contact between father and children by number of children

Aantal kinderen	Contact met kinderen			Total	N
	Wel contact	1 kind geen contact	2 kinderen geen contact		
	%	%	%	%	
1 kind	78.3	21.7	0.0	100.0	249
2 kinderen	71.2	17.8	11.0	100.0	855
>= 3 kinderen	71.7	17.9	10.4	100.0	413
Total	72.5	18.5	9.0	100.0	1,517
Chi-2 toets= 30.08					
P-waarde= 0.000					
Source: OKiN ouder data 2017. Rapportage vader. Kinderen uit vorige huwelijk.					

Table 10: The divorced fathers were also interviewed. Their answers are analyzed here independently, that is, not linked to the answers of the children. Fathers were asked to report on 2 children. Among divorced fathers with 2 children, 18% lost contact with 1 child and another 11% lost contact with both children. Of the divorced fathers with 1 child, 22% have lost contact. These numbers appear to be somewhat higher than among the children. This may be due to the fact that there is a group among the children that the father does not know; these situations are probably reported by the father as 'no more contact', while they have been left out of the children's analyses.

Table 11: Loss of contact with children by father characteristics in childhood

	Contact met kinderen			N
	Wel contact	Geen contact	Total	
	%	%	%	
Opleidingsniveau vader				
LO, LBO	64.2	35.8	100.0	318
MAVO	68.1	31.9	100.0	213
MBO	70.3	29.7	100.0	276
HAVO/VWO	78.5	21.5	100.0	135
HBO	76.3	23.7	100.0	380
WO	82.2	17.8	100.0	197
Total	72.5	27.5	100.0	1,519
Chi-2 toets= 28.46				
P-waarde= 0.000				
Vader psychische hulp nodig gehad				
Niet	73.6	26.4	100.0	1,249
Wel	67.9	32.1	100.0	268
Total	72.6	27.4	100.0	1,517
Chi-2 toets= 3.56				
P-waarde= 0.059				
Alcoholgebruik vader jeugd				
Niet	56.2	43.8	100.0	146
Bij gelegenheden	74.0	26.0	100.0	504
Matig	76.2	23.8	100.0	751
Veel	63.2	36.8	100.0	117
Total	72.5	27.5	100.0	1,518
Chi-2 toets= 30.22				
P-waarde= 0.000				
Source: OKiN ouder data 2017. Rapportage vader.				

Table 11: The father's loss of contact with the children is compared here with some characteristics of the father. There is a sharp education gradient. Of fathers with a university education, 18% has lost contact with one or more children, for fathers with a lower vocational education this is 36%. This relationship may be somewhat overestimated by cohort effects, but it is nevertheless strong. The associations with psychological problems and alcohol use can also be found here, although these are weaker than they were when the children were reported. It is possible that selective nonresponse in fathers plays a role here (for example, fathers with addiction problems may be underrepresented in the father survey).

Table 12: Loss of contact with children by characteristics of father in childhood

	Contact met kinderen			N
	Wel contact	Geen contact	Total	
	%	%	%	
Door scheiding contact verwaterd				
(Zeer) eens	12.6	63.2	26.5	382
Neutraal	10.8	15.4	12.1	174
(Zeer) oneens	76.6	21.4	61.4	883
Total	100.0	100.0	100.0	1,439
Chi-2 toets= 425.31				
P-waarde= 0.000				
Ex heeft relatie met kinderen moeilijk gemaakt				
(Zeer) eens	30.5	68.2	40.8	588
Neutraal	11.7	10.6	11.4	164
(Zeer) oneens	57.9	21.2	47.8	688
Total	100.0	100.0	100.0	1,440
Chi-2 toets= 181.02				
P-waarde= 0.000				
Kinderen erg gemist na scheiding				
(Zeer) eens	53.3	77.7	60.4	810
Neutraal	14.8	10.3	13.5	181
(Zeer) oneens	31.9	12.1	26.2	351
Total	100.0	100.0	100.0	1,342
Chi-2 toets= 73.44				
P-waarde= 0.000				
Ruzie met ex over de kinderen				
(Zeer) eens	24.6	50.0	31.5	437
Neutraal	13.3	18.0	14.6	202
(Zeer) oneens	62.1	32.0	53.9	748
Total	100.0	100.0	100.0	1,387
Chi-2 toets= 106.88				
P-waarde= 0.000				
Source: OKiN ouder data 2017. Rapportage vader.				

