

Fact Sheet

Parental Alienation Syndrome vs the Alienated Child

AVERT
FAMILY VIOLENCE



**Collaborative Responses in
the Family Law System**



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Handout – Parental Alienation Syndrome vs the Alienated Child

Overview of Concepts

Parental Alienation Syndrome (PAS) is a controversial concept which refers to situations in which one parent is alleged to have manipulated the child's emotions and allegiances to the extent that they unjustifiably reject the other parent. In the USA, PAS has been described in a body of work by the late child psychiatrist Richard Gardner. The core of his theory is that a child who evinces PAS has been brainwashed by one parent (usually a mother with residence) to reject the other parent (usually a father with contact).

More recent research by Kelly & Johnston (2001) highlights the mistake of focusing upon the parent rather than the child. In their terms an 'alienated child' is a child who 'persistently expresses strong, negative feelings (such as anger, hatred, contempt, and fear) and beliefs that appear to be irrational, distorted, or exaggerated and significantly disproportionate to the child's actual experience with a target parent' (cited in Johnston et al 2009 p 364). Through focusing on the child the 'pernicious behaviours of the 'programming' parent are no longer assumed to be the starting point and instead, the starting point and focus is on the child and his or her observable behaviours and expressed feelings. In this way a broad enquiry about the multiple factors within the parent-child relationship can be explored that aims to strengthen parenting relationships.

Johnston et al (2009) argue that family violence can establish 'realistic estrangement' from one parent. Further they argue that there are 1) normal developmental preferences for one parent by a very young child that relates to attachment to the primary caregiver and, 2) alignments with one parent may be a reaction to the specific circumstances of separation and divorce. Some children, especially young adolescents, can align with one parent against the other parent based on hurt, anger or 'moral indignation' over the specifics of family separation (pp 363-365).



Australian Case Law

Irish & Michelle

In *Irish & Michelle* [2009] FamCA 66, Benjamin J found that the subject child's "relationship with her father [was] being damaged." The reasons were varied but were predominantly directed at the mother, her reaction to the marriage breakdown, her family, and their encouragement of negativity by the children to their father. His Honour found that it was unclear whether the behaviour was intentional or otherwise, but the evidence clearly demonstrated the mother's lack of bona fides and that the mother was incapable of repairing the damage caused. His Honour ordered equal shared parental responsibility, but that the children live with the father and spend holiday time with the mother, the parties living in Tasmania and Victoria respectively.

Although the children were intelligent, the expression of their views was held to be too "mature" and their opposition to spending time with the father seemed "orchestrated." Consequently, the court concluded that if:

"things continue this way, these children are going to learn that nobody can persuade them to do anything that they choose not to do. All they have to do is refuse to listen and to chant whatever it is they want."

The court's further opinion was that the children needed professional psychological help, such help only available in the predominant care of the father.

Wang & Dennison

In *Wang & Dennison (No 2)* [2009] FamCA 1251, Bennett J found that "the court can have little faith that the mother has any genuine willingness or capacity to facilitate and encourage the children's relationship with the father... The mother's past actions have decimated the girls' relationship with the father but they have also had the effect of damaging her own relationship with, and authority over, the girls." His Honour ordered equal shared parental responsibility, but that the children live with the mother and spend no time with the father.



Additional Reading

- Bruch, Carol (2001) 'Parental Alienation Syndrome and Parental Alienation: Getting It Wrong in Child Custody Cases' *Family Law Quarterly* Vol 35.
- Johnston, J. Roseby, V. & Kuehnle, K. (2009) *In the Name of the Child: A developmental approach to understanding and helping children of violent divorce* Springer Publishing Company, New York
- Kaspiew, Rae (2007) 'Empirical Insights into Parental Attitudes and Children's Interests in Family Court Litigation' *Sydney Law Review* Vol 29
- Meier, Joan (2003) 'Domestic Violence, Child Custody and Child Protection: Understanding Judicial Resistance and Imagining the Solutions' *American University Journal of Gender, Social Policy and the Law* Vol 11