

SPECIAL ISSUE: PARENT-CHILD CONTACT PROBLEMS: CONCEPTS, CONTROVERSIES, & CONUNDRUMS

CONCEPTS AND CONTEXTS

PARENTAL ALIENATION: IN SEARCH OF COMMON GROUND FOR A MORE DIFFERENTIATED THEORY

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The concept of parental alienation (PA) has expanded in popular usage at the same time that it remains mired in controversy about its scientific integrity and its use as a legal strategy in response to an increasing range of issues in family court. In this paper we describe how competing advocacy movements (for mothers, fathers and children) in the family justice field have, over time, helped shape the shifting definitions and widening focal concerns of PA- from children who make false allegations of abuse, to those who resist or refuse contact with a parent, to parent relocation, and to the emotional abuse wrecked upon children who are victims of a manipulative parent. In search of common ground for a sound approach to using PA concepts, we argue that the Single Factor model of PA (asserting that an alienating preferred parent is primarily the source of the problem) is inadequate, overly simplistic and misleading. A Single Factor model rests on the fallacy that abuse or poor parenting on the part of either parent have been, or are able to be, ruled out as sufficient reason for the child's rejecting stance. By contrast, multi-factor models of PA make more useful, valid, differentiated clinical predictions of children's rejection of a parent, informed by basic and applied research on children and families. However, multi-factor models are complex and difficult to argue in court and to use in assessment and interventions. Suggestions are made for developing intervention-focused prediction models that reduce the number of factors involved and are applicable across different types of interventions.

Key Points for the Family Court Community:

- Several socio-cultural-legal movements in the last 30 years have contributed to the prevalence, focal concerns and ongoing controversies about Parental Alienation.
- Persistent erroneous assumption that an alienating parent is primarily the source of a child's resistance/rejection of a parent (called the dominant Single-Factor theory of PA) is problematic in applying PA constructs in research and practice.
- Four principal factors (illustrating a refined multi-factorial predictive model of PA) are identified as goals for preventive-interventions and are proposed as measures for evaluating outcomes across different kinds of interventions resist/refuse cases in practice.

Keywords: *Alienation; Estrangement; High-Conflict Divorce; Intimate Partner Violence; Parent-Child Contact Problems; Parental Alienation; Resistance-Refusal Dynamics.*

I. WORKING DEFINITION AND SCOPE OF PAPER¹

“Parental Alienation’ is the process, and the result, of psychological manipulation of a child into showing unwarranted fear, disrespect or hostility toward a parent and/or other family members.” (Wikipedia).

This common conception of “parental alienation” [PA] appears to be thriving alongside continuing controversy among researchers, professional organizations, family justice practitioners, advocates and parents as to the legitimate existence of the phenomena (Bernet, Boch-Galhau,

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Baker, & Morrison, 2010; Clawar & Rivlin, 2013; Fidler & Bala, 2010; Johnston, 2003; Meier, 2009, 2019; Milchman, Geffner, & Meier, 2020; Nielsen, 2018; Walker & Shapiro, 2010; Warshak, 2010b, 2016). Despite ongoing disagreement about the quality of social science research on the subject,² disparities in acceptance of PA across interdisciplinary boundaries and professional organizations,³ and challenges to the admissibility and use of PA in court proceedings,⁴ more than three decades after its introduction (Gardner, 1998, 2002), the concept of PA continues to be embraced by widening public, professional and international audiences (Bernet, 2020; Lorandos, 2020). At the same time strong proponents and strong opponents of the ideas remain stalemated over the value of PA. Frustration mounts and confusion reigns when professional articles repeat their rhetoric, lauding or condemning PA concepts and interventions. It is particularly disconcerting and discouraging to encounter the extent of “scholar advocacy bias,” co-mingling with valid reports of the research in what are supposedly critical reviews of PA studies and clinical theorizing from both sides of the polarized divide⁵. Meanwhile popular conceptions of PA are widely disseminated by way of infomercials and personal narratives in the public domain through books, magazines and social media. Together, they have spawned an unregulated cottage industry of programs and services by persons with varying credentials and potential conflicts of interest (Warshak, 2020).

Commonly-used conceptions of PA that refer loosely or inconsistently to PA as a unitary cause, the process, and/or the result of a child’s unjustified rejection of a parent tend to confuse and oversimplify what are essentially diverse and complex dynamics. Their use can potentially mislead the court, fuel mutual blaming between parents and stigmatize the children with an unwarranted psychiatric label. For this reason, some critical reviewers have urged professionals to avoid the use of PA terms altogether, and to instead employ behavioral descriptors of the problem by referring to “parent-child contact problems,” “strained parent-child relationships” and to children who “reject a parent” or “resist/ refuse visitation” (Saini, Johnston, Fidler, & Bala, 2016). This advice appears to have been heeded only in part. Changing nomenclature does not solve the basic problem. Advocates in court tend to ignore more carefully crafted, differentiated use of PA concepts in order to build their case. Avoiding use of PA terms entirely risks giving free reign to persons, authorized by court orders but not constrained by professional standards, to use the terminology loosely to intervene with vulnerable children and their families, potentially with ineffective or harmful consequences. Furthermore, discarding PA terminology entirely risks throwing out the good with the bad, and not discerning the significant contributions that PA ideas make to the field. The fact is that well-informed consultants, counselors, family court practitioners, researchers and advocates are using PA constructs responsibly to respond to complex and vexing problems. A perusal of the Family Court Review April, 2020 special issue on children resisting contact with a parent (Fidler & Bala, 2020) illustrates the increasingly nuanced conceptual, multi-level clinical thinking about this matter.

A. THE NATURE OF THE PHENOMENA

For the newcomer to the family justice field (which includes many judges), PA seems a logical, and easily comprehensible explanation for otherwise inexplicable negative attitudes, beliefs and behaviors of children toward one of their parents. The scenario of a stridently angry child or an anxious, avoidant child, reciting unjustified or exaggerated convictions about, and refusing contact with a parent, is one that resonates with the experience of family justice professionals across national borders. In the wake of a bitter divorce, it is deceptively easy to assume that a child is simply parroting the attitudes, beliefs and behaviors of a spiteful former partner. For this reason, PA as a phenomenon has a compelling and intuitive appeal that is not likely to disappear.

It is common for separating individuals to review and revise the failed relationship and reach new “insights” about themselves and their former partner. High-conflict individuals rewrite their personal history in their minds- and crystalize their anger, disappointment, grief, and humiliation- to derive particularly negative, polarized, even dehumanized views of the former partner. These accounts are consolidated as narratives and family legends when shared in some manner with others, including

children. This may be the stuff of bad-mouthing and the “curriculum” for a campaign of indoctrination of denigration, mistrust and hate by those parents with an agenda of disrupting or terminating the child’s relationship with the other parent. Before assuming this singular motivation, proponents of PA must consider the extent to which these negative views and “false” allegations are rooted in actual stressful events and real incidents of trauma and abuse, and the extent to which a parent’s motivation may be legitimate- if misdirected- attempts to cope and protect rather than to spite.

Identifying as a victim of PA can be a salve to painful wounds inflicted upon parents whose child is rejecting them. In custody litigation, allegations of PA can also be a legal strategy used by abusive parents to defend themselves against allegations of child abuse and intimate partner violence, or to prevent a victim parent from fleeing and relocating (Dalton, 1999; Jaffe, Lemon, & Poisson, 2003; Neustein & Leshner, 2005; Silberg et al., 2013). If successful, this strategy can result in traumatized children being placed with an abusive parent and re-traumatized (Meier, 2019). Just as devastating an outcome is possible when malicious or pathological parents influence their dependent children to adopt false beliefs about, and cut off contact with, a good, loving parent (Baker, 2005; Harmon & Kruk, 2018).

In some family courts, PA is an expedient way of labeling a highly conflicted custody dispute where a child is rejecting an apparently adequate parent. Undifferentiated findings can result in indiscriminate use of blunt enforcement tools like contempt, custody reversal, suspended access for a preferred parent, and orders to participate in expensive, intrusive and sometimes poorly vetted treatments (Mercer, 2019). Similar problematic dispositions occur when courts do nothing, and children continue to be exposed to PA behavior, without any contact with a potentially good mother or father over the long term.

This paper begins by discussing the broader historical socio-cultural-legal context that has given rise to the PA phenomenon and shows why PA continues to be such a hot-button issue in family law. It goes on to critique some common conceptions of PA arguing that lack of definitional clarity, basic erroneous assumptions, over-reaching claims that are not consistent with extant empirical research findings, and uncritical application of flawed PA concepts to new domains impede more widespread consensus, endorsement and legitimization of PA constructs.

