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Valid and invalid ways to assess the reason a child rejects a parent: The continued malignant role of “parental alienation syndrome”

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ABSTRACT

Despite widespread rejection of Parental Alienation Syndrome (PAS), some custody evaluators use the presence of its components to invalidate abuse allegations and blame the preferred parent. Although PAS supporters claim that the elements of PAS are unique to Parental Alienation (PA) and can, therefore, be used to diagnose it, no scientific study has yet demonstrated this. Reanalysis of Gardner’s data, and our current knowledge of children, indicate that the elements of PAS are not unique to PA. Many PA/PAS advocates approach custody cases assuming that when children reject parents, it is probably the result of a denigration campaign by the preferred parent. Confirmation bias then leads the evaluator to spin, value, and vet information so that it support their expected conclusion. Children’s avoidance of significant visitation with a parent is often driven by a desire to remain with their primary attachment figure, rather than a rejection of the other parent. Forcing visitation and cutting the children’s time with the primary attachment figure leads to rejection of that parent, rather than solving it. The article suggests a method of scientifically assessing if a child’s rejection of a parent is due to PA, affinity, or justified rejection.

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Rarely do children have more at stake in the outcome of a custody battle than on the occasions when allegations of mistreatment are countered by claims of parental alienation (PA). While trying to cope with the collapse of their home, they are threatened with being taken from their primary attachment figure to spend much of the week with a parent with whom they are certainly uncomfortable, probably mistreated or neglected, and possibly abused. Tragically for both justice and the welfare of children, conclusions concerning why a child rejects a parent frequently have more to do with who is doing the evaluation than the facts of the case and current scientific knowledge.

There is no research supported method of diagnosing parental alienation (Saini, Johnston, Fidler, & Bala, 2016; O’Donohue, Benuto, &

Bennett, 2016). At times, proponents of parental alienation (PA) and parental alienation syndrome (PAS) simply assert that the rejected parent has not abused the child, that the preferred parent has made negative comments regarding the rejected parent, and therefore the issue is PA. Frequently, PA proponents cite the presence of some elements of PAS as further support (Bernet & Baker, 2013; Baker 2005, 2007; Warshak 2001). Exacerbating the problem, some PA/PAS proponents assert that abused children do not reject their parents, and therefore, whenever a child rejects a parent, it must be the result of PA (Fidler & Bala, 2010; Fidler, Bala, & Saini, 2013, pp. xi, 28, 29; Saunders & Faller, 2016; Hare 1999). Then, under the influence of confirmation bias, they vet and spin data to fit the preordained conclusion (Arkes & Harkness, 1980; Martindale, 2005).

Numerous researchers and experts have opined that PAS lacks a scientific basis (Clemente & Padilla-Racero, 2016; Dalton, Drozd, & Wong, 2006; Emery, Otto, & O'Donohue, 2005; Faller 1998; Hoult, 2006; Neustein & Leshner, 2009; Kleinman & Kaplan, 2016; Meier, 2009, 2013, 2010; O'Donohue et al., 2016; Pepiton et al., 2012; Walker & Shapiro, 2010). Despite decades of pressure by PAS advocates, the American Psychiatric Association did not add either Parental Alienation Syndrome or Parental Alienation Disorder to the newest version of the Diagnostic and Statistical Manual of Mental Disorders (DSM 5), published in 2013 (APA, 2013). The National Council of Juvenile and Family Court Judges (NCJFCJ) asserted that the theory positing the existence of PAS has been discredited by the scientific community (Dalton, 2006, p. 24). Walker and Shapiro (2010) state that "Since there is no such body of scientific, empirical, or clinical literature to support the construct of PAD, a psychologist who renders such a conclusion is immediately involved in ethically questionable behavior" (p. 279). As will be discussed, there is strong reason to believe that the elements of PAS are as likely to be present when there is mistreatment as when there is PA.

This article begins by reviewing research demonstrating that key assumptions upon which PA/PAS advocates base determinations of PA are false. It moves on to present additional reasons PAS should be rejected as a method of determining if a child's rejection of a parent is due to the manipulations of the other parent. Finally, it suggests a methodology for assessing the reason a child rejects a parent. It is crucial for the welfare of numerous children that judges, law guardians (guardian ad litem) and attorneys become conversant with the ways in which some evaluators spin data to claim the issue is PA, when the real issue is harsh parenting, or the child wanting to remain with his or her primary attachment figure.

Key terminology

The terminology for differentiating between the various reasons a child might object to visitation has not stabilized (Saini et al., 2016). In this article, the terms “estrangement” and “justified rejection” refer to a child rejecting a parent because of the rejected parent’s problematic behavior. “Parental alienation” (PA) indicates that a denigration campaign by the preferred parent led to rejection. “Affinity” refers to a child not wanting to lose access to her primary attachment figure for part of the week.

The term “Parental Alienation Syndrome” (PAS) is frequently used synonymously with “parental alienation” (PA), since both imply that the parent-child problem arose from the preferred parent’s denigration campaign. However, PA and PAS are fundamentally different constructs. PAS is a diagnostic syndrome, a group of behaviors that, according to Gardner and his followers, proves that allegations of abuse are false, and that the real problem is a denigration campaign by the preferred parent. In other words, PAS is an alleged diagnostic syndrome that Gardner claimed diagnoses PA (Gardner, 1991, 1992a, 1992b, 2004).

