

Should Parental Alienation be Considered a Crime?

Ludwig.F. Lowenstein Ph.D

Southern England Psychological Services

2012

Abstract and Summary

What follows considers the alienation process of one parent against another a form of "emotional abuse" not dissimilar to such acts of criminality as sexual or physical abuse or neglect of a child. Such behaviour of alienating children is most likely to be carried out by a vengeful custodial parent against the non custodial parent due to an acrimonious divorce or separation. Most custodial parents are mothers with fathers being the victim of alienation. It can also be the reverse when father rather than mother is the custodial parent. The author provides important decisions which should be made by the Judiciary to right such an injustice. This is best achieved by the custody of the child being changed to the none emotionally abusing parent.

Should Parental Alienation be Considered a Crime? (Can society afford the injustice of parental alienation?)

The current psychologist considers parental alienation or parental alienation syndrome a crime and it should be dealt with at such. I will leave it to the reader to decide whether he/she feels similarly after attempting to provide evidence that should parental alienation indeed exist then it must be considered a criminal offence. It should be viewed as such much as physical, sexual abuse and neglect. It is a symptom of criminality. The question becomes: Why is parental alienation not viewed as an act of criminality at the present time? This is despite the fact that the alienation of a child by either parent against the other parent is at best a sign of emotional abuse and at worst a psychopathology or criminal act.

It is not so different as an act of kidnapping a child to a foreign venue in order to prevent the child from having any enduring good contact with the non resident parent. The more subtle but equally harmful effect of turning a once loving child against an equally loving parent, should not be countenanced in a society which prides itself in believing in justice. Despite firmly believing such ideals our judicial system would appear to do nothing to right such wrongs at the present time. The reasons for this will be given but they are not reasons that should be taken seriously.

Righting such wrongs would firstly be in the best interest of children and the future society they will occupy. It will also provide the responsible and loving parent the opportunity of playing an important role in the life of the child. The alienator who is under the influence of his/her hatred for the other parent shows little or no concern in what is essential to the child.....two loving, guiding and responsible parents. Thus the child's emotional well-being is

being sacrificed with a total lack of sensitivity or empathy at present.

This is because the child is prevented from engaging with a parent who has been, and could continue to be, vital to its future development. This situation does not only effect the child and the other parent, it also indicates that at present most custodial parents are mothers, while fathers on the whole do not have custody of their children (15% of fathers receive sole custody where earlier this was only 5%), (Levy, 2006).

How to deal with the problem of parental alienation

Firstly, the crime committed by an alienating parent must be recognized for what it is. It is the cruel, brainwashing of a vulnerable child against a loving parent. Often the child has in the past had a warm and loving relationship with the now absent parent. In time, however, the child's love for the absent parent turns to hate and indifference. This can only be due to the manipulative alienator who has successfully brainwashed the child. The result is, an angry child who wishes no, or little, contact with the now non custodial parent. If contact does occur, it is in the form of the child throwing out insults out of loyalty for the alienating parent. Which is in itself an injustice. This blights the child's life for years as the undeserved, now hated parent, remains as such. Frequently, in later life, especially if that parent has died, the alienated child having become an adult will feel considerable guilt over his/her actions (Gordon, 1998). In fact some children who remain dependent and enmeshed with the alienated parent into adulthood may be at risk for reenacting parental alienation with their own children. Baker (2005a) reports similar results. She reports two mothers who were alienated from their father who subsequently lost their own children to their mother. Other cases are presented, all tragic in the consequences when a parent is alienated from a child and this results sometimes in the suicide of the maligned parent.

This also occurs with alienated children in later life, who from guilt of having rejected the loving alienation parent in the past, commit suicide. These tragic consequences may seem extreme but they do happen. Personalities and emotional development of such children as adults has been blighted seriously. It is therefore vital to deal with the process of alienation and the alienator early on with decisive measures, which more often or not means to involve the courts cooperating with the findings of the expert witness psychologist/psychiatrist.

Only the courts can through their timely action to prevent the crime of one parent brainwashing the vulnerable child against the powerless absent parent. Judicial action must always follow when psychological assessments, and treatment, fails to achieve a good (just and fair) outcome. The outcome must result in both parents putting the needs of the child first. What are these needs? They are that both parents should be involved and encourage the child to have good loving contact with the other parent.

What does this create in the child? It creates a feeling that it is all right to love both parents and to benefit from the warmth, enjoyment and guidance derived from two parents rather than only one. This is the ideal towards which families, society and the courts should strive for the benefit of the child and the future adult.

To do the opposite needs to be considered against a child and the blighting of that child's future. It is obviously also a crime against a parent who wishes to be involved with his/her child and is prevented from doing so due to the hostility of one parent against themselves. Such hostility may well be counteracted by the Court using sanctions, threats and eventually punishment against the offending parent including the removal of the child from the control of the abusive parent. It could simultaneously lead to a change of custody of the child to the unjustly alienated parent.

There are of course exceptions, where a parent has proven to be a bad parent towards the child and has been an abuser either physically or mentally or sexually. The child needs protection against this kind of parent and it is for the courts to decide what should happen if and when there is proof of such abuse and not just an accusation. Many custodial parents as part of the alienation process will state that abuse has happened when it has not. This is very damaging to the absent parent and also to the child to believe that he/she has been abused

by one of his/her parents. This however, is often used by the vicious custodial parent as a ploy against the absent parent to prevent contact with that parent. Similarly, domestic violence or abuse, or potential abuse is also used in this way to obliterate a parent due to the implacable hostility during an acrimonious divorce and separation. This is often used as a potential weapon against the absent parent.