We approach the controversies, conflict and polarities in the field by avoiding absolutist or simplistic positions, and by suggesting more refined definitional criteria and theoretical development to help ensure that PA constructs can be applied with more rigor and integrity. It is argued that there is a need to move from single-factor to more differentiated multi-factor intervention-focused models, to better understand these families and to decide whether, when and how to intervene in ways that are likely to support their children’s healthy social-emotional development. A differentiated approach is necessary to avoid the risks of harming rather than helping children and families (Fidler & Bala, 2010). We conclude by proposing that, despite partisan positions on etiology and different approaches to intervention designed for these families, much-needed research on the effectiveness of interventions can be built upon agreed-upon outcome goals.

II. WHY PA CONTINUES TO GENERATE SUCH CONTROVERSY AND POLARITIES AMONG PROFESSIONALS IN THE FIELD

“Parental alienation has become the ‘complaint du jour’ in high-conflict family court disputes... [It is...] an emotionally charged, high stakes and frequently misunderstood process. It often leads to over-identification and a backlash of skepticism about it and when it should be a significant consideration in custody determinations.” (Sullivan, 1997, p. 4).

This observation, made more than two decades ago, unfortunately is perhaps even more apt today. Polarization in the field stems from a series of socio-cultural shifts in gender roles over the last 50 years, and the corresponding revolution within family life and rise in divorce rates, liberalization of divorce laws and reforms in family court practices. Power differences shifted between men and women with the rapid rise in divorce rates and wave of divorce reforms in the 1970s and

1980s. Three advocacy movements have since pressured the family law system with laudable but competing claims: (1) Advocates for abused women and children; (2) Advocates for father involvement in parenting and presumptions in favor of shared parenting; and (3) Advocates for the voice of the child. How each of these three movements has helped frame PA theory and continue to sustain its popularity and controversy are described below.

A. VICTIM ADVOCACY AND THE FALSE DICHOTOMY OF ABUSE VERSUS PARENTAL ALIENATION

The 1970s witnessed the introduction of “no fault” divorce laws followed by increasing use of provisions encouraging mediation and other alternative dispute resolution processes on the premise that gender equity would be promoted, and that separated parents would be better able to settle their own affairs without state interference. This premise was challenged by the rapidly rising advocacy movement on behalf of victims of domestic violence (Dalton, 1999; Jaffe et al., 2003; Morrill, Dai, Dunn, Sung, & Smith, 2005; Neustein & Leshner, 2005; Schneider, 2008). Advocates argued that abused women and children fared worse without some of the protection afforded by “fault” based divorce statutes. Further they raised concerns about the move away from court hearings that provided more accountability to mediation, where women could be threatened and coerced by their partners into agreements that compromised their interests, safety and ability to protect their children. Subsequently, and for good cause, political pressure has been applied to family courts to stem the re-victimization of abused women that potentially co-occurs with father-child access orders. Initiatives to protect victims of abuse have included efforts to require the screening out from mediation of cases for intimate partner violence, and providing for civil protection orders and other injunctive relief (Girdner, 1989; Johnston & Ver Steegh, 2013; Lerman, 1984; Maxwell, 1999; Semple, 2012). Hence arose the distinction between family violence cases and high-conflict, custody-disputing cases (Dalton, 1999).

It is important to note that historically the concepts of Parental Alienation Syndrome and PA first arose in this context; specifically, in custody litigation where a central issue was distinguishing between false and substantiated allegations of child sexual abuse (Gardner, 1992). This problem surfaced with dawning public awareness during the 1980s of the possibility that child sex abuse was a pernicious and psychologically destructive kind of abuse that is more prevalent than was previously assumed. Moreover, it is easily hidden, hard to detect, and perpetrated primarily by trusted, known others like family members and friends. Reports of child sex abuse, most founded, but also a growing number of unfounded allegations in the context of high conflict separations, increased substantially through the next decade. The increase in unfounded allegations was bolstered by the simplistic and erroneous views of some mental health professionals at that time that “children don’t lie” about sexual abuse. The surge in unfounded sexual abuse allegations abated when better investigative protocols were adopted based on research on the reliability of children’s testimony.

Is it abuse or is it parental alienation was the essential question being asked as to why some children made allegations of abuse against a parent in family law cases (Gardner, 1998; Drozd & Olesen, 2004). We will show that the framing of this binary question may produce a false dichotomy—a Hobbesian-like question—that has misled the field, virtually excluding physical abuse, trauma, poor parenting, and ongoing interparental conflict as factors from subsequent consideration once a finding of alienating behavior by a parent is made. The framing of this question suggests that PA and “Abuse” are mutually exclusive categories, and does not leave room for them to be recognized as commonly overlapping phenomena.

The problem is that no bright line exists between abuse and non-abuse in custody-disputing cases in family courts. Despite universal agreement that family violence and child abuse preclude a finding of PA (Fidler et al., 2013; Gardner, 1992), virtually no common criteria exist to ensure these distinctions have been made.

When allegations of serious abuse or domestic violence are made, there is normally a report and an investigation undertaken by child protection authorities or police. The nature of the offense together with characteristics of the child and family, and availability of community services will tend to dictate whether the child is subject to child protection proceedings (Houston, Bala, & Saini, 2017; M. S. Saini, Laajasalo, & Platt, 2020). When clearly substantiated, serious allegations trigger what is generally deemed to be an appropriate response dictated by statutes governing the offense, but also by varying court and agency administrative protocols. Professional organizations (like American Professional Society on the Abuse of Children, Association of Family & Conciliation Courts and National Council of Juvenile and Family Court Judges) have developed best-practice standards for the assessment and processing of IPV and child abuse cases on a priority basis, usually with an investigation before family law proceedings. A clear finding of abuse or violence in criminal or dependency court is generally considered definitive evidence of child abuse or serious domestic violence, and there is unlikely to be a later family court trial. However, when there is not a clear prior finding, in family court proceedings (if parents are separating and disputing custody) the parties may argue the case based on a false dichotomy question: “Is it abuse or PA?” This leaves it to the family court to resolve issues of the nature, extent and effect of any abuse or violence.

The response to parenting violations of lesser magnitude, and to cases where abuse is difficult to detect, is more variable across jurisdictions and agencies, reflecting cultural and cohort differences. There are few recognized provisions for classifying borderline cases of abuse nor cases of alleged abuse that are unable to be substantiated one way or the other. Violent reactions by a primary victim in response to IPV are generally not considered as an offense, but it can be difficult for investigators or courts to make clear findings in situations where both partners have been violent. In sum, the difficulty of validly and reliably identifying child abuse and witness to IPV raises the question of whether these kinds of cases have been, or are able to be, excluded prior to a finding of PA.

B. ADVOCACY FOR SHARED-PARENTING AND FATHERS’ RIGHTS

The second socio-cultural shift has been the increased involvement of fathers in parenting. Whereas in most intact two-parent families mothers continue to do more childcare, especially for infants and pre-school children, more mothers are also in the labor force, and the role of fathers in parenting has dramatically increased over the last half century. These shifts in parenting roles were reflected in changes in the last quarter of the twentieth century in child custody laws, from a presumption that children are best raised primarily by mothers, called the “Tender Years Doctrine,” to the “Best Interests of the Child,” a gender-neutral principle (Cancian, Meyer, Brown, & Cook, 2014; McCall, 2019). Under the statutes enacted in many jurisdictions, it is presumed that it is in the best interests of children to have frequent and significant contact with both parents following parents’ separation. Many jurisdictions have adopted laws that create a presumption of some form of shared parenting or joint custody, defined here as joint decision-making and about a one-third/two-third timesharing arrangement. With legal and social changes, rates of post-separation shared parenting have rapidly increased, and equal time arrangements are also more common, while post-separation father “drop out” has plunged (Cancian et al., 2014; Pruett, Cowan, Cowan, & Diamond, 2012). In sum, law reform and changing parental roles have created a structural change in the power dynamics of co-parents, resulting in a greater likelihood of conflict about parenting time and responsibilities.

The reality is that, notwithstanding increasing diversity in family structures and reproductive technological advances, conflicted co-parenting dynamics are primarily gendered.⁶ Previously, mothers were assumed to be the primary parent and accepted as gatekeepers of others’ involvement with their children, including the father’s. After the shift to shared parenting as the legal presumption, and with the support of advocates for father’s rights, fathers now could more successfully protest in court when they felt mothers were unfairly keeping the gates closed to their full involvement with their children. In cases where parental gatekeeping was not determined to be legitimate and

protective, it was considered to be problematic, if not pathological, restrictive gatekeeping and/or parental “alienating” behavior (Austin, Pruett, Kirkpatrick, Flens, & Gould, 2013; Ganong, Coleman, & Chapman, 2016).