PAS is supposedly comprised of eight behaviors: (a) the preferred parent engages in a campaign of denigration against the rejected parent; (b) the child only gives weak, frivolous, or absurd reasons for rejecting the parent; (c) the child lacks ambivalence towards both parents, one is viewed as all good, and the other as all bad; (d) the child lacks remorse for the poor treatment of the targeted parent; (e) the child reflexively supports the favored parent; (f) the child provides scenarios borrowed from the preferred parent; (g) the child volunteers that rejection of the parent is the child’s own idea (the “independent thinker” phenomenon); and (h) the child’s animosity spreads to the friends and family of the targeted parent (Gardner, 1998).

Problems with using PAS to make a determination of PA

There is no scientific evidence that PAS differentiates between PA and other causes of rejection

For PAS to be a valid way of determining if the core problem is PA, rather than estrangement, the elements of PAS need to be exclusive to it. However, in the 34 years since Gardner coined the term, its supporters have not presented a methodologically sound scientific study demonstrating this (O’Donohue, Benuto, & Bennett, 2016; Saini et al., 2016). Bernet’s 2008 article, and subsequent books and chapters on parental alienation disorder, do not present empirical research supporting the validity of the alleged syndrome (Pepiton et al., 2012). Bernet and Baker (2013) in

“Response to Critics” asserted that people have found a correlation between disparaging statements by a parent and a child rejecting a parent, and that studies showed inter-rater reliability in assessing the eight factors.

However, reliability only means that a method of measurement provides consistent results, it does not show that it measures what it is supposed to measure; in this case the likelihood of PA. Additionally, correlation does not prove causation. If, in fact, the elements of PAS are only present in PA, it is surprising that no one has presented empirical research demonstrating this in the 34 years since Gardner presented the alleged syndrome. As will be discussed in the following section, there are strong reasons to believe that the elements of PAS are present in justified rejection and affinity, as well as PA.

Logical and methodologic errors underlying PAS

PAS arose from Gardner’s analysis of anecdotal data. He did not conduct empirical studies to assess if the elements of PAS actually differentiated between the various reasons a child may reject a parent. Moreover, his analysis included a logical fallacy: circular logic (Meier, 2009). He began by assuming as true what he was trying to prove (i.e., that the elements of PAS indicate that abuse allegations are false) (Gardner, 1987). When he found the elements of PAS, he invalidated allegations of abuse, and then concluded that the reason for rejection must be PA, since the abuse allegations were false. There is an additional problem with Gardner’s analysis of his data. To conclude that PAS can differentiate between PA and justified rejection, one needs to show that its components are absent when the child’s rejection of a parent arises from other dynamics. Gardner found PA in 90% of his cases (Meier, 2013). Therefore, he did not have a sufficient number of cases, which he assessed were not PA, to conclude that the elements of PAS were exclusive to PA.

Reanalysis of Gardner’s data, using current scientific knowledge, indicates that the components of PAS occur in situations of abuse (justified rejection) as well as PA. Gardner asserted that allegations of abuse during custody battles have a “high likelihood of being false” (Gardner, 1991, 1992b). However, research shows that allegations of abuse are more likely to be true than false (Clemente & Padilla-Racero, 2016; Thoennes & Tjaden, 1990; Trocme & Bala, 2005). Brown et al. (1997) found a false allegation rate of less than 10%, and Schuman (2000) found it to be less than 5%. Therefore, in all likelihood, many of the cases that Gardner thought were PA were actually cases of mistreatment and justified rejection. Given that Gardner found the elements of PAS in almost all of his cases, the elements must be present in both justified rejection and PA.

Components of PAS do not differentiate between PA and estrangement

The claim that the elements of PAS are unique to PA, that they do not occur in abuse or affinity, is contrary to standard knowledge concerning how children and adolescents behave.

Campaign of denigration

It is common for parents to make negative comments about the other parent. They occur weekly in two-thirds of divorcing families and occasionally in another one-fifth (Clawar & Rivlin, 1991). Being present in both cases of PA and estrangement, they cannot differentiate between them. Moreover, research and clinical experience show that badmouthing is more likely to backfire than to succeed (Hetherington & Kelly, 2002; Moné & Biringen, 2006; Rowen & Emery, 2014).

Consistent with this, Kelly and Johnston (2001) found that many parents engage in indoctrinating behavior, but few of their children become alienated from the targeted parent (also see Johnston, 1993). Moreover, they found that some children reject a parent when there was no campaign of alienation. Therefore, campaigns of denigration are neither necessary nor sufficient to explain why a child rejects a parent. Research has shown that a parent's warmth and empathy are the primary factors determining the quality of the parent-child relationship (Dallam & Silberg, 2016; Huff, 2015; Lampel, 2005). Huff (2015) found that alienating behavior had a relatively minimal direct impact on the parent-child relationship. After studying over 200 children, Johnston (2003) wrote: "Rejected parents, whether father or mother, appear to be the more influential architect of their own alienation, in that deficits in their parenting capacity are more consistently and most strongly linked to their rejection by the child" (p. 169).

Weak, frivolous, or absurd allegations

Allegations that actually are weak, frivolous, or absurd suggest PA. A parent not letting a child eat candy is a weak, frivolous, and absurd reason to reject a parent.