Table 12: Fathers were asked to look back on the divorce. In this table this is broken down by whether or not they have contact with the children anymore. This analysis shows very strong associations with loss of contact. Of the fathers with loss of contact, 63% indicate that the contact has diminished due to the divorce (13% of the divorced fathers without contact loss). More than two-thirds of divorced fathers with contact loss say that the ex-partner has hindered contact; this is lower – but still high – for divorced fathers without loss of contact.

Many divorced fathers indicate that they have missed their children very much after the divorce, with fathers who have lost contact with this figure as much as 78%. In half of the cases, there was also an argument about the children when contact was lost. It is striking, however, that the possible role of obstruction by the mother appears to be more important when the father is asked about this than when the child is asked about this (compare Table 12 and Table 8). It is quite possible that children and fathers have different perceptions of the problem of contact loss.

Table 13: Adult child and divorced father's feelings of loneliness

	Eenzaamheidsgevoelens					N
	Niet eenzaam	Matig eenzaam (1-2 items)	Eenzaam (3-4 items)	Zeer eenzaam (5-6 items)	Total	
	%	%	%	%	%	
Gevoelens kind						
Wel contact vader-kind	46.1	30.1	14.4	9.5	100.0	2,255
Geen contact vader-kind	37.4	30.4	19.2	13.0	100.0	454
Total	44.6	30.1	15.2	10.1	100.0	2,709
Chi-2 toets= 16.66 P-waarde= 0.001						
Gevoelens vader						
Wel contact vader-kind	36.1	35.7	19.4	8.8	100.0	1,089
Geen contact vader-kind	20.3	35.1	25.4	19.1	100.0	413
Total	31.8	35.6	21.0	11.7	100.0	1,502
Chi-2 toets= 55.96 P-waarde= 0.000						
Gevoelens moeder						
Wel contact vader-kind	41.6	28.5	18.4	11.5	100.0	979
Geen contact vader-kind	35.9	24.3	25.4	14.4	100.0	181
Total	40.7	27.8	19.5	12.0	100.0	1,160
Chi-2 toets= 7.05 P-waarde= 0.070						
Gevoelens moeder						
Wel contact moeder-kind	42.7	28.6	18.4	10.3	100.0	1,060
Geen contact moeder-kind	16.4	27.6	25.9	30.2	100.0	116
Total	40.1	28.5	19.1	12.2	100.0	1,176
Chi-2 toets= 54.96 P-waarde= 0.000						
Source: OKiN volwassen kind en ouder data 2017. Eenzaamheidsschaal van Jenny Gierveld (6 items).						

Table 13: Fathers, mothers and children were asked about their social well-being. This was measured with the validated loneliness scale of Jenny Gierveld (De Jong Gierveld & Van Tilburg, 2006). I have divided into 4 groups labeled as not lonely, moderately lonely, lonely, and very lonely. These categories are defined in the table; the labels have no clinical significance. We see significant connections in the child. Children of divorced parents feel lonely more often if they no longer have contact with the father than if they still have contact with the father. Further analyzes show that these differences are in large part due to the

underlying parent conflict they experienced as a child. The relationship is clearly stronger for fathers. Of fathers who no longer have contact with the child, 25% can be classified as 'lonely' and 19% as 'very lonely' (for other divorced fathers this is 19% and 9%). These differences are large and cannot be explained by conflicts with the ex-partner. Mothers were also asked about their feelings of loneliness. In the table this is first compared with the question of whether the father no longer sees the child. There is a slight connection, in other words, the ex-partners of the losing contact also feel lonelier compared to the ex-partners of other fathers.

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Appendix 5

The Divorce Advisory Team (SAT)

Within the program 'Divorce without damage' it is considered how people who are thinking about divorce, are working on it or are getting involved with it, can best be supported. In addition to developing a national website with validated information and addresses, consideration is being given to setting up counters for this request for help. The questions are often complex: personal emotions, concerns about the children, questions and concerns about finances, legal settlement, problems with housing or access arrangements: everything can get mixed up and get mixed up until parents lose the overview. Professional help will have to be at home in many markets.

Many of the above questions should be able to be answered by this desk. In the case of complex issues, additional legal, behavioral science, budget and housing knowledge may be required, as there are no such things as sheep with five legs. Behavioral scientists, lawyers, debt counselors and municipal officials should be close to this counter. Not everyone has to be there all the time, but they should be consulted quickly on demand, for example via a roster, for example on the basis of a contract for one day a week. Such a team should also function locally: not be a separate organization, but, for example, a point of contact within a neighborhood team. Accessible and with an attractive name: 'ScheidingsAdviesTeam' (SAT), as presented at the conference 'Divorce: what can the municipality do' (Tak, Utrecht, 11 Nov. 2019).