A related socio-cultural shift involves the increasing geographic mobility of individuals and families across state, national, and continental boundaries, usually when economic opportunities open up for employment in a changing global market. This constitutes a significant event subsequent to parental separation, divorce and re-marriage. These situations can lead one parent to petition the court for permission to relocate with the children over the objection of the left-behind parent. PA allegations may be deployed, and if founded, under some circumstances can help prevent the move. In these cases argument may be made that migrating mothers with young children, if allowed to relocate, are unlikely to exert the required effort to nurture and sustain the children’s long distance relationship with left-behind fathers over time.⁷ This implies an obligation for the moving parent to actively support and foster the child’s relationship with the left-behind parent, beyond refraining from PA behavior.

We applaud the trends in increased father involvement, and we argue that some scholar advocates are making over-reaching claims about research findings on the benefits of relatively equal time sharing (for which there is little empirical support), while giving insufficient attention to the large body of research showing it is quality of father involvement that matters to child outcomes. Further, scholar advocates have made much of the negative consequences of father/mother absence, but do not mention the negative consequences of the presence of parents who are poor role models or engage in problematic parenting practices. (Bauserman, 2002; McCall, 2019); Nielsen, 2013, 2017; Warshak, 2014).

In a social environment strongly promoting more father involvement, one could speculate that social aspersions may be cast upon parents with little or no contact with their children. Widespread rhetoric implying grave consequences of not being an involved, shared-parenting dad (or mom), contributes to competing claims and unrealistic expectations for some parents and children for whom such arrangements may not be well suited. Not all children are able to benefit from a shared parenting schedule and there are vastly different ways in which parents and children can be in each other’s lives, if not enjoy each other’s company, without spending large blocks of time together⁸.

Note that within the context of a sociopolitical climate advocating for shared parenting time, the focal attention of proponents of PA has shifted from children making false allegation of sexual abuse - to include a larger group of children who *resist or refuse to have contact* with a parent. In addition, PA has been argued, among other factors, to be relevant to the difficult issue of relocation. Compared to the era when PA allegations were made primarily in response to sex abuse allegations against the target parent, currently PA allegations are more likely to be made in response to resistance/refusal of contact with a parent. A careful look at a child’s resistance to contact may surface several issues, for example, a history of inadequate parenting by the target parent and an over-anxious protective preferred parent- problems that could be exacerbated by the child’s discomfort with an ill-fitting access schedule.

C. ADVOCATES FOR THE VOICE OF THE CHILD

A third socio-cultural shift that has likely contributed to the fertile context for PA controversies to develop is the increased recognition of the relevancy and importance of the voice of the child in matters that concern them, including legal proceedings. Societal norms have come a long way from the era in which children were “to be seen but not heard.” In fact, children’s autonomy and ability to make decisions for themselves have become highly valued capacities in contemporary western society, with class and cultural variations. At the nation state level this trend is reflected in, and reinforced by, the civil rights afforded directly to children in democratic countries that give them more opportunities to express their wishes and preferences, including in disputed custody situations (United Nations Convention on the Rights of the Child, 1989).

Carried to the extreme, however, this empowerment of children is a hallmark of over-permissiveness. Entitling children to wield authority and power beyond their years, regardless of the legitimate needs of others, further weakens co-parental executive functioning, and undermines integrity of the hierarchy in parent–child relationships, affording a less safe and secure foundation for the child’s psychological development (Minuchin, 1974). In particular, co-parenting conflict can create a power vacuum that the child’s voice can prematurely fill. In custody-disputing cases, this can precipitate sibling alliances and exacerbate children’s alliance with one parent against the other. In preparation for court hearings and similar threatening contexts, preferred parents and children tend to gang up on their adversary by making similar or identical declarations about the target parent, while protesting that the children are “independent thinkers.” In these situations, intense debate ensues between advocates for each of the family members— fathers, mothers and children- as to whose voice is speaking and whose preferences are being expressed— the preferred parent’s, or the child’s?

Proponents of PA view the chorused voices of the children and preferred parent as one of the defining features of a child who has been psychologically abused and emotionally manipulated by the preferred parent. Indeed, the children’s presentation can be alarming: they appear strident, rehearsed, and use pseudo-adult phraseology; have distorted perception and judgment, view one parent as all good and the other as all bad without ambivalence or empathy; and have knowledge and concerns about adult matters way beyond their years. Unquestionably, children need relief from the burdens that have been placed on them. The longevity, depth, and resistance involved in their embattled stance tends to dissipate with time or when the active litigation and inter-parental conflict ceases depending upon the nature of the threat, developmental phase and the disposition of the child. Although serious psychopathology is possible, it is irresponsible to imply this is the state or fate of these children in general.

Proponents of PA question the authenticity of the voice of the child- citing the child’s demeanor as an indicator of poor or unstable self-esteem and low self-efficacy-that is being eroded by PA behavior of a powerful, preferred parent. Note that a focal concern of these proponents has now shifted to incorporate the short and long-term effects of emotional abuse inherent in PA, at times making dire prognostications that specialists in developmental psychopathology would be loath to make. For example, life-long depression, anxiety and poor self-esteem are attributed to PA in childhood as are personality disorders and psychotic conditions. Extrapolating from short-term observations of developmentally expected reactions, and often without reference to study limitations (small convenience samples, absence of control groups, data collected retrospectively or concurrently), research is cited by PA proponents out of context in support of testimony that serious enduring, emotional damage is being wrecked on the child’s psyche (Baker, 2005; Bernet et al., 2010; Boch-Galhau, 2018).⁹

a. Summary of Socio-Cultural Shifts. In sum, the focal concern of PA theory has shifted considerably over the three decades since its inception, broadening its domain of application from false allegations of sexual abuse, to include resistance and refusal of contact, relocation issues, and emotionally abusive or inadequate parenting practices of the favored parent. The combined effect of these focal shifts within socio-cultural movements, in part, powered by ongoing gender politics, ensure that PA will continue to be the “*complaint du jour*” for some time to come. Further, while advocates for the concepts of PA have seized upon the limited research on PA and shared parenting and make over-reaching claims about what research has found to legitimize PA, advocates opposing PA concepts have dismissed the growing body of research, clinically based literature, first person accounts, and judicial decisions accepting PA, to support their position that PA is just “junk science.” It is also important to recognize that while a majority of parents who claim to be victims of PA are fathers, many mothers (perhaps a growing proportion of cases) are also raising the issue of PA; these cases of mother rejection are not often mentioned by opponents of PA.

The impact of scholar advocacy, and the ease and impact of group affiliation among like-thinking others, has inevitably reinforced collective cognitive biases and empowered parent and professional advocacy groups, regardless of the merits of their goals and ideas. The proliferation of advocacy groups, some voicing more extreme views and engaging in uncivil professional interactions about PA (on both sides of the polarized divide) has helped to create a more difficult, adversarial context for co-parents and for professionals in this already challenging area of practice.

Adding to the problem is democratization of information on the internet (easy access to unvetted information from unknown, often biased and irresponsible sources) and the structure of search algorithms (which operate to provide selective, biased information based on one's search history). These changes have made it difficult for parents to gain access to evidence-informed or evidence-based social science information about the highly complex family dynamics that contribute to PA. This has contributed to the polarization evident in co-parents and the professional context that surrounds them. Frustrated and angry, parents turn to the internet when they feel the law has failed them. Basically, using an internet search, anyone can find (or have sent to them unsolicited by virtue of their search history) validation for any view they already hold by an internet search. Once that search is done, the internet floodgates to information from and ways to affiliate across the globe with scholars, individuals and advocacy groups that promote and reinforce that view.

III. SHIFTING DEFINITIONS AND CRITERIA FOR IDENTIFYING PA CASES

The term PA is often used loosely without defining the concept itself, nor describing the context of study, nor differentiating perspectives of observers. First, PA can refer to three different aspects of a child-parent relationship problem- the alienating behavior of the parent, the characteristics of an alienated child, and a general theory of how alienation occurs. Confusion arises when users of PA terms do not define, or are inconsistent about, their specific usage of PA terminology. Second, users of the PA construct draw upon their experience with widely different populations, such as family court filings, custody evaluations, parental abduction victims, specialized treatment programs, internet surveys, studies of cults, and private practice settings. How these different contexts affect the severity and nature of the problem is not often considered. Third, assertions about PA are typically drawn from selected informants with vastly different perspectives raising the question of source reliability. (Faust, 2018; Friedlander & Walters, 2010; Garber, 2015; Johnston & Goldman, 2010; Judge, & Deutsch, 2017; Kopetski, 1998; Polak & Moran, 2017; Sullivan, Ward, & Deutsch, 2010; Walters & Friedlander, 2016; Warshak, 2010a, 2020).