PA/PAS advocates frequently reject abuse allegations, without providing an adequate reason for doing so. An evaluator not believing allegations of abuse is not the same as a child making weak, frivolous, and absurd allegations. PA/PAS advocates find allegations of mistreatment to be false at rates far higher than research supports, indicating that they frequently misinterpret appropriate protective behavior as attempts at alienation (Drozd & Olesen, 2010; Mamede et al., 2010; Saunders, Faller, & Tolman, 2012).

They also frequently dismiss or trivialize the occurrence and impact of domestic violence (Geffner, Conradi, Geis, & Aranda, 2009). Witnessing domestic violence, or its aftermath, will generally traumatize children and lead them to want to protect the victim and to fear the perpetrator.

Some PA/PAS advocates essentially see all abuse allegations as weak, frivolous or absurd reasons for rejection of a parent. They fail to appreciate the emotional distress of various types of mistreatment. Kelly and Johnston (2001) note that a level of corporal punishment that may not seem that significant to an adult may be very upsetting to a child. Moreover, once a child has been exposed to high levels of anger by a parent, the child is likely to develop a conditioned fear response and be frightened by levels of anger that would not frighten the average child. Moreover, emotional abuse is very painful.

Bernet and Baker (2013) take an extreme position. They write:

the clinical literature on abused children is quite consistent on the point that they do not typically reject the parent who perpetrated the abuse against them. In fact, the opposite is more likely the case. Abused children, rather than blaming the abuser, will preserve the idea of the good parent (p. 101).

The one reference they cite is John Briere's 1992 book: *Child Abuse Trauma: Theory and Treatment of the Lasting Effects*. I contacted John Briere who gave me permission to cite him saying: "In my opinion, many abused children do, in fact, have negative attitudes or responses regarding their perpetrators. I do not recall ever saying otherwise, including in the cited 1992 book" (personal communication, John Briere, February 14, 2019).

While there are some children who prefer to stay with abusive parents rather than going to foster care, it is not true that mistreated and abused children typically wish to maintain close connections to abusive parents, nor does the clinical literature consistently state this. Judith Herman (1997) notes that "runaway attempts are common ... many survivors remember literally hiding for long periods of time" (p. 100). Kelly and Johnston (2001 p 254) wrote that children who are "estranged typically wish to severely limit contact with this deficient or frightening parent". Moreover, Kelly and Johnston found that major parenting deficiencies that fall well short of abuse (persistent immature and self-centered behaviors, rigidity, restrictive parenting behavior, mental illness, and chronic anger) were sufficient to lead a child to want to markedly limit time with that parent.

Bernet and Baker (2013) conflate two drastically different situations. Being in a home with two abusive parents, or one abusive parent and one that stands by providing no protection, is drastically different from being in a home with an abusive parent for part of the week and in an appropriate, warm, supportive home for another part of the week. When trapped in an abusive home with no experience of appropriate treatment by a parent,

and no means of escape, children develop pathological defense mechanisms and views of the world that lead to maintenance of the relationship (Herman, 1997). Moreover, given a choice between staying with abusive parents and going to foster care or an institution, children often prefer to remain with their parents, in order to remain with their primary attachment figures. This is a drastically different situation from having divorced parents with different homes, one of which is harsh and the other nurturing and appropriate.

In a custody situation, spending time with the less preferred parent means being away from their primary attachment figure. The greater attachment to the preferred parent could be the result of how much caretaking each parent did in the past, developmental issues, temperamental fit, differences in warmth and patience, and having similar interests (Fidler, Bala, & Saini, 2013, pp. 23–25; Kelly & Johnston, 2001; Wallerstein & Kelly, 1976, 1980). What begins as a preference for one parent can become rejection of the less preferred parent, if that parent insists on relatively equal time, thereby keeping the child from her primary attachment figure for much of the week. Kelly and Johnston's findings that poor parenting is sufficient to cause rejection of that parent makes intuitive sense if one remembers that being with that parent blocks the child from being with her primary attachment figure.

Lack of ambivalence

When feeling threatened, trapped, or frustrated, children, adolescents and many adults experience very negative, unambivalent feelings about the person standing in their way. When there is a custody battle, and the problematic parent is threatening to take the child away from her primary attachment figure for much of the week, ambivalence is unlikely. Another factor motivating children to take sides is that aligned children tend to have less anxiety than nonaligned ones (Lampel, 2005). Children may withdraw from a parent to avoid the distress inherent in being close to two people who hate each other and to avoid hearing divergent versions of the conflict and having to deal with cognitive dissonance.

The defense mechanism of splitting keeps positive and negative feelings about others separate lest the individual's anger destroys the positive feeling. Splitting normally wanes as a young child develops. It tends to persist in children who are abused because the abuse fosters rage the child cannot cope with (Burland, 1994). Splitting, and therefore a lack of ambivalence, is more likely to occur in children who suffered abuse than in children who were subject to a denigration campaign by one parent against the other.

An additional problem with using “lack of ambivalence” to indicate PA, is that a child’s ambivalence may not be readily apparent. It takes time to adequately explore a child’s feelings. Custody evaluators generally spend a relatively small amount of time interviewing the children. Moreover, when children are trying to convince an evaluator to not bar them from seeing their primary attachment figure for much of the week, they are likely to focus on the negative aspects of their relationship with the less preferred parent.

