



1. [Previous article in issue: GUEST EDITORS' INTRODUCTION TO SPECIAL ISSUE ON ALIENATED CHILDREN IN DIVORCE AND SEPARATION: EMERGING APPROACHES FOR FAMILIES AND COURTS](#)
2. [Next article in issue: FAMILY BRIDGES: USING INSIGHTS FROM SOCIAL SCIENCE TO RECONNECT PARENTS AND ALIENATED CHILDREN\\*](#)

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Volume 48, Issue 1

January 2010

Pages 10–47

## CHILDREN RESISTING POSTSEPARATION CONTACT WITH A PARENT: CONCEPTS, CONTROVERSIES, AND CONUNDRUMS

### Authors

- **Barbara Jo Fidler,**

1.

- **Nicholas Bala**

1.

- First published: 15 January 2010 [Full publication history](#)
- DOI: 10.1111/j.1744-1617.2009.01287.x [View/save citation](#)
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[drbarbarafidler@sympatico.ca](mailto:drbarbarafidler@sympatico.ca)

## Abstract

This article provides an overview of the key concepts, themes, issues, and possible mental health and legal interventions related to children's postseparation resistance to having contact with one parent. We maintain that the too often strongly gendered polemic on alienation and abuse is polarizing and needs to be replaced with a more nuanced and balanced discussion that recognizes the complexity of the issues so that the needs of children and families can be better met. This article reviews the historical development of the concept of alienation; discusses the causes, dynamics, and differentiation of various types of parent child contact problems; and summarizes the literature on the impact of alienation on children. These are complex cases. A significant portion of the cases in which alienation is alleged are not in fact alienation cases; for those where alienation is present, interventions will vary depending on the degree of the alienation. More severe alienation cases are unlikely to be responsive to therapeutic or psycho-educational interventions in the absence of either a temporary interruption of contact between the child and the alienating parent or a more permanent custody reversal. We conclude with a summary of recommendations for practice and policy, including the need for early identification and intervention to prevent the development of severe cases, interdisciplinary collaboration and further development and research of interventions.

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## FAMILY BRIDGES: USING INSIGHTS FROM SOCIAL SCIENCE TO RECONNECT PARENTS AND ALIENATED CHILDREN\*

### Authors

- **Richard A. Warshak**

1.

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[warshak@att.net](mailto:warshak@att.net)

## Abstract

This article describes an innovative educational and experiential program, Family Bridges: A Workshop for Troubled and Alienated Parent-Child Relationships™, that draws on social science research to help

severely and unreasonably alienated children and adolescents adjust to court orders that place them with a parent they claim to hate or fear. The article examines the benefits and drawbacks of available options for helping alienated children and controversies and ethical issues regarding coercion of children by parents and courts. The program's goals, principles, structure, procedures, syllabus, limitations, and preliminary outcomes are presented. At the workshop's conclusion, 22 of 23 children, all of whom had failed experiences with counseling prior to enrollment, restored a positive relationship with the rejected parent. At follow-up, 18 of the 22 children maintained their gains; those who relapsed had premature contact with the alienating parent.

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1. [Previous article in issue: EARLY IDENTIFICATION AND PREVENTION OF PARENT-CHILD ALIENATION: A FRAMEWORK FOR BALANCING RISKS AND BENEFITS OF INTERVENTION](#)
2. [Next article in issue: PARENTAL ALIENATION: CANADIAN COURT CASES 1989-2008](#)

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Volume 48, Issue 1

January 2010

Pages 153-163

### ALIENATING AUDIENCES FROM INNOVATION: THE PERILS OF POLEMICS, IDEOLOGY, AND INNUENDO

#### Authors

- **Richard A. Warshak**

1.

- First published: 15 January 2010 [Full publication history](#)
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- Cited by (CrossRef): 4 articles [Check for updates](#)
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[warshak@att.net](mailto:warshak@att.net)

## Abstract

When judging innovative programs like Family Bridges™, it is important to balance careful scrutiny with openness to new ideas. Judicial responses to children who reject a parent are best governed by a multifactor individualized approach. A presumption that allows children and one parent to regulate the other parent's access to the children is unsupported by research. A custody decision based solely on the severity of alienation leaves children vulnerable to intensification of efforts to poison their affections toward a parent. Concern with possible short-term distress for some children who are required to repair a damaged relationship should not blind us to the long-term trauma of doing nothing. Professionals are urged to minimize the infusion of polemics, rigid ideology, and rumors when offering opinions with inadequate information, particularly public statements that risk harming children.

## FAMILY COURT REVIEW

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1. [Previous article in issue: COMMENTARY ON "FAMILY BRIDGES: USING INSIGHTS FROM SOCIAL SCIENCE TO RECONNECT PARENTS AND ALIENATED CHILDREN" \(WARSHAK, 2010\)](#)
2. [Next article in issue: WHEN A CHILD REJECTS A PARENT: TAILORING THE INTERVENTION TO FIT THE PROBLEM](#)

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Volume 48, Issue 1

January 2010

Pages 91–97

## HELPING ALIENATED CHILDREN WITH FAMILY BRIDGES: PRACTICE, RESEARCH, AND THE PURSUIT OF “HUMBITION”

### Authors

- **Richard A. Warshak,**

1.

- **Mark R. Otis**

1.

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- DOI: 10.1111/j.1744-1617.2009.01290.x [View/save citation](#)
- Cited by (CrossRef): 6 articles [Check for updates](#)
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[warshak@att.net](mailto:warshak@att.net)

### Abstract

This article briefly summarizes and responds to feedback offered by Joan Kelly regarding Family Bridges: A Workshop for Troubled and Alienated Parent–Child Relationships™. We emphasize principles that promote an educational atmosphere, as opposed to a therapeutic one, and the court's role in contributing to successful interventions with severely alienated children. Among the considerations discussed are: working with favored parents, economic comparisons of Family Bridges with counseling approaches, modifying the program for use in prevention and with milder cases of alienation, and issues related to training additional team leaders and conducting outcome research.