There are two general theories or models that have evolved over time which attempt to explain how or why PA occurs: (1) A dominant Single Factor Model; and (2) Multi-Factor Models. The features, strengths and problems with each formulation are described in the next section.

A. THE DOMINANT SINGLE FACTOR MODEL OF PA

Most commonly PA refers to family situations where a child, for no adequate or justifiable reason, expresses negative attitudes, beliefs and behavior toward one of his/her parents primarily due to the preferred parent's denigrating attitudes, beliefs and sabotaging behaviors (Baker, 2005; Bernet et al., 2010; Gardner, 2002). We refer to this widely promulgated view of PA as the dominant Single-Factor model or theory of PA.

The dominant Single Factor theory of PA asserts a primary causal relationship between the PA behavior of the preferred parent and a PA child, i.e. PA Behavior → PA children. To identify a primary causal relationship requires the PA proponent to show that: (1) all other factors that potentially contribute to the child's negative stance have been considered and, if not ruled out, their combined contribution is exceeded by the contribution of the single factor - PA Behavior; (2) PA Behavior precedes a PA child in time; and (3) a consistent direct empirical relationship exists between PA Behavior and the PA child's characteristics.

We argue that these criteria are difficult to satisfy or are not supported by available data. First, it is not a simple task to show that the child's beliefs, perceptions and behavior are unwarranted, that no adequate reason or legitimate rationale exists for the child's negative stance. The problem is that this is a "residual" or default definition and requires the PA proponent to undertake extensive hypothesis testing to prove a series of non-events. In practice, this often involves showing that abuse

and/or deficit parenting on the part of the target parent did not occur. It should also involve showing other “reasonable” explanations for the child’s negative stance do not exist—like the developmental stage of child; prolonged absence of target parent; normal adjustment difficulties with divorce transition and step-family formation; untenable loyalty conflict in response to parental conflict; and sibling influences. Confirming rather than rejecting the null hypothesis is generally regarded as a weak strategy for empirically testing theories.

The second reason the dominant Single Factor Model for PA is inadequate is that, in the absence of longitudinal observations, there is no way to confirm that the preferred parent’s PA Behavior precedes the emergence of a PA child in time, or vice versa. For example, it could be that a preferred father initiated bad-mouthing of the mother, resulting in the child’s rejection of her. Alternatively, in response to a child’s distress upon returning from mother’s home, a concerned father could attribute blame and express distrust of the mother in ways that undermine the child’s confidence in her. A father can be the victim of derogation and false accusations of abuse by a hateful mother or he can be an architect of his own despoiled reputation by reacting in a punitive or immature way to his child’s disrespect of him.

Until such time that suitable data becomes available (e.g. from longitudinal or large-scale studies of representative populations), assertions or implications of causal relationships between PA behaviors and the consequent short or long-term effects on children or adults are speculative and premature. Cross-sectional studies can, however, provide useful correlational data that describe the pattern of relationships between factors—indicating their significance, strength and robustness as predictors of various outcomes of interest. Meanwhile, child custody evaluators and clinicians need to systematically assess and weigh these factors to clinically test the viability of alternative hypotheses in individual cases, with due uncertainty acknowledged in any conclusions drawn.

The third criteria for establishing a causal relationship is also not met by the dominant Single Factor Theory of PA. Extant empirical research indicates only a moderate to weak and somewhat inconsistent correlation between the preferred parents’ alienating behavior and a child’s rejection of a target parent (M. A. Saini et al., 2016). In some studies, young adults reporting retrospectively indicate that parental denigration is a tactic that may ultimately backfire on the maligner. Some youngsters develop negative PA attitudes in the absence of negative PA behaviors by either parent for instance, in response to untenable loyalty conflict due to chronic inter-parental conflict or in response to problems with a parent’s new partner. In custody disputing families, it is not unusual for both parents to bad-mouth one another but their child rejects neither of them, or distances him/herself from both (Johnston, 2005; Johnston, Roseby, & Kuehnle, 2009; Mone & Biringen, 2006; Rowen & Emery, 2014; Saini et al., 2016).

In sum, the Single Factor model makes the false assumption that family abuse and deficit parenting on the part of either parent can be, and has been, ruled out along with other alternative, “reasonable” explanations for the child’s negative stance. If so, alienating behavior by the preferred parent becomes the singular or prime suspect for identifying PA and made culpable for the child’s stance. It follows that there is risk for Type 2 errors in diagnosis (false positives for PA). To the extent alternative factors are not assessed, vestiges of the “false dichotomy” continue to surface in the form of several erroneous assumptions or myths (see Box 1) and some family courts and the general public have uncritically adopted the more simplistic explanation.

BOX 1 Common Erroneous Assumptions Deriving from the Single Factor Model

Myth 1. A child who resists or refuses contacts with a target parent is either a victim of abuse by that parent or a victim of parental alienating behavior by the preferred parent, but not both.

Myth 2. If a parentally alienated child exists, then the preferred parent’s alienating behavior must exist and is fueling the child’s alienation.

Myth 3. If no abuse by the target parent has been found, and a parentally alienated child exists, the favored parent is culpable, and the target parent is exonerated of parenting deficits.

The problem with the dominant Single Factor theory of PA is that not only is justice not served by possible indictment of the wrong suspect, harm can be inflicted by implementing inappropriate interventions and treatments. Radically different approaches- in fact contradictory treatment protocols- are derived from the False Dichotomy and erroneous assumptions listed in Box 2.¹⁰ The consequences of a misdiagnosis are grim when there is only one contradictory alternative. Moreover, the focus to find one cause may detract from assessing other factors that can help to repair and restore the child's relationship with the resisted parent.

IV. MULTI-FACTOR THEORETICAL MODELS

In response to the deficiencies in the Single-Factor Model, during the past 20 years, many family court professionals have explicitly adopted or developed more nuanced, multi-factor models to guide their assessments of and to intervene with families where a child is resisting or refusing contact with a parent. As illustrated in this Special Issue (Fidler & Bala, 2020), these models increasingly draw upon a wide range of basic and applied social science research (Garber, 2004, 2015, 2020; Judge & Deutsch, 2017).

A reformulation of PA theory was proposed defining the "alienated child" as one whose negative stance is disproportionate to their actual prior experience with the rejected parent (Kelly & Johnston, 2001). As shown in Figure 1, a systematic array of developmentally expected, problematic and pathological factors that can create an alliance with one parent against the other are viewed as the vortex in which the child's response is forged, depending upon the child's resilience and vulnerabilities (Fidler et al., 2013; Friedlander & Walters, 2010; Johnston et al., 2009; Judge & Deutsch, 2017; Sullivan & Kelly, 2001).

In this model, PA behavior by the preferred parent is viewed as an important but not the only, nor necessarily the dominant, factor accounting for children's resistance or refusal of contact with a parent following parental separation. Predisposing, precipitating and perpetuating factors to children's negative stance toward one parent derive from normal developmental attachment issues, adjustment difficulties during divorce transition and step-family formation, prolonged absence of the rejected parent, deficit parenting by either or both parents, untenable loyalty conflict in response to co-parental conflict, and sibling or third party influences such as grandparents, or even therapists. More peripheral though potent factors that exert indirect effects or have interactive effects include professional mismanagement, protracted litigation, history of marital conflict, a humiliating separation, and parent personality disorders.

a. Is it Child Abuse, IPV, PA, or All Three? The answer to this question depends, in part, upon the court's jurisdiction. Within a paradigm of child and victim protection, and offender accountability assumed by dependency and criminal courts, it has long been recognized that perpetrators of IPV manipulate their children's ideas and feelings in the service of maintaining coercive control over the victim partner. Perpetrators of IPV are also more likely to be abusive parents, typically using tactics of coercive control punctuated by explosive bouts of authoritarian rule and/or neglect— contexts in which victims of IPV (usually mothers) can be accused of "failure to protect" (Bancroft & Silverman, 2002; Harné, 2011). Whereas many children prefer the non-violent parent, it is not uncommon for those who have been directly abused, emotionally terrorized, and/or witness to family violence by a parent, to assert loyalty to the abusive parent, adopting false narratives blaming the other parent, who is usually a victim of the same abuser; that is, they are by definition PA children, but are primarily identified as abused.