Lack of remorse for rejecting a parent

If the less preferred parent both mistreats the child and attempts to decrease the child’s time with her primary attachment figure, the child is not likely to feel remorse for telling people about the mistreatment and for wanting to be with the preferred parent. A child is more likely to feel and express remorse if the child is making up lies about the rejected parent with whom the child previously had a caring and positive relationship. Contrary to PAS theory, our general understanding of how children function suggests that a lack of remorse indicates justified rejection, rather than PA.

Reflexive support for the preferred parent

When feeling threatened, both children and adults tend to develop polarized feelings about those who help them, and those who threaten their interests. This leads to reflexive support for the person helping them. At times, PAS advocates declare that children who express reflexive support are enmeshed and that to cure the enmeshment the child must be taken from that parent and placed primarily with the rejected parent. The perceived enmeshment, if it exists, is generally a temporary regression resulting from fear of being taken away from their primary attachment figure. An evaluator assuming the child’s behavior is from ongoing enmeshment, rather than the stress of the situation, is a prominent example of the Fundamental Attribution Error (Ross, 1977).

Borrowed scenarios

PAS advocates state that if the child and preferred parent are making the same allegations, it is a sign of PA, since the child’s complaints are the results of the preferred parent’s coaching. In reality, parent and child giving the same account only means that the preferred parent may have listened to the child’s complaints and accurately reported the disclosures.

“Independent Thinker” phenomenon

Gardner claimed that a child volunteering that a specific complaint is his or her own idea indicates that the child was programmed by the other parent. This is not the case. Many people, including the rejected parent, the parent’s relatives, the child’s therapist, the custody evaluator, and the law guardian (guardian ad litem) are likely to challenge the child’s rejection of a parent and suggest it was the other parent’s idea. Having repeatedly been challenged on this issue, some children will preemptively assert that the complaints are their own.

Rejection of the rejected parent’s relatives

There are a number of reasons that an estranged child may dislike the rejected parent’s relatives. During custody battles, family members of the rejected parent often pressure the child to be nicer to their relative and/or badmouth the child’s preferred parent, leading the child to avoid contact. Moreover, the parents of the rejected parent may have problematic personality traits or beliefs that are similar to those of the rejected parent.

Additional ways PAS advocates build a case for PA

Adverse change in the parent-child relationship

PAS advocates frequently assert that an adverse change in the parent–child relationship at the time of separation indicates alienation. However, there are a number of reasons that a child’s relationship with a parent may deteriorate at this time. First, as noted, the children may resent being taken away from their primary attachment figures. Second, they may blame the less preferred parent for the breakup of their home. Third, when the family was intact, the less preferred parent may have been a Disneyland parent. Now that they are alone in a home with the children, these parents need to create structure and discipline. This may be the first time that their limited patience and empathy becomes evident. Tensions may also arise because the preferred parent is not available to act as a buffer and restraint on the rejected parent.

Child seeming comfortable but reporting discomfort with a parent

PAS advocates sometimes assert that a child claiming distress, but appearing comfortable with the rejected parent, indicates alienation. There are many problems with this inference. Claims by the rejected parent, or observations by the evaluator, that the child seems comfortable are often incorrect. Neither children nor adults show everything on their faces. Children

may deliberately hide their distress, lest the parent become enraged when there is no longer a chaperone (McDonald, 1998). How a child behaves during an observation with a parent, when in a safe environment with another adult present, is not a valid indication of whether the child is actually comfortable with the parent or if there has been mistreatment (Bancroft & Silverman, 2002; Faller, Froning, & Lipovsky, 1991).

Parent not appearing to be someone who would abuse a child

Our impressions of others are notoriously inaccurate. Moreover, parents who mistreat children and then claim alienation often have psychopathic and narcissistic traits. They can be charming and convincing (Saunders & Faller, 2016).

Review of 14 cases finding PA

In the past decade, I have had the opportunity to review a number of custody evaluations done by psychiatrists and psychologists. Reports in 14 of these cases asserted that a child was rejecting a parent because of the inappropriate actions of the other parent. For several of the cases, I was able to interview the parents and the children (who were ages 9–15).

Detailed review of the 14 evaluations revealed serious methodological problems in each report. The evaluators asserted either that the presence of elements of PAS proved the issue was PA, or that the parent's treatment of the child was not so poor that it would cause justified rejection, and so the issue must be PA. The evaluators frequently cherry-picked data, heavily spun data, evaluated the parents through different lenses, and found the rejected parent to be the most credible reporter without providing a basis for this speculation. In each of the reports, the evaluator ignored or trivialized strong evidence that the rejected parent mistreated the children, as well as strong evidence that the rejected parent had narcissistic or antisocial personality traits consistent with the alleged mistreatment. In the majority of the cases the evaluator said little about classic parenting skills. The question of PA dominated all other issues. In five of the cases, very strong evidence that the rejected parent was doing the worst badmouthing was given no significance in the assessment. In three of the cases, the evaluators declared that findings of mistreatment by child protective services or the court were not sufficient to explain the child's rejection of the parent, and so there must be PA. Data that were inconsistent with the finding of PA were regularly excluded from the reports. There was no reasonable hypothesis testing in any of the reports. The combination of errors in the reports suggests that the evaluators believed the issue was PA as they began, and then confirmation bias took over.

Case examples of incorrect findings of PA

The individuals in the cases are fictitious, but the actions of the forensic evaluators are accurate.