The Divorce Advisory Team would help parents to make good (suitable) decisions, and also: how to communicate these with their children and family. The divorce advisory team ensures that the child has a support figure. The starting point is always: how can everyone continue in the new situation?

In most cases, specialized (youth) professionals will be able to conduct these conversations. The fact that behavioral scientists are already present on the work floor in the neighborhood teams means that it is only necessary to join this already existing structure.

The complications for the care structure are therefore minimal. The fact that a neighborhood team is actually in the neighborhood means that lines can be short to officials who know the municipal housing policy and debt restructuring policy well.

Within this structure, work can be done on building up a basic capacity in the field of counseling complex divorces and diagnostics. The fact that in such a team the diagnostics are close to the workplace is beneficial for interdisciplinary working and will also save time and paper work. Moreover, integration of diagnosis and treatment in complex problems is very helpful. And it is precisely from such a team that continuity in the working relationships is maintained if it is chosen as the basis for the family representative/case manager. For the role, powers and competences of this family representative/case manager, see Appendix 6.



Appendix 6

The role of family representative/case holder/case manager⁸ in complex contact problems, to prevent loss of contact between child and parent.

An important element in the program 'Divorce without damage' (hereinafter referred to as 'programme') is that the current procedure of formal divorce before the court is characterized too much by the tournament model and is therefore too little or not focused on de-escalation and on 'empowering' the divorcing party, partners, their children and their network. The experiments that are being tested in the regional labs are currently based on voluntary participation by the parents. Guidance by a family representative in this is also done on a voluntary basis. The same applies to the use of the alternative procedure in which parents can jointly submit a petition to the court.

The voluntary approach is the most pleasant for everyone, but we note that especially with complex problems, there is a great chance that a parent will (ultimately) withdraw from the guidance of the family representative in the event of deadlocked interactions. Loss of time, with all the consequences and dangers noted in this memorandum, is then lurking. The family representative must be able to break through this. The expert team stated in its interim report⁹ the recommendation to investigate the outcome of the following method in at least two regions in the Netherlands during the experimental period of the program:

- Have all matters related to Book 1 of the Civil Code that are related to or arise from disputes between parents brought to court exclusively by the family representative, even if the parents have their own lawyer. The lawyers involved can (continue to) support their client(s) during this experimental procedure, but they will have to leave the management of the procedure to the family representative.

For this experiment, use can be made of the Temporary Experiments Act on the Administration of Justice.

The implementation of the role of family representative requires for specific competences and expertise. It requires the knowledge, skills and work experience that have been identified as important in this report – in which methodical, systemic, interdisciplinary and interinstitutional work are central. The professional knowledge of the family representative must be in both legal and behavioral science and he or she knows when to call in which experts.

His or her view is system-oriented and therefore also focused on school and the network surrounding the family. We see the important tasks of the family representative as providing psychoeducation, motivating for specialist help where necessary, monitoring and reporting the process. He or she also ensures that the child feels seen and heard by an expert. Parents and children can always fall back on the family representative, for example if something important changes in the situation, such as problems with cohabitation, but also with the arrival of a new partner, a move, etc.

In case of serious concern about the development or safety of a child, the family representative follows the steps of the reporting code. If necessary, he or she seeks cooperation with a specialized (family) lawyer and/or the Child Protection Board.

The family representative also plays a role in enforcing agreements regarding access. He or she can be the one who enlists the help of the strong arm for the measures proposed in the text of this note. If there are criminal offenses, discussion can take place at the regional Action Table Care/Punishment (police, VT, OM, RvdK).

Given the dual role – rescuer and enforcer – it is useful to divide this function between two people. If that can result in a division between a man and a woman, the gender bias in this situation will also be addressed. The so-called four-eyes principle will also be able to prevent complaints. The four-eyes principle will result in a better work balance for both those seeking help and care providers.

⁸ For choice of name, the team recommends to join choice name in the program 'Separating without damage'; we call him family representative here.

⁹ See also interim report expert team d.d. June 2020

Appendix 7

Enforcement in Denmark, Belgium and France

What (legal) options exist to still comply with the agreements made?

How does Danish, Belgian and French law deal with the enforcement of the agreements on contact with the children?

Denmark (*Since April 1, 2019*)

The Family Court

A new administrative authority, the Family Court House (Familiieretshuset), has been established.

This authority should adopt a conflict-solving approach to promote cooperation between parents for the sake of the child's well-being. This authority is the entry point for various family law matters, including disputes about custody, residence, access and child support. What's innovative is that this new authority should screen and divide the cases between three tracks (green, yellow and red) with each track getting a different procedural treatment:

The green track is intended for matters in which the parents can resolve the matter themselves and only registration of agreements about children is required.