On the other hand, the dominant paradigm of contemporary family courts- emphasizing collaboration and cooperation- makes PA an issue more easily identified as the problem, especially in ambiguous contexts where cross allegations of abuse have not been clearly substantiated. Moreover, in high-conflict custody disputing families, with a child resisting or refusing contact, coercive tactics used to gain the child's compliance can quickly escalate and precipitate a critical incident of traumatic proportions. Such incidents (increasingly recorded by phone) can include verbal abuse,

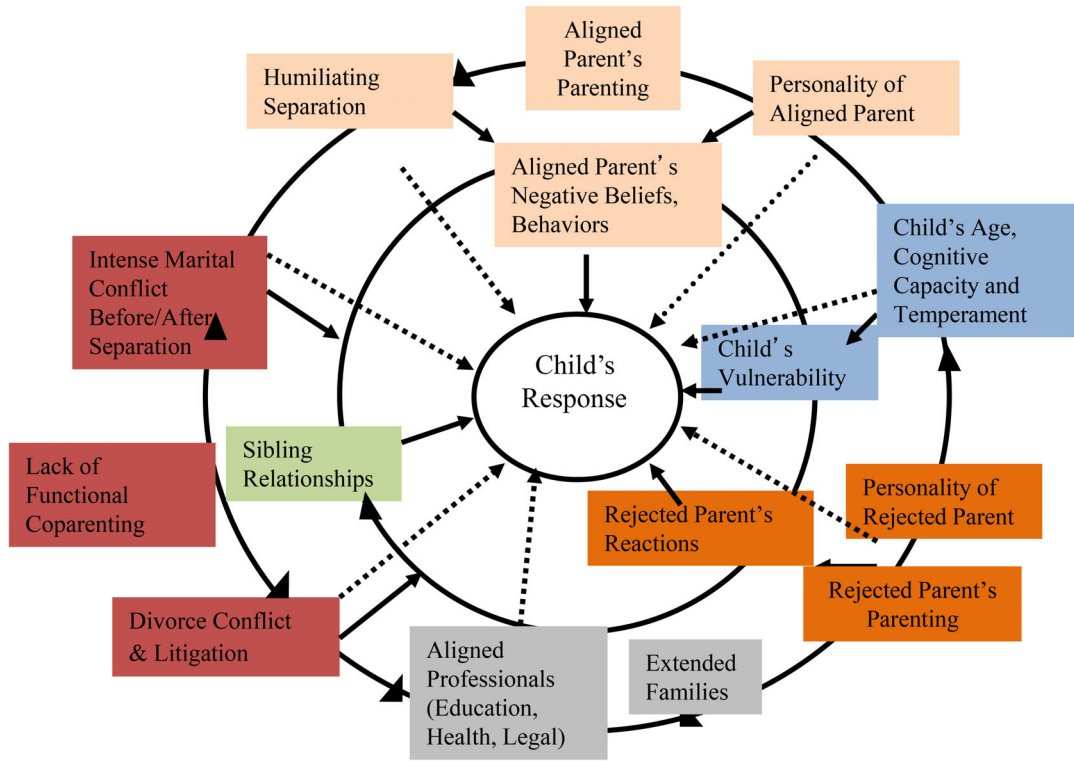


Figure 1 Multi-factorial model of a child's resistance/refusal of contact.

physical struggles, fleeing and hiding, child snatching, forceful restraint, unwelcome demands to express physical affection (body hugs, mouth kissing), witness to sibling abuse, and intimate partner violence (IPV). Moreover, children resisting contact are more likely to be traumatized rather than reassured if law enforcement officers are brought in to escort them to the rejected parent's home.

Though critical incidents may be considered fabrications or exaggerations that do not rise to the level of "abuse" according to some critics, to the extent a potentially harmful incident greatly overwhelms the child and/or co-parents' capacity to cope, it is experienced as traumatic. In turn, traumatic incidents and re-occurring stressful events can be experienced by the child as victimization at the hands of the rejected parent, evoking fear, anger, helplessness and avoidance, prior to and separate from any input, positive or negative, by the preferred parent.

Some multi-factor theorists of PA have attempted to distinguish estrangement (due to abuse, deficit parenting) from alienation (due to PA behavior by a parent), and have also allowed for the possibility that both abuse and PA can co-occur (Drozd & Olesen, 2004, 2010). Together with other research, it is concluded that many cases of resist/refusal of contact are likely to involve children who have mixed features of alienation and estrangement (Friedlander & Walters, 2010; Johnston, 2005; Johnston, Walters, & Olesen, 2005).

b. Is it PA or Enmeshment, or Both? This is a question that astute practitioners found they need to ask before assuming a preferred parent's PA behavior is the primary culprit. In some situations, a child's resistance or refusal of contact derives, not so much from the child's experiences with the target parent, but more from separation anxiety evoked in the child anticipating the transition between parents. Usually this anxiety is manifest in settings other than the child's transfer between homes, like separating to go to school, summer camp, sleepovers, the parent leaving for work, or even going to sleep.

Separation anxiety is normal in young children, but can become an indicator of pathological attachment to the preferred parent for older children (Garber, 2004; Johnston et al., 2005). In these cases, the child's anxieties are allayed only by the presence of the primary caregiver. Reciprocally, the child may be meeting the needs of the primary parent, who is unbearably anxious, lonely or depressed without the child, in a role reversal of caretaking between the favored parent and child. Usually in these cases, the anxiety is mutually reinforcing so that it is difficult to tell whether its origin is with a vulnerable child or with a needy parent. However, the child's primary difficulty separating from the preferred parent is not easily identified because the resistance to leaving is attributed to the child's expressed concerns about their experience with the target parent.

Enmeshment- on the more extreme end of this continuum- occurs when psychological boundaries dissolve and the preferred parent and child are co-dependent. It is often associated with role diffusion as the child serves varying, inappropriate functions in response to the parent's inchoate needs. Parent and child operate as one unit, sharing identical feelings and views about the target parent. To varying degrees, depending upon temperament disposition, developmental stage and attachment history, these shared perceptions can become negatively distorted as the preferred parent and child develop a *folie-à-deux* that can be quite resistant to change. The most extreme cases may involve the child sharing the delusions of a psychotic parent (Deutsch, Drozd, & Ajoku, 2020).

The fact that these cases are not distinguished from PA children by the dominant Single-Factor theory can result in imposing ineffectual or harmful legal and psychological interventions- an obvious hazard of relying upon a simplistic uni-dimensional theory of PA. Mitigating risk of harm is, of course, the basic ethical obligation in all intervention. Specifically, in making threshold decisions about whether the court should intervene at all, impose court orders for involuntary treatment, reverse custody to the rejected parent, and/or suspend contact with the preferred parent, differential assessment of the multi-factors involved is an important first step. The second step is to undertake a risk/benefit analysis of the potential intervention with due consideration given to feasibility of implementation and alternatives available. The third step is to provide an opportunity for parents to give informed consent to the interventions, including those that are court-ordered over the objections of parties. A fourth step to ensure that harm has not been done is to follow up in a timely way to monitor progress.¹¹

c. Summary and Critique. There are often multiple, concurrent processes producing the negative attitudes and beliefs that underlie a child's rejection of a parent, some of which may not surface even after assessment. These include:

1. Developmental phase and pre-disposition of the child (specifically "separation anxiety and enmeshment" with the preferred parent);
2. Actual family trauma and deficit parenting (also called "estrangement" from the rejected parent);
3. Defensive distortion due to the pernicious influence of significant others (called PA Behavior by the preferred parent); and/or
4. Psychotic delusion (either a primary or shared delusion with a mentally disturbed parent).

It is, therefore, misleading to refer to a "parentally alienated child" when alienating parental behavior is only one of multiple interacting factors contributing to the child's rejecting stance. That is, alienating behavior by one parent is neither a necessary nor a sufficient condition for a child's resistance/refusal of contact with the other parent. Box 2 lists some rudimentary guidelines for best practices when asserting PA.