Case 1

Sara (age 10), an only child, lived with her parents in Chicago. Her father was a pharmacist and worked long hours. After her parents divorced she wanted to spend time with her father, but only for part of every other weekend. Her mother was a stay-at-home parent, patient and thoughtful. Father worked long hours and had all but disappeared for several months prior to announcing he wanted a divorce. Sara's primary complaints were that her father frequently yelled, had threatened to spank her, and spent their time together largely ignoring her and catering to his girlfriend and her children. Sara's physician and her therapist reported that they had observed father being threatening and self-centered. Mother produced a tape recording in which father became increasingly angry because Sara would not eat her vegetables. Despite marked distress in her voice, and her begging him to stop, he became increasingly insistent and angry. His psychological testing was consistent with Sarah's description of him.

The evaluator spent a minimal amount of time speaking with Sara, but nevertheless declared that she was lying about her father's behavior. The evaluator claimed that the pediatrician calling protective services after speaking with Sara was evidence mother was engaging in parental alienation. The evaluator cited Sara being upset with father's parents as further evidence of PA. She reported that when she told her paternal grandparents that her father yelled, they invalidated her and told her it was actually her mother who yelled. The evaluator minimized the negative aspects of father's psychological testing, put a benign spin on the negative statements of the professionals, and failed to tell the court about the concerning tapes or about Sara's assertion that father made very negative comments about her mother. The evaluator accepted father's version of all events, including that he and Sara had previously been close. Sara reported she had been fearful of him prior to the breakup of the family. The evaluator opined that Sara was on the way to PA and should spend at least half of her time with her father, although that meant replacing time with her mother with time with sitters.

The evaluator said that no psychologist would disagree with her findings. When asked about the work of Kelly and Johnston (2001) she said it was "old, old, old." When asked if she could name any other researchers on PA she could not think of any.

Case II

Bill, the only child still at home, lived in a Chicago suburb. His parents owned a small store. When he was 9 his parents divorced. One day, his mother told him that she was going to take him away and not tell people where he was. When he refused to put his shoes on and go with her, his mother picked him up by the collar of his hoodie accidentally choking him. After this mother did not see Bill for a number of months. Living entirely with his father, Bill obtained excellent grades and did very well in athletics. The court wrote that Bill did very well in his father's care; and was simultaneously critical of mother's behavior. The judge wrote father was not to blame for Bill disliking his mother, but then criticized him for not doing enough to fix the mother-child relationship. Meanwhile, Bill reported his mother was physically and verbally rough with him. Her MMPI II indicated she was capable of such behavior.

The law guardian insisted the issue was alienation and convinced the court to give mother custody. Bill ran away. A psychologist initially disagreed with the law guardian, but under pressure from the law guardian acquiesced.

In time, after being denied contact with his father, Bill stopped complaining about his mother. His therapist diagnosed PTSD from the events with his mother. When promised confidentiality, Bill said his relationship with his mother was no better, but he knew if he did not stop complaining he would not be allowed to see his father.

Case III

Larry's parents were both lawyers in Chicago. His father was a workaholic. Tensions were high between Larry's parents and when they divorced a custody battle was almost inevitable. The forensic evaluator noted that 15-year-old Larry was doing well and given that his mother had done almost all parenting, his mother had good parenting skills. The evaluator then opined that father also had good parenting skills, given that he was intelligent, and intelligent people can be good parents. The evaluator said that both parents were willing to make sacrifices for Larry's welfare, although father had generally been minimally available, spending his time on his social life and business. Larry complained his father often did not do much with him when he visited and brought his girlfriend along on his vacation with Larry. Larry saw a text his father wrote stating that he could not wait to get rid of the little pest. Nevertheless, the evaluator wrote that both parents were able to accurately recognize their children's emotional states and to respond appropriately to those states.

Larry reported that his father told him that his mother did not really work, that her work was only a hobby, that she was mentally ill and belonged in an institution, and that Larry would end up a drug addict and alcoholic since he lived with his mother. Larry reported his father assaulted him by throwing him on the couch and hitting him. Larry called the police and father was arrested. The forensic evaluator noted that the DA pressed charges but did not report the outcome of the case. The evaluator said he ignored the issue because father and son told different stories. The evaluator ignored the fact that father told different stories to different people.

The evaluator quoted Kelly and Johnson (2001) that “it is a healthy response when children ... distance themselves from the corrosive effects of a parent who is unreliable, consistently inadequate, or abusive.” The evaluator ignored the comma after the word inadequate and assumed that the word “consistent” applied to abuse as well as being inadequate. Since the abuse was not consistent, he opined that the child’s rejection of his father was not the result of his father’s behavior, and that the issue was PA.

It is difficult to explain the evaluators ignoring strong data of mistreatment, spinning of data, cherry picking data, and arbitrary acceptance of the accounts of the rejected parents, other than as manifestations of severe confirmation bias, driven by an assumption that children reject parents because of parental alienation and not because of mistreatment.