The yellow track is intended for cases that are handled by the administrative authority, but in which the application of a conflict-solving approach makes sense. Finally, the red trail is available for issues that are so problematic that specific focus and treatment are needed. The latter category must be immediately referred by the administrative authority to a newly established specialized family court. The compliance procedures are also filed with this specialized family court.

The intention is that in the new system the controversial measure of physically collecting the child from one of the parents using the strong arm will no longer be used (WODC, Compliance with contact/access arrangements after divorce: a comparative law and social science perspective, 2019).

Reflection Period

In the event of divorce of parents with joint minor children, a mandatory reflection period of three months is introduced as standard. In a case of a specific ground for divorce, such as violence or child abduction, this reflection period does not apply.

During the reflection period, the parents are offered guidance, individual conversations and mediation. The parents are free to choose whether or not to make use of this offer. The intention is that they gain knowledge about the effects of separation on the child and learn how they can best support the child during and after the divorce. The above options are also offered to unmarried parents who wish to divorce. Furthermore, the parents are obliged to use a digital information facility. (WODC, Compliance with contact/access arrangements after divorce: a comparative law and social science perspective, 2019).

Problems with the implementation of a parental agreement or parenting plan

If both parents have agreed on a parenting agreement or plan during the divorce themselves or through the Danish family courts and problems subsequently arise in its implementation, the non-resident parent can register themselves unilaterally and without the intervention of a lawyer via a special secure registration website of the Danish family courts digitally submit his/her problem to the Danish family courts for handling the case. After the application has been submitted, the family court itself will contact the other parent to invite them to a session with the question whether this parent wants judicial mediation or a hearing. However, the court also immediately sets a standard daily penalty payment for the other parent for the period that the non-compliance with the agreed arrangement will continue. And if the child(ren) involved in the divorce are 11 years or older, they will also be approached and heard by the court.

The Danish family court is no more upset, because every mutually agreed visitation or care appointment that - without serious grounds or motivation - has been unilaterally declared null and void by one of the parents must be compensated immediately in the following week/ weeks. The family court also usually adheres to the original agreement between the parents quite strictly in its handling of the case and only starts a further investigation into a new and adapted arrangement in the best interests of the child in a number of specifically documented cases. Parents quickly understand from this that it is not easy to get the contact or care arrangements adjusted or changed in this way.
(VKC, sources cited there).

Belgium

Failure to comply with access or care arrangements

In Belgium, failure to comply with the visitation or care arrangements made available by the family court after divorce constitutes a criminal offence. Non-compliance with a residence or visitation arrangement after divorce is included as a criminal offense in Article 431 of the Belgian Criminal Code. In Belgium the offense is called 'Failing to hand over children'. According to the Belgian criminal code, no international aspect is necessary to speak of parental abduction, it is only an aggravating circumstance. The criminalization only relates to the failure to surrender minor children under the age of 12.

Reporting and prosecution policy within criminal law

As a co-parent or parent who lives away from home, you can report or report to the Belgian police if the right of residence or visitation rights with the children are not respected. Depending on whether there is a court order with a residence or visitation arrangement from the family judge, an official report is drawn up by the Belgian police or a simple report is made.

Involvement of justice houses in criminal and civil or civil litigation

In case of problems with the visit or residence arrangement, parents can also contact the district court houses in Belgium. And in family conflicts in which a child is involved, for example regarding the right to visit or residence, the Belgian court can also ask the regional Justice Houses to carry out a 'Social or social investigation in civil matters' in order to advise the judge by means of a report. In the Netherlands, this reporting and advisory role to the family judge is only reserved for the Child Protection Board.

(VKC, sources cited there).

France

Failure to comply with access or care arrangements

In France and Belgium, failure to comply with the visitation or care arrangements made available by a family judge after divorce does constitute a criminal offence. In France, failure to comply with a visitation or care arrangement made by the family court after divorce is included as a criminal offense in Articles 2275, 2277 and 2279 .

The offenses defined by Articles 2275 and 2277 are punishable by two years' imprisonment and a fine of 30,000 euros:

1. If the minor child is detained for more than five days without those who have the right to claim that he is represented with them know where he is.
2. If the minor child is wrongfully detained outside the territory of the Republic.

However, after reporting or reporting to the French public prosecutor (procureur de la Republique), the latter has his/her own discretion to decide whether he/she will actually prosecute this criminal offense and with what sentence. For example, the Public Prosecutor can first resort to alternative measures for prosecution, such as so-called family mediation.

Edition

Ministry of Justice and Security

January 2021