For the past two decades, variants of Multi-Factor models of PA have helped guide custody evaluations (Bow, Gould, & Flens, 2009; Drozd & Olesen, 2004, 2010; Lee & Olesen, 2001), early intervention and multi-modal treatment interventions for families with children who resist or refuse contact (Fidler et al., 2013; Friedlander & Walters, 2010; Greenberg, Schnider, & Jackson, 2019; Johnston et al., 2009; Judge & Deutsch, 2017; Lebow & Rekart, 2007; Polak & Moran, 2017; M. A. Saini et al., 2016; Sullivan et al., 2010; Warshak, 2015). There are emerging trauma-informed treatment protocols for some mixed cases where parental abuse, PA and enmeshment have co-occurred (Greenberg et al., 2019).¹² However, the multi-determined nature of children's rejection

of a parent is often not clearly acknowledged in debates about PA or, if it is paid lip service, it is jettisoned by conceptual confusion when users of PA terminology revert to the false assumptions of the dominant single factor model of PA in practice.

One challenge is that many multi-factor models are too complex and too costly to use in assessment and to implement on a wide scale. Compared to the single factor model, they are more difficult to explain, and they may appear less useful to the court or legal professionals. They can generate unrealistic expectations for outcomes that, when not met, result in disappointment, further devaluation and blame. From a research perspective, the list of factors potentially contributing to resist/refuse dynamics is long, and data available to support clinical theorizing are in short supply (Garber, 2020). Progress toward goals and outcomes in treatment are difficult to evaluate when different factors contribute to the problem and goals of intervention vary across cases. Only a minority of parents has the resources necessary to undertake the comprehensive custody evaluations and specialized interventions necessary to make full use of this theory. The overwhelming majority of families have to make do with the possibility of misinformed clinical judgment and naïve assumptions about PA, child abuse, IPV and the intersection of these with PA within the context of crowded court dockets and inadequately trained mental health professionals.

A. A WAY FORWARD: REFINING, FOCUSING AND COMMUNICATING MULTI-FACTOR MODELS

Looking forward, we propose some ways of reducing the complexity of multi-factor models while still identifying factors relevant to court and clinical decision-making and interventions. The intent of our theoretical revision is to create an example of a conceptual model of PA that can be more easily communicated and hence more useful to family justice professionals and their clients. Essentially, multi-factor models of the child's response like those shown in Figure 1 are focused on *etiology or cause*, rather than on prognosis and intervention. Etiology is not destiny. Rather, identifying factors that maintain a problem, or those that are resources to exploit in finding its solution, may be more useful than trying to establish and debate about its genesis.

Prediction models select those factors that are hypothesized to be good indicators of outcome or prognosis (Patton & Sawicki, 1993). They are also useful for developing interventions and for evaluating treatment outcomes because factors selected are measures of the extent to which goals are met. An analogy in a medical setting are measures of vital signs (breathing, blood pressure and temperature) that are good prognostic signs and outcome measures, regardless of the nature of the health emergency or the type of treatment administered. Without needing to know a lot about the etiology of these factors, nor details of the treatment intervention, one can administer these measures at the beginning, during, ending, and follow up of treatment in order to evaluate progress or lack thereof.¹³

Figure 2 illustrates an intervention-focused prediction model for the multi-factor theory of PA proposed in this paper. As shown by the text on the left side of Figure 2, we hypothesize that child resistance/refusal of contact with a parent is predicted by four factors:

1. Traumatic Stories/Negative Scripts (about critical incidents and reoccurring negative events in the family);
2. Co-parental alienating and restrictive gatekeeping behavior;
3. Inadequate or pathogenic parenting practices; and
4. Child vulnerability/resilience as evidenced by deficits in social, emotional and behavioral competence.

As shown by the overlapping circles on the left side/center of Figure 2 diagram, children resisting/refusing contact in high-conflict custody disputing families can be simultaneously “estranged,” and/or “alienated” from the rejected parent, and/or “enmeshed” with an aligned parent. Each of the four predictors are defined and justified as relevant to outcomes as follows:

a. Traumatic Stories and Negative Scripts are defined as expectations about the future behavior of family members, derived from the child's past experience of an incident and/or a series of events in the family that threatened bodily harm, psychic injury or abandonment, and that overwhelmed the child's capacities to cope. They range from visceral, non-verbal reactions to elaborated narratives that identify the source of threat and potential victim(s). The story or scripts are charged with negative affect to which the child responds with increasing resistance, defensive avoidance and constriction of coping capacities (as illustrated by the narrow end of the funnel-shaped vortex in Figure 2).

The false dichotomy, implied by the question "is it abuse or is it PA?" is avoided in this prediction model by using concepts of "narratives," "stories," and "scripts" about what are experienced by the child as "trauma" and "stress" in terms that are familiar to parents, public and professionals alike. These concepts by themselves invoke a more complex set of questions, compared to the erroneous assumptions evoked by the dominant Single Factor theory of PA (see Box 1). Questions arise about the accuracy or degree of distortion of perception and memory, the impact of traumatic and stressful events, and the contribution of others (inside and outside the family) to the construction and shifts in the narrative account. It is probable that the origin and accuracy of these stories and scripts will continue to be disputed by proponents of PA and victim advocates who are intent on assigning blame. More important, however, is the extent of agreement between proponents and critics of PA that negative stories and scripts exist and are germane to the child's resistant stance. Provided reliable and valid measures can be developed (a challenging task), this factor can be used to evaluate and compare diverse interventions.

b. Parental Alienating Behavior (PAB) and Inappropriately Restrictive Gatekeeping by one or both co-parents refers to negative attitudes, beliefs and behaviors of a co-parent (or agent, like a grandparent or new partner) that have the potential (or expressed intent) to sabotage, undermine and obstruct the child's relationship with the other parent. See Box 2 for expanded definition. At the extreme, it is also identified by the complete absence of supportive communication and collaboration between parents and between child and each parent that have potential for strengthening the child-parent nexus.

BOX 2 Best Practices when Asserting Parental Alienation [PA]

1. There are many diverse perspectives about what PA is and how it works. Before opining on PA in a specific case, it is responsible practice to a) define PA terms precisely and use them consistently, b) disclose all sources of information about the case, and c) summarize the theory or process about PA that informed the formulation of that opinion.
2. It is important to remember that a child's rejection of a parent can arise from multiple sources, and its basis- whether in reality, developmental phase or disposition, defensive distortion or psychotic fantasy - often remains obscure.
3. When asserting PA, the most defensible position is to use the term "parental alienating behaviors [PAB]. *PAB is an ongoing pattern of observable negative attitudes, beliefs and behaviors of one parent (or agent) that denigrate, demean, vilify, malign, ridicule, or dismiss the child's other parent. It includes conveying false beliefs or stories to, and withholding positive information from the child about the other parent together with the relative absence of observable positive attitudes and behaviors, (affirming the other parent's love/concern for the child, and the potential to develop and maintain the child's safe, supportive and affectionate relationship with the other parent).*
4. If used consistently, this definition is defensible because there are valid and reliable ways to observe and measure PA Behavior, whether the behaviors are verbal or gestural, intentional or non-intentional. Further development of standardized measures to collect normative data would be helpful. Early identification and prevention of PA Behavior make substantial contributions to the field.

This factor is based on the construct of PA Behaviors and extended to a broader concept of co-parenting support, by reconciling PA research on the negative role of maternal "gatekeeping" in

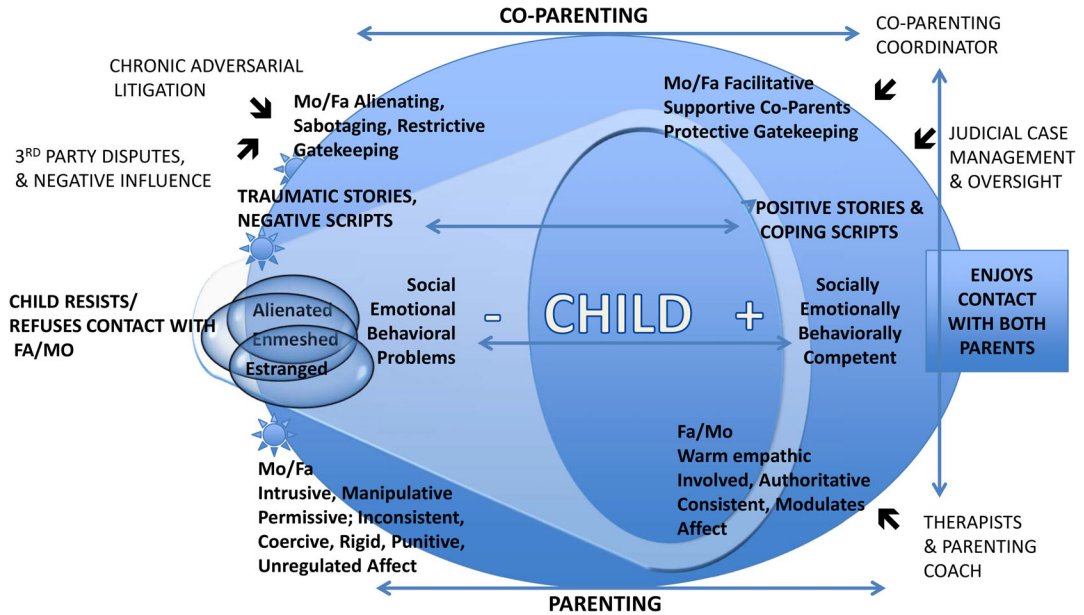


Figure 2 INTERVENTION FOCUSED Model Predicting Children’s resist/refusal of contact.

custody disputing families with research on intact families that viewed gatekeeping by mothers to be a largely benign, if not a protective practice. As a consequence of *theoretical integration*,¹⁴ we now have tools to measure a spectrum of gatekeeping behavior within the continuum of co-parental functioning (Austin, Fieldstone, & Pruett, 2013). Again, this factor is likely to be an acceptable outcome measure for both proponents and critics of PA theory.