Case example of actual alienation

John (age 15) wanted to spend minimal time with his father. Both John and his mother said that they thought father was fine until the summer of the year before when they suddenly realized he was a control freak. Detailed questioning about numerous decisions, however, showed that father generally acquiesced to mother’s preferences. When I asked for an example of his father being overly controlling, John said that his father insisted they ride their bicycles where father wanted to go. He later noted that they went on a bike ride the prior weekend. Father suggested going on a certain path, John wanted to go elsewhere, and father agreed to go where John wished. Some of John’s complaints were about things he should not have known about. He said there would have been dire medical consequences had his mother followed his father’s preferences for a vegan diet nine years earlier. Both parents had agreed on the diet. The diet regimen was not dangerous. John repeatedly complained that father would not let him eat candy whenever he wanted to.

Father’s psychological testing was benign. Mother’s psychological testing was very concerning and consistent with someone who continually saw

herself as mistreated. Father provided reasonable levels of structure, but mother did not.

Recent reformulations

Hybrid cases

In recent years, writers have suggested that most instances of parental rejection were hybrid cases, in which the child's rejection of a parent arises from a combination of poor parenting and alienation. They argue that the poor parenting would not, by itself, lead to rejection of the parent. The negative spin that the preferred parent puts on the poor parenting causes the child to become phobic of the poor parent (Friedlander & Walters, 2010; Johnston, Roseby, & Kuehnle, 2009).

While agreeing that most cases of rejection of a parent are hybrid cases is appealing as a compromise between the proponents and opponents of PAS, it runs into the same problems as PAS. Claiming that a case is hybrid means that the child would not have rejected the parent were it not for the preferred parent's badmouthing. The concept of hybrid cases ignores the research and logic showing that poor parenting is sufficient to lead a child to object to substantial visitation and that badmouthing is more likely to backfire than succeed. One would expect that a child who had historically been taken care of by a warm, patient parent would object to being taken from that parent's home for a significant part of the week to live with an impatient, harsh parent.

Some writers classify hybrid cases as cases of alienation (Warshak, 2001). This perspective has serious problems. First, how does one know that the parent's comments made a substantial difference? Next, classifying alleged hybrid cases as PA takes pressure off of the poor parent to change. Moreover, if the standard PA recommendations are implemented, the child will be taken from a parent with good skills to be with a parent the child is uncomfortable with, who does not have good skills. Invalidating the child and refusing to respond to the child's distress at being with a harsh parent and being taken from the primary attachment figure does serious psychological harm (Crowell, Beauchaine, & Linehan, 2009; Linehan, 1993).

Scientific assessment of PA

The core of a scientific assessment is using current scientific knowledge and diligently and fairly testing all reasonable hypotheses (Heuer, 2007). Both the scientific method and Guideline 9.01 of the *APA Specialty Guidelines for Forensic Psychology* require that competing hypotheses be tested (APA, 2013). Having competing hypotheses decreases confirmation

bias (Vallee-Tourangeau, Beynon, & James, 2000). In testing the hypotheses, it is particularly important to search for data that is inconsistent with each hypothesis (Mamede et al., 2010). Reports should contain a description of the method of analysis, and present both the data supporting and the data contradicting the various hypotheses (Drozd & Olesen, 2004). The evaluator should not simply note which hypothesis s/he favors, but the probabilities of each of the hypotheses (Heuer, 2007).

To opine that the issue is PA, the evaluator needs to show that justified rejection and affinity cannot reasonably explain the child's reaction to the less preferred/rejected parent. Moreover, there should be solid evidence of an actual campaign of denigration by the preferred parent, driving the child's negative feelings about the rejected parent, not simply a few inappropriate comments.

Absurd reasons for rejecting the parent, or only one of multiple children saying that mistreatment occurred, are suggestive of PA. A child having clearly false, seriously negative beliefs about a parent, that are connected with the rejection, and which are fostered by the preferred parent, indicates PA. Sudden negative changes in a child's attitude toward a parent after being inappropriately told negative information about the rejected parent is suggestive of alienation. Completely refusing contact with a parent who has neither been violent nor engaged in serious emotional abuse, even in a protected setting, raises questions of PA. The personality structure and behavior patterns of each parent should be assessed to see if they fit the alleged behavior. Both parents who mistreat children and ones who engage in alienating behaviors are likely to have a personality disorder, or at least significant problematic personality traits such as narcissism. Abusive parents are also likely to be impulsive (Arslan, 2016; Summers & Summers, 2006). The parents' psychological traits can be seen in their psychological testing, in their attitudes toward the children, the decisions they make about the children's activities and education, how they have interacted with the other parent, and sometimes how they behave in interviews. To opine that PA is the reason a child is rejecting a parent is to comment on the child's psychodynamics and motivation. This generally requires substantial time. Psychiatrists and psychologists are ethically required to do adequate interviews of individuals before rendering opinions about them, except under special circumstances.

There are patterns of behavior that support the possibility of alienating behavior, although they do not prove it. The preferred parent seriously interfering with visits, telling the child s/he missed great experiences by going on a visit, or engaging in an inquisition after visits are concerning behaviors. Extreme rudeness to the other parent and not correcting the child for being rude to the other parent are also concerning (Fidler et al.,

2008). Destroying correspondence between the child and the rejected parent and excluding the other parent from activities suggest possible alienation. Exaggerating negative attributes of the other parent and interpreting events in markedly speculative negative ways suggest possible alienation. However, validating and supportive comments about mistreatment by the other parent is not PA.

