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### **MD HB 1036: Child Custody**

#### **Cases Involving Child Abuse or Domestic Violence – Training for Judges and Child's Counsel**

Joan T. Kloth-Zanard, Expert in Domestic Violence, Psychological Abuse, Coercive Control & Parental Alienation

While I support the idea of training of the professionals in the family courts, this must also include learning how to assess appropriately for Psychological Abuse, Coercive Control & Parental Alienation. In the 35 years and thousands of cases I have dealt with on Domestic Violence and Parental Alienation, 99% of all of my cases contain false allegations. It is imperative that professionals know how to recognize false allegations from true from the onset so as not to cause further psychological harm to the children.

Furthermore, while every abuse claim needs to be taken seriously, it is also important to acknowledge the potential for false abuse allegations. This applies to DV and to PA. The solution is not to discount either one, but to have training to be able to differentiate between true and false charges. Temporary insanity is a real phenomenon, but it can also be misused. We train people to determine whether it is real or not, we don't get rid of all temporary insanity claims as junk science.

On an additional note, all training must come with some kind of testing to show that the person actually understands the information that was presented with a passing score of not more than 2 wrong. As well, I would hope that these training would have continuing education credits. As well, Simply Parent (a 501c3 Nonprofit) was granted funding already to create assessment training on Coercive Control and Parental Alienation.

#### **Parental Alienating Behaviors are Family Violence**

What is family violence? Family violence refers to all types of abuse that occur in families, including physical, sexual, psychological, and financial abuse, as well as neglect. Organization for Economic Cooperation and Development, 2013; Tolan, Gorman-Smith, & Henry, 2006

What are parental alienating behaviors? Parental alienating behaviors are a parent's persistent use of patterns of behaviors over time to harm the child's relationship with their other parent.

Alienating parents use many different behaviors, such as badmouthing the alienated parent to the child and others, interfering with their contact, and enlisting the child as an "ally" against them. Baker, 2020; Harman, Kruk, & Hines, 2018; Harman & Matthewson, 2020

Parental alienating behaviors are child abuse: Making a child believe a parent abandoned and does not love them, or that the parent is dangerous or bad, is psychological abuse. Alienated children's developmental needs are also often neglected by alienating parents. In severe cases, children need protection from these psychologically abusive behaviors. Baker, 2020; Warshak, 2015

Parental alienating behaviors are intimate partner violence: Parental alienating behaviors are direct and indirect attacks made by an alienating parent toward the alienated parent to harm and control them. The children are used as weapons in these attacks, and they become collateral damage in the process. Domestic violence researchers label these same behaviors as a form of coercive control. Harman, Kruk & Hines, 2018; Harman & Matthewson, 2020

Parental alienating behaviors are coercively controlling: The alienating parent's intent is to manipulate and control the alienated parent's actions and outcomes. The alienated parent experiences negative outcomes if they do not comply with the alienating parent's demands or threats, such as not being able to see their children. The coercively controlling behavior of the alienating parent leads to their having greater control and dominance over the alienated parent, limits their ability to make decisions and be respected, and undermines their parental authority. Hamberger, Larsen, & Lehrner, 2017; Harman & Matthewson, 2020

Most families affected by parental alienation are not "hybrid cases" Compared to other forms of abuse, coercive controlling behaviors are not often reciprocated by the victim. This form of abuse creates power imbalances such that the victim has little power or influence in the family. Describing such families as "hybrids" implies that both parents are to blame—the alienated parent is then blamed for being the victim of the alienating parent's coercive controlling behaviors, when it only takes one person to create a hostile environment. Harman, Leder-Elder, & Biringen, 2019; Hines & Douglas, 2018 February 24, 2021

#### **Parental Alienation is Real.**

**What is PA?** Parental alienation (PA) occurs when a child aligns with one parent and rejects their other parent for reasons that are *not* legitimate. This is different from estrangement, when a child's resistance to have a relationship is for justifiable reasons. ***PA is child psychological abuse.*** Bernet, 2010; Lorandos & Bernet, 2020; Warshak, 2019

**What causes PA?** Abusive parents often use their children as weapons to harm the other parent and manipulate them. Domestic violence researchers call this behavior a form of coercive control. Scientists who study PA call this ***very same behavior*** parental alienating behavior. They are two terms describing the same phenomenon. Harman, Kruk, & Hines, 2018; Harman & Matthewson, 2020

**Is research on PA "scientific?"** Clinical, legal, and scientific evidence on PA has accumulated for over 35 years. There have been over 1,000 scholarly papers published on the topic, and the empirical research on the topic has expanded greatly over the last few years, leading to what has been considered a "blossoming" of the scientific field. Harman, Bernet, & Harman, 2019; Lorandos & Bernet, 2020; Lorandos, 2020; Marques, Narciso, & Ferreira, 2020