Focusing solely on a favored parent’s behavior, without considering what is known about normal and abnormal child development and the quality of parenting available from *each parent*, offers only a decontextualized and incomplete description of children’s rejecting stance toward one of their parents. For this reason additional important factors to include are:

c. Inadequate, Pathogenic Parenting Practices of One or Both Parents. This refers to:

1. Intrusive, permissive, role reversal, manipulative parenting practices implicated in parent-child enmeshment (Barber, Bean, & Erickson, 2002; Boch-Galhou, 2018; Chase, 1999; Clawar & Rivlin, 1991); and
2. Rigid, punitive, coercive tactics, authoritarian demands, and affective volatility- associated with abusive parents (Bancroft & Silverman, 2002; Harne, 2011).

d. Child Vulnerability and Resilience. This refers to the range in the child’s capacity to cope with normal challenges and expectable stressors as indicated by a standardized measure of social, emotional and behavioral competence. From a prognostic standpoint, a history of trauma in interaction with mental health symptoms, such as anxiety, depression, neuro-atypical and disruptive behavior disorders must be factored into predictions about a child’s response to the first three factors (Deutsch et al., 2020; Drozd, Saini, & Vellucci-Cook, 2019). Age as a proxy for developmental stage and cognitive maturity predicts increased risk for rejection of a parent from pre-adolescence through early teen years. Gender is an exploratory variable.

Each of the four factors would need to be operationalized with valid reliable measures on a continuum or sliding scale (see arrows between the negative and positive poles for each of the four factors in Figure 2, mapping the route to successful outcomes). If data were gathered from multiple perspectives of mothers, fathers, children, and third parties (like therapists, evaluators, or guardian ad litem), the scales could be used for legal and clinical decision-making and evaluation of progress toward intervention goals. These four factors could also be guiding principles for preventative

interventions such as psycho-educational programs for divorcing parents (Moran, Weinstock, & Butler, 2019).

Successful intervention outcome could be evaluated by testing the converse hypotheses. As shown in the text on the right side of Figure 2, children's expressed pleasure and acceptance of contact with a parent is predicted by:

1. A preponderance of positive scripts and family stories (derived from mastery of challenges posed by stressful events);
2. Supportive, facilitative co-parental behavior and gatekeeping that is flexible and appropriately protective;
3. Parenting that is warm-empathic, involved, authoritative, consistent, and affect-regulated; and.
4. Child's flexible coping reflecting emotional, behavioral and social competence (as shown by the wide-open top of the funnel in Figure 2).

To the extent that factors used in prediction models like the one illustrated in Figure 2 are not wedded to specific theories about etiology and differential diagnosis, they can serve as a generic tool for developing and comparing the efficacy of different approaches to intervention. The factors themselves can also become nodal hubs of research and development within particular research programs, or candidates for theoretical integration and development across programs.

In these endeavors, models with a different purpose can be deployed. *Diagnostic models* use factors that help discriminate between categories or types (e.g. they could be used to test hypothesized differences between estranged, alienated and enmeshed children). *Process models* choose factors that describe the sequence or phases of an event or a procedure (e.g. a decision-making tree for choosing between treatment options or sequencing the different components of treatment for children who are both estranged and alienated (Drozd & Olesen, 2004; Drozd, Saini, & Vellucci-Cook, 2019; Fidler, Deutsch, & Polak, 2019; Greenberg et al., 2019; Polak, Altobelli, & Popielarczyk, 2020; Sullivan et al., 2017).

Structural models are well suited for describing lines of authority and rules governing decision-making in contractual relations between parents, professionals, and the court in custody-disputing families, by defining the roles, rights, duties and obligations of each member, as well as the domain and tenure of the contract. Typically co-parenting contracts are negotiated by parents' attorneys, and are backed up by court orders and court oversight to provide a stable legal framework that protects the child from inter-parental conflict and allows psychological treatment to be conducted (Bala & Slabach, 2019; Sullivan, 2019). The contract for the intervention-focused prediction model that is depicted in Figure 2 is represented by the background ellipse that contains and protects the family treatment from being disrupted by chronic adversarial litigation and third party interference.

V. CONCLUSION

Normally progress in social science research thrives on challenge, critical review and debate about alternative approaches and interpretations. Unresolved controversy about the status of PA concepts among family justice practitioners and researchers, however, has been counter-productive, not unlike the destructive polarizing conflict within the families that the same professionals purport to serve. Instead of developing a more precise, differentiated conceptualization of PA that could support more accurate, nuanced, balanced assessments and more effective legal and mental health intervention, the debates have become more polarized, and positions more extreme.

Conceived and nourished in an advocacy environment, the unresolved controversy between the more extreme proponents and opponents of PA has been about the legitimacy and value of PA versus abuse as competing ideological constructs in family law.¹⁵ Moreover the unresolved debate rests on what we have argued to be a "false dichotomy," i.e. the fallacious assumption that PA and abuse are mutually exclusive categories and not co-occurring phenomena. In efforts to fend off attacks on

the legitimate existence of PA phenomena, more extreme PA proponents tend to deploy the intuitively plausible but flawed Single Factor model of PA wherein the effects of PA and its treatments tend to be over-stated and erroneous assumptions go unchallenged. This in turn provides rationale for the more extreme PA opponents to dismiss PA concepts entirely as harmful pseudo-science and to advocate for their own concerns about disempowered, abused women and children. In this respect, the rhetoric of scholar advocacy bias has dominated in the debates about PA at the expense of the disciplined deployment of the scientific method.

Other negative consequences of unresolved controversies follow: the credibility of the family justice system itself is at stake when professionals cannot maintain the semblance of fair, rational discourse. Opportunities for much-needed research funding diminish when the subject is controversial and researchers are discredited. Unresolved disagreements between justice system practitioners are an invitation to exploitation by litigious advocates. Most tragically the impact of the dysfunctional dynamics at the professional level hurts families and children.

The worry is that PA seems to be becoming an increasingly influential “all-purpose” or generic legal strategy in family litigation. Its uncritical admission in expert testimony in court can potentially bolster petitions for substantial changes in custody and orders to participate in unwanted treatments without ensuring due investigation into the multiple factors that contribute to the severity, longevity, etiology, prognosis, nature and effects of children’s resistance or refusal of contact with a parent. PA may also be used to rebut relocation petitions and to counter a wide range of allegations of family violence and abuse. Unquestionably, some children need to be protected from harmful PA behaviors and family court may be the only recourse. If so, critical care with respect to the admission and usage of PA in court proceedings is needed to avoid misleading, simplistic and erroneous testimony. Without responsible stewardship governing the use of PA constructs, there is the potential for them to contribute to unjust, harmful and litigious outcomes.

Just as we hold out hope that the most conflicted sub-population of custody-disputing families that we serve will transcend their differences and build functional family relationships to support their children’s healthy development, we dare to envision a systematic and productive program of legal and social science research on the subject of parental alienation that can be embraced by the field as a whole— including proponents and opponents of PA alike. The aim is to transform conflict and controversy into cooperation and collaboration in order to build better social policy, community institutions, and services that can support these families and their children.

ENDNOTES

1. The citations in this paper are confined to peer-reviewed articles, most published within the last decade, that are relevant to and illustrative of the arguments we make. Without attempts to be comprehensive, we cite sources alphabetically and leave it to the reader to judge how and to what extent each cited article demonstrates the quality of work that we advance in the text.