There are two situations in which children are particularly likely to reject a good parent. One would be classified as PA and the other as affinity. First, false or gratuitous complaints that the other parent was assaultive, or had an affair causing the marriage to end, have a greater likelihood of success than most other allegations. A parent discussing these problems with a child is not necessarily PA. Sometimes the discussion is almost unavoidable. Second, when a parent has difficulty functioning in the world because of emotional, medical, or social issues, the oldest child is likely to feel obligated to take care of that parent and may launch false allegations against the other parent in order to remain in the compromised parent's home. The false allegations can give the impression that the issue is PA when the real issue is affinity.

Conclusion

Problems with the assessment of PA

With widespread rejection of PAS as unscientific by both mental health and legal organizations, PA/PAS advocates know not to use the term PAS in court. However, they often use the presence of the elements of PAS to make a determination of PA. These evaluators are engaged in a rhetorical slight-of-hand.

PAS lacks scientific proof (Pepiton et al., 2012; Saini et al., 2016). This alone should bar custody evaluators using its elements to opine that PA exists in a family. The problem with PAS is far more than an absence of empirical data proving it. As discussed in this article, reanalysis of Gardner's data and knowledge of how children react in different situations indicates that almost all of the eight factors are present in justified rejection or affinity. The one exception concerns complaints that are weak, frivolous or absurd; this does not include significant allegations that the evaluator does not believe. It is crucial to appreciate that research shows that campaigns of alienation are more likely to backfire than succeed (Rowen & Emery, 2014), the primary factor affecting a parent-child relationship is the parent's warmth, and poor parenting is sufficient to lead a child to want to greatly limit time with that parent (Huff, 2015; Kelly & Johnston, 2001).

Research has shown that allegations of abuse in custody cases are most likely to be true than false, and of the false cases only a minority were

malicious (Clemente & Padilla-Racero, 2016; Thoennes & Tjaden, 1990; Trocme & Bala, 2005). PA/PAS advocates, however, frequently opine that abuse allegations are false, thereby misinterpreting appropriate protective parenting as PA. Some supporters of PAS/PA are now taking an even more extreme and unscientific position, claiming that abused children generally do not reject their parents, and so whenever a child rejects a parent it is overwhelmingly likely to be the result of PA. They begin with the assumption that the issue is overwhelmingly likely to be PA, and then confirmation bias takes over, leading the evaluator to vet and spin information to support the predetermined conclusion (Lubit, 2019a).

The evaluations I have reviewed, in which PA/PAS was diagnosed, carried the hallmarks of confirmation bias (i.e., cherry picked and spun data). Without giving a good reason (often without giving any reason) the evaluator accepted the facts asserted by the rejected parent and declared the statements of the children and preferred parent to be false. Essentially, they acted with an ad hoc hypothesis that preferred parents and children lack credibility and rejected parents are truthful. Other ad hoc hypotheses are often used by PA/PAS advocates. For example, according to PAS a lack of ambivalence indicates PA. However, if a child says negative things about a parent, but smiles or seems comfortable with the parent (indicating ambivalence) that will be interpreted to mean that there was no abuse and that the issue is PA.

The use of ad hoc hypotheses, spinning data to fit the theory, and rejecting data that contradicts the hypothesis of PA, makes PAS unfalsifiable and therefore unscientific (Popper, 1959).

Even if it were true that the elements of PAS are far more likely to be present in PA than in other reasons a child may reject a parent, it would still be inappropriate to use it, since the error rates are not established. The Daubert and Kumho Tire decisions require that the error rate for tests be acceptable (Federal Judicial Center, 2011). Given the tendency of PA/PAS advocates to reject allegations of mistreatment far more often than research shows actually occurs, PAS has a high error rate.

Bayesian inference techniques, conditioned probabilities, show how serious the problem is (Arkes, 1981; Proeve, 2009). Significant false positive rates for a test designed to assess the presence of a problem, and a relatively low prevalence rate, act synergistically to make the test very inaccurate. For example, if a method of assessing PA has 20% false positives, people often assume that if the method concludes the issue is PA, the odds are four out of five that the issue is PA. This error of intuition is known as the prosecutor's fallacy. If the base rate of PA is 10%, out of 100 families assessed there will be 10 actual cases of PA. However, since 20% of the time the test finds PA when it does not exist, there will also be 18 families

incorrectly alleged to be examples of PA. Only 10 of the 28 cases in which the test finds PA are actually cases of PA. Failure to consider base rates is a frequent cause of error in assessments (Kahneman & Tversky, 1982).

Rather than using a test for PA, and rather than searching for convergent data to support the hypothesis, one should compare alternative hypotheses. Heuer (2007) in *Psychology of Intelligence Analysis* described a methodology for the Assessment of Competing Hypotheses (ACH). It was specifically designed to reduce the impact of cognitive biases on analysis. There are seven steps: (a) Identify possible hypotheses; (b) Delineate evidence for and against each; (c) Prepare a table listing the various hypotheses and the data for and against each and identify which evidence is most important; (d) Simplify the table, removing unimportant information; (e) Assess the relative likelihood of the hypotheses focusing on disproving them; (f) Question the truth and importance of key assumptions and evidence; (g) Present the relative likelihood of each hypothesis.