What are the problems in making such a decision as removing a child from the custodial parent

There is little doubt that difficulties will arise in carrying out such a justified action. The child is likely to be opposed to leaving the orbit of the alienating parent. The child is likely to be unaware of how he/she has been manipulated (abused) by a parent who wants to hurt, if not obliterate, an innocent, loving other parent. This is never in the best interest of the child when it occurs.

The child is likely to object vehemently in being moved to the other parent who has frequently been demonised by the alienator. It must be remembered that the child is a pawn in the ongoing animosity which the alienator expresses towards the absent parent. The child has been under the total control of the alienating parent. The child has therefore totally identified with the alienator. The alienated parent has little or no opportunity to prevent or counteract the influences of the alienator. Furthermore, the child having, it appears to the child, lost one parent, fears losing the other also. It is for this reason that the child will give a total loyalty to the alienating parent and the avoidance and unjustified demonising of the absent parent. It is this fact of which the court must be aware.

The only solution to this problem is to be aware of the fact that the child's views are based on the injustice committed by the alienator in totally sidelining or attempting to sideline the absent parent. The child has identified with the viewpoint of the alienator because there has not been any other influence from the now absent parent, or other powerful voice, which counteracts such influences. It must be remembered that the child has a right to have a good relationship with both parents and that each parent must do all they can to encourage this. The child cannot make decisions, or decisions that are just or right. The child may well claim that they do not wish any contact with the absent parent because the child's mind has been poisoned. The child believes he/she has only one good parent while the other parent is "bad" and therefore should be sidelined. This is why the child, when meeting the absent parent does so reluctantly and makes angry and abusive comments about that unjustified victim, the absent parent. The child will therefore often refuse contact knowing this is the wish of the alienator. The child will have contact reluctantly, with the unfairly demonized parent. This is the doing of the alienator who will seek every possible way of preventing good contact of the child with the absent parent. When contact is due the alienating parent will provide the child with desirable pleasures during the contact time with the absent parent. What child can resist an outing in preference to meeting the absent father/mother?!

The Courts are likely to view the situation very differently from that of an expert on parental alienation. The Judicial judgment will be based frequently on what the child appears to want to happen, or what the child says! The Judiciary may consider that the views of the child need to be respected without looking necessarily beneath the reason for that child rejecting contact with the good parent.

The Judiciary will more frequently continue to assign the child to the alienating parent, rather than removing the child from the poor influences of that parent. The child is viewed as having the "right" to make such decisions when in fact the child's decision to reject the non alienating parent is based on abusive influences by a hostile alienator. Only the expert witness (a psychiatrist or psychologist) can provide evidence to the Court just why the child wishes to avoid and even obliterate a good father or mother from his/her life.

The Judiciary needs to decide which parent is truly best in rearing that child. Is it the alienator who does not desist from the process of alienating or is it the unjustly rejected non custodial parent who has done nothing to deserve such rejection?

A fair and just Judiciary should prefer to never reward injustice. This is regardless of the difficulties in putting matters right. A fair and just Judiciary, regardless of the child's indoctrinated wishes, should grant justice to the alienated victimized parent who truly seeks to behave in ways that are in the best interest of the child now and in the future, by not practicing emotionally abusive behaviour.

That parent will initially have great difficulties in dealing with the alienated child. Help must be provided via therapy to assist the child to recognise that he/she has suffered abuse by a parent that the child has "blindly" trusted. This in itself will be difficult because of the strong attachment of the child to the alienating parent. The child must accept that what he/she has been taught about the absent parent is totally untrue and unjust. The child needs to accept that he/she has been deceived at a time when he/she is extremely vulnerable to negative influences in regard to the absent parent.

It is the parent that does not practice emotional abuse who should have the future care of the child and custody. It is this parent, rather than the alienator who is capable of acting in the best interest of the child by never alienating that child against anyone. Such a parent deserves justice. The alienator has committed a criminal offence via the emotional abuse to which the child has been subjected. After having been duly warned to stop such abusing, and having received treatment, the alienator may be reinstated as a worthy parent then the parent encourages the child to have good contact with the absent parent. If such treatment or threats fail the alienating parent should be treated as any common criminal offender and receive punishment for the crime they have committed in respect to the child and also in respect to the alienated parent. In such a case the abused alienated parent should automatically be given custody of the child.

References

Baker, A. J. (2005a). The long term effects of parental alienation on adult children: a qualitative research study. *American Journal of Family Therapy*, 33(4), 289-302.

Gordon, R. M. (1998). The Medea complex and the parental alienation syndrome: when mothers damage their daughters' ability to love a man. In G. Fenchel (Ed.), *The mother and daughter relationship: echoes through time* (pp. 207-225). Northvale, NJ: Jason Aronson, Inc.

Levy, D. L. (2006). The need for public awareness and policy makers to respond to PAS: a neglected form of child abuse. In R Gardner, S.R. Sauber, D. Lorandos (Eds.), *The international handbook of parental alienation: conceptual, clinical and legal considerations*. Springfield, Illinois: Charles C. Thomas

www.parental-alienation.info