**Are there recognized criteria for the diagnosis of PA?** Yes. There is a great deal of conformity among authorities on PA as to there being clear and discernible diagnostic criteria. These criteria are found in a simple Five-Factor Model. Bernet, 2020; Lorandos & Bernet, 2020; Freeman, 2020

**How many children are alienated from a parent?** At least 3.9 million children in the U.S. are moderately to severely alienated from a parent. Other estimates of prevalence produce similar estimates. More than three times as many children in the U.S. are alienated from a parent than there are children with autism. Bernet, 2010; Harman, Leder-Elder, & Biringen, 2019;

**How serious is PA for children?** Parental alienation is a serious form of psychological abuse and results in the same types of outcomes that other abused children experience: stress and adjustment disorders (e.g., PTSD, anxiety), psychosocial problems and externalizing behaviors (e.g., substance abuse, suicidality). Baker & Verrocchio, 2016; Godbout & Parent, 2012; Harman et al., 2018

**How does PA affect alienated parents?** Alienated parents are unable to get closure and have unresolved grief with the loss of their child(ren). They also suffer from being the target of abusive behaviors of the alienating parent. They have high levels of depression, anxiety, and PTSD symptoms, and many become suicidal. Harman et al., 2019; Lee-Maturana, Matthewson, & Dwan, 2020; Poustie, Matthewson, & Balmer, 2018

**What can be done to stop PA?** Legal and professional recognition of the problem (e.g., adding parental alienation to child abuse statutes). Funding for research to promote identification of effective assessment, prevention, and intervention programs. Funding for training of legal and mental health professionals.

### **Myths and Truths about Parental Alienation**

**Myth:** Parental alienation (PA) is just a legal defense used by abusive fathers. **Truth:** In over half of the cases where PA was found to have occurred, there were no allegations of other forms of abuse. Research indicates that mothers and fathers are just as likely to be alienated parents: PA is a form of abuse that does not discriminate based on gender. Harman & Lorandos, 2020; Harman, Leder-Elder, Biringen, 2019

**Myth:** Mothers do not alienate children: They protect them from abusive fathers **Truth:** Parents who use their child as a weapon against the other parent, regardless of gender, are committing psychological abuse when it results in severe PA. There are ways to protect children from abuse without causing psychological harm. Research indicates that there is a double standard to accept and justify a mother's parental alienating behaviors while sanctioning fathers for the same behavior. Harman, Biringen, Ratajack, Outland, & Kraus, 2016; Harman, Kruk, & Hines, 2018

**Myth:** PA should not be recognized because it will be misused by abusers. **Truth:** For any type of abuse, there is always a risk of abusers pretending to be victims. This risk creates the need for clear standards and reliable screening and assessment tools to prevent misuse. The Five-Factor Model provides that standard by requiring that abuse and neglect are not present before PA can be diagnosed. Bernet, 2020; Lorandos & Bernet, 2020

**Myth:** The alienated parent must be abusive for a child to reject them so strongly. **Truth:** Children who are abused by a parent tend to engage in behaviors to preserve and protect the relationship: they do not seek to destroy it. Children in foster care usually yearn for their birth parents and frequently minimize the maltreatment that their birth parents perpetrated against them. The rejection of a healthy parent is not normal and is an outcome that is encouraged and often rewarded by the alienating parent. Baker, Creegan, Quinones, & Rozelle, 2016; Baker, Miller, Bernet, & Adeyaho, 2019

**Myth:** Both parents are responsible for PA. **Truth:** Research on PA is not "scientific" **Truth:** Researchers have found that the alienated parent's behaviors are not typically the cause of the child's rejection. It is the alienating parent's behaviors that are largely responsible for the child's PA, and these behaviors are usually not reciprocated by the alienated parent. Harman et al., 2019; Warshak, 2015

**Myth:** Clinical, legal, and scientific evidence on PA has accumulated for over 35 years. There have been over 1,000 peer-reviewed articles, chapters, and books published on the topic, and the empirical research on the topic has expanded greatly, leading to what has been considered a "blossoming" of the scientific field. Harman, Bernet, & Harman, 2019; Lorandos & Bernet, 2020; Lorandos, 2020

**Myth:** PA theory was created by a "pedophile". **Truth:** Dr. Richard Gardner coined the phrase "parental alienation syndrome." His clinical descriptions of sexually abused children have been

mischaracterized by child abuse and domestic violence advocates to portray him as a pedophile. Such advocates have engaged in ad hominem attacks by taking his writings out of context to further an agenda that denies PA is real. Harman & Lorandos, 2020; Rand, 2013