Children objecting to spending a weekend or half of the week with a parent can be due to distress at losing their historic daily contact with their primary attachment figure, at a time when their family has been torn apart and they are unusually in need of nurturance. What begins as simply a greater attachment to one parent develops into anger toward the other parent, when that parent takes the child away from their primary attachment figure for a significant part of the week. Frequently, the less preferred parent feels rejected and belittled, becomes resentful, says negative things about the preferred parent and is irritable with the children. A downward cycle develops leading the child to reject the parent. Cutting a child's time with the primary parent does not cure alienation, it causes it. Children I have interviewed who were forced to spend more time with the parent they were rejecting did not come to feel better about the parent; they learned to not complain lest they be punished with even less time with their primary attachment figure.

Evaluators should use great caution before invalidating children's complaints of mistreatment and taking them from their primary attachment figure to spend time with a parent with whom they are uncomfortable or mistreated. Many children will be mistreated if a simple probability that the issue is PA is sufficient to invalidate the children's complaints. Parent guidance, parent therapy, and rebuilding the relationship needs to precede increased visitation time. Forced increased contact is likely to reinforce the child's anger toward the rejected parent rather than ameliorating it (Johnston et al., 2009).

Preventing children from being with their primary attachment figure for a significant part of the week is likely to do significant harm. Following divorce, children's anxiety, and attachment issues are inversely proportional to the amount of warm parenting time the children receive (Huff, 2015). Van der Kolk (2014) notes that attachment is "the secure base from which

a child moves out into the world... having a safe haven promotes self-reliance and develop the self-awareness, empathy, impulse control and self-motivation” (p. 111). The adult world, court system, child guardians, and custody evaluators are supposed to protect children from mistreatment. Removing children from their primary attachment figure to be with a parent, with whom they are uncomfortable, causes betrayal trauma and serious long-term psychological damage (Kleinman & Kaplan, 2016; Lubit, 2019b). If the children then face poor parenting the situation is even worse. Harsh, unempathic parenting damages resilience and self-esteem, and fosters problems with attachment, emotional dysregulation, behavior problems, high-risk behaviors, and long-term health problems (Arslan, 2016; Carroll et al., 2013; Flynn, Cicchetti, & Rogosch, 2014; Mills et al., 2013). Child maltreatment can adversely affect a child’s developing brain (Anda et al., 2006; Teicher, Andersen, Polcari, Anderson, & Navalta, 2002; Van der Kolk, 2014). The marked negative impact of maltreatment on children has been solidly established. PA/PAS advocates argue that PA has serious negative impacts on children but have not produced scientific studies showing it is as harmful as harsh or abusive parenting, or even as harmful as taking a child from her primary attachment figure.

Invalidating children’s reasonable complaints, telling them that harshness is no big deal, or you do not believe it happened, does significant psychological harm (Crowell, Beauchaine, & Linehan, 2009; Linehan, 1993). It undermines the child’s trust in her feelings and perceptions, and increases the risk of future victimization. It leads to self-blame, self-hate, alienation, and revictimization (Summit, 1983, p. 177). In addition, failing to respond to their distress causes a second injury, betrayal trauma (Symonds, 2010; Lubit, 2019b). Their ability to feel secure, to trust in relationships, to focus energy on academic and social skill development, and their faith in authority can all be badly damaged. There are multiple reports of children being seriously abused or killed by parents who were reported to be violent, but custody evaluators and courts claimed the issue was parental alienation, or that it was always best for children to have two parents, regardless of the quality of the parenting. Forced reunification, ignoring the child’s perspective, will probably do more harm than good and can cause serious enduring psychological harm (Dallam & Silberg, 2016). Using a methodology that has not been proven and is widely rejected, to diagnose PA, and then recommend a treatment that is likely to do more harm than good if the diagnosis is correct, and to do tremendous harm if the diagnosis is incorrect, is unethical and malpractice. Rates of parental alienation are uncertain. If the base rate is 10% and the false positive rate is 20%, then two-thirds of the cases in which PA is found are not actually cases of PA. If the base rate is lower than 10%, and the false error rate is higher than 20%,

which is probable, than more than two-thirds of determinations will be incorrect. When recommending treatment for a child, one must inform the person who has the power to make the decision both of alternative treatments and of the likely benefits and potential harm of the treatment. I have never seen a custody report written by a PA/PAS advocate discuss the risk of false positives or the harm that can occur from standard PA treatment, or of the accuracy of assessment methods. There is another pathway by which the PA/PAS proponents do harm. PA encourages the rejected parent to externalize blame. Many parents, who might otherwise take a look at their behavior and improve it, claim PA and see no reason to change what they do.

The primary judicial guideline in family court is to make decisions based on the best interests of the child. It is in the best interests of children that courts actively assess the scientific validity of each of the expert's opinions, rather than assuming that all of the evaluator's opinions are true expert opinions.

There are a number of questions lawyers, judges and peer reviewers can consider when trying to assess the scientific validity of an evaluation finding PA. These are listed as follows:

1. Were the elements of PAS used as evidence for PA?
2. Were arbitrary decisions made about who was credible?
3. Are all inferences drawn from the data scientific?
4. Were competing hypotheses tested with a focus on invalidation?
5. Were the strengths and weaknesses of both parents fairly assessed and presented?
6. Was there actually a one-sided campaign of denigration by the preferred parent, as opposed to a few inappropriate comments, or higher levels of denigration by the rejected parent?
7. Did the evaluator use current scientific knowledge when doing the evaluation?
8. Did the evaluator trivialize the importance of attachment, availability and parenting skills?
9. How frequently does the evaluator find PA and how often mistreatment or affinity?

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