2. Critical scientific reviews have cautioned family justice professionals about the problems with the formulation of PA concepts and assumptions, the paucity of standardized measures, absence of reliable estimates of prevalence, and inadequate research on etiology, differential diagnoses, prognosis and long-term outcomes (Drozdz & Olesen, 2010; Fidler, Bala, & Saini, 2013; Robb, 2020; Saini, Johnston, Fidler, & Bala, 2016; Walker & Shapiro, 2010).

3. Major professional organizations are divided or in flux about recognition of PA concepts. The advocacy communities are split, largely along gender lines, either strong proponents or strong opponents of the ideas and are pressing the major organizations for their endorsement. When the American Psychiatric Association declined to add the specific concepts of PA/Parental Alienation Syndrome as an official psychiatric disorder in DSM-5, pro-feminists took this to confirm that PA concepts are entirely discredited as “junk science” (Bruch, 2001; Meier, 2019; Thomas & Richardson, 2015). PA proponents, including father’s rights activists, have pushed back vehemently. At the same time retreating from using the concept of PAS as a “syndrome,” they have continued to advocate for use of PA. The World Health Organization’s (2019) consideration for the acceptance of PA for inclusion in its international classification of diseases [WHO ICD-II] has been formally protested. The American Psychological Association is currently reviewing the issue as is the National Council of Juvenile and Family Court Judges [NCJFCJ]. The American Professional Society on the Abuse of Children (APSAC) has posted on its website a position paper cautioning about the misuse of PA in the application of their guidelines on psychological maltreatment (APSAC, ND). The Association of Family Conciliation Courts [AFCC] has occupied a more moderate position on PA issues

that has been difficult to maintain as divisiveness increased. Beginning in 2001, AFCC, in partnership with the Family Court Review, has each decade provided a platform for an update of research and practice on the subject of PA from a range of perspectives. This has proven to be a source of critical scientific reviews that call for a more nuanced differentiation and development of PA theory.

4. PA is widely used as a concept by courts and practitioners in many countries but not without push back. Despite efforts to preclude family courts from admitting expert testimony using the concept of PA, filings alleging PA have increased rapidly over the past two decades (Bala, Hunt, & McCahey, 2010; Lorandos, 2020). Advocates who are concerned about the “weaponization” of allegations of PA against abused women as a legal strategy in custody disputes, have recently submitted an Amicus Brief to the New York Appellate Court raising concern about potential harm to children from the misuse of PA concepts in family court. (See also Bruch, 2001; Lee & Olesen, 2001; Meier, 2009, 2019; Nielsen, 2018; Silberg, Dallam, & Samson, 2013; Walker, Brantley, & Rigsbee, 2004).

5. PA proponents and opponents with an advocate agenda do not attend to the limitations of the research, or they simply declare that the quality of research on PA is/is not worse than that on other subjects in the field. Some “cherry pick” the findings or conflate different phenomena. Some claim extraordinary benefits while others allege serious harm from various PA treatments and court mandates, often without defining the population, context of study or even the treatment itself. Together they confuse the field by drawing sweeping contradictory conclusions about prognosis with and without different kinds of interventions (Baker, 2013; Clemente & Padilla-Racero, 2016; Dallam & Silberg, 2016; Kleinman, 2017; Meier, 2010; Mercer, 2019; O’Donohue, Benuto, & Bennett, 2016; Polak & Moran, 2017; Saini et al., 2016; Templer, Matthewson, Haines, & Cox, 2017; Warshak, 2010a, 2010b). The result is a literature riddled with “scholar advocacy bias” defined as “the intentional or unintentional use of the language, methods, and approaches of social science research, as well as one’s status as an expert, for the purpose and/or outcome of legitimizing advocacy claims at the cost of misrepresenting research findings” (AFCC, 2018; Emery et al., 2016, p. 134; Sandler et al., 2016).

6. Although beyond the scope of this article, it is worth noting that there are an increasing number of same-sex partners with children who are separating and having high conflict, with issues of parental alienation also arising.

7. In an Amicus Brief submitted to the California Appellate Court on the La Musga case, the threshold of evidence of PA was low: the relocating mother was described by the custody evaluator as unconsciously parentally alienating the children (In re Marriage of LaMusga (2004) 32 Cal.4th 1072, 1101).

8. On one hand, children’s rights to and potential benefits from maintaining meaningful contact with both parents are hereby acknowledged, in accord with statutes that specify “frequent and continuing/substantial contact” to be one of the factors that make up the Best Interests of the Child [BIOC]. On the other hand, justifying a custody reversal (along with other punitive, coercive, costly court-ordered interventions) solely on the basis of a child’s refusal to comply with contact orders (and ignoring positive adjustment on other indicators) is in effect elevating this one factor in importance above all the remaining factors in the BIOC.

9. This is not to imply that children are not at heightened risk from PA behavior, or that the family should not be court-ordered for treatment. To the contrary, these parents and children can benefit from court orders that provide them opportunities to participate in early preventive intervention and treatment programs specifically designed to address these problems as well as to empathic counselors who help them manage and cope with ongoing stress of unresolved family conflict.

10. Radically different but well recognized trauma-based approaches to abuse are as follows: child victims of abuse or witnesses to IPV should be seen individually and together with the parent with whom they feel more safe and secure. They need to be validated, believed, empowered, and treated with trauma-based protocols. The abusive parent must be held accountable; parent–child contact may be supervised or suspended. When the child is ready, repair and restoration of the parent–child relationship can begin, conditional on the perpetrator having been rehabilitated.

By contrast, treatment protocols for the PA child dictate that one must modify or remove the negative influence of the alienating preferred parent, avoid affirming the child’s voice (considered to be distorted perceptions and false memory of critical family events), disempower the child’s inappropriate role in decision-making, and reestablish child contact with the target parent as soon as possible by court order despite the objections of the child.

11. For example, in deciding whether and how to reverse custody, the following distinctions may be relevant depending upon the context and other relevant factors: for a seriously enmeshed child with a dependent, depressed parent, the threat of any separation from the favored parent may be terrifying; a custody reversal is a “parentectomy,” analogous to surgical removal of a body part without anesthesia. Prohibitions against contact with the attached parent threaten psychic integrity of both parent and child, inducing panic and despair. Without protective measures in place, in the worst-case scenario, the child may become self-destructive. On the other hand, providing reassurance and support to the terrified pair within a well-defined plan for the child’s graduated reconnection with the target parent, on condition that they comply, is far more likely to be successful.

For a PA child in an alliance with a parent who is mentally ill or seriously character disordered- paranoid psychotic, narcissistic and sociopathic- a rapid custody reversal and prohibitions against any contact with the disturbed parent may be necessary to protect and rescue the child, and to contain serious acting out including abduction or lethal violence. Third party placement may be needed, at least for the short term, if the target parent is unprepared and needs help to cope with the challenge of having a child transferred to their care.

12. Family systems based therapies (also referred to as multi-modal family therapy)- and other forms of family reintegration therapy (delivered on an “out-patient” basis, or within intensive camp-like group interventions or multi-day interventions with a single family) are being developed as treatment models for what may be mixed cases of alienation, estrangement and

enmeshment. This often includes trauma-informed interventions because there is no way to know for sure what the primary cause is, particularly in the cases that are less severe, and where allegations are unable to be substantiated.

13. Prediction models do not eliminate the necessity of collecting background descriptive data on the population and context of the study (of a single forensic case or sample of cases for treatment evaluation) so that the findings can be carefully extrapolated only to similar situations. Also, there needs to be some documentation of the treatment model in order to compare different interventions using outcome data. Optimally subjects of the study would be a representative sample of the population of study and randomly assigned to different treatments.

14. *Theoretical integration* is a painstaking task of bringing together bodies of hereto previously unrelated research on related phenomena, systematically identifying similarities and reconciling differences in order to produce reformulations of the conceptual ideas and interpretations of data that are compatible with one another. Successful integration can result in a number of advances in the state of research evidence on a subject: expanding the domain of its applicability, providing better measures and methods of research, and extending its usefulness in intervention. Indiscriminate incorporation of whole bodies of social science research within other fields in support of PA constructs and interventions without thoughtful theoretical integration is an indicator of scholar advocacy bias if not ignorance. This means that it is irresponsible to simply declare equivalencies between PA dynamics with other dynamics (for example: PA = emotional abuse; PA = cult behavior; PA = hostage-taking; and PA = pathological attachment) without undertaking the process of theoretical integration.

15. Ironically, the current struggle to legitimize PA concepts and to move from ideological advocacy to respected social science research is reminiscent of the struggles and path pioneered by advocates, practitioners and researchers in IPV and child abuse during prior generations.

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