[The Child's Attorney and the Alienated Child: Approaches to Resolving the Ethical Dilemma of Diminished Capacity](#)

FAMILY COURT REVIEW

Volume 51, Issue 2, April 2013, Pages: 330–343, Jamie Rosen

Version of Record online : 25 APR 2013, DOI: 10.1111/fcre.12030

- [Abstract](#)
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[PARENTAL ALIENATION AND THE DYNAMICS OF THE ENMESHED PARENT–CHILD DYAD: ADULTIFICATION, PARENTIFICATION, AND INFANTILIZATION](#)

FAMILY COURT REVIEW

Volume 49, Issue 2, April 2011, Pages: 322–335, Benjamin D. Garber

Version of Record online : 6 APR 2011, DOI: 10.1111/j.1744-1617.2011.01374.x

- [Abstract](#)
- [Article](#)
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[SHOULD JUDGES CLOSE THE GATE ON PAS AND PA?](#)

FAMILY COURT REVIEW

Volume 39, Issue 3, July 2001, Pages: 267–281, Justice R. James Williams

Version of Record online : 15 MAR 2005, DOI: 10.1111/j.174-1617.2001.tb00610.x

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**COMMENTARY ON KELLY AND JOHNSTON'S "THE ALIENATED CHILD: A REFORMULATION OF PARENTAL ALIENATION SYNDROME"**

**FAMILY COURT REVIEW**

Volume 42, Issue 4, October 2004, Pages 611-621, Richard A. Gardner

Version of Record online: 15 JAN 2005, DOI: 10.1111/j.1741-1617.2004.tb01627.x

- **Abstract**

- **Article**

- **PDF(823K)**

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- **References**

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- Editor's Note: *Dr. Gardner passed away in May 2003. This article was written before his death. Additional light copyediting was provided to prepare it for publication by his former assistant Donna La Tourette, as well as by Richard A. Warshak, Ph.D. Sanford Braver, Ph.D., also provided editorial comments.*

## Abstract

In a previous issue of this journal, Joan B. Kelly and Janet R. Johnston describe their reformulation of the parental alienation syndrome (PAS). Here, I present areas in which I agree with the authors and areas in which I disagree. Particular focus is placed on these PAS-related issues: the syndrome question, PAS versus parental alienation, the medical model, custodial transfer, gender bias, *DSM-IV*, empirical studies, and the misapplication of PAS.

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## [THE ALIENATED CHILD: A Reformulation of Parental Alienation Syndrome](#)

### FAMILY COURT REVIEW

Volume 39, Issue 3, July 2001, Pages: 249–266, Joan B. Kelly and Janet R. Johnston

Version of Record online : 15 MAR 2005, DOI: 10.1111/j.174-1617.2001.tb00609.x

- [Abstract](#)
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## [REJOINDER TO GARDNER'S "COMMENTARY ON KELLY AND JOHNSTON'S 'THE ALIENATED CHILD: A REFORMULATION OF PARENTAL ALIENATION SYNDROME'"](#)

### FAMILY COURT REVIEW

Volume 42, Issue 4, October 2004, Pages: 622–628, Janet R. Johnston and Joan B. Kelly

Version of Record online : 15 MAR 2005, DOI: 10.1111/j.174-1617.2004.tb01328.x

- [Abstract](#)
- [Article](#)
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- Authors' Note: *The research reported in this Commentary was made possible by a grant to the first author from the Amini Foundation for the Study of Affects.*

#### **Abstract**

In this reply to Richard Gardner, we outline our points of disagreement with his formulation of parental alienation syndrome (PAS), showing that his focus on the alienating parent as the primary cause of children's negative attitudes and rejecting behavior toward the other parent is overly simplistic and not supported by findings from recent empirical research. It follows that we strongly object to Gardner's recommendations for legal and mental health interventions with alienated children as well as the use of the term *PAS* when referring to this problem.

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**EARLY IDENTIFICATION AND PREVENTION OF PARENT-CHILD ALIENATION: A FRAMEWORK FOR  
BALANCING RISKS AND BENEFITS OF INTERVENTION**

FAMILY COURT REVIEW

Volume 48, Issue 1, January 2010, Pages: 136–152, Peter G. Jaffe, Dan Ashbourne and Alfred A. Mamo

Version of Record online : 15 JAN 2010, DOI: 10.1111/j.1744-1617.2009.01294.x

- **Abstract**
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**PARENTAL ALIENATION: CANADIAN COURT CASES 1989–2008**

FAMILY COURT REVIEW

Volume 48, Issue 1, January 2010, Pages: 164–179, Nicholas Bala, Suzanne Hunt and Carolyn McCarney

Version of Record online : 15 JAN 2010, DOI: 10.1111/j.1744-1617.2009.01296.x

- **Abstract**
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**THE (DE)CONSTRUCTION OF CONFLICT IN DIVORCE LITIGATION: A DISCURSIVE CRITIQUE OF  
“PARENTAL ALIENATION SYNDROME” AND “THE ALIENATED CHILD”**

FAMILY COURT REVIEW

Volume 44, Issue 1, January 2006, Pages: 135–148, G. Kim Blank and Tara Ney

Version of Record online : 10 FEB 2006, DOI: 10.1111/j.1744-1617.2006.00072.x

- **Abstract**
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## **MEDIATION AND PARENTAL ALIENATION SYNDROME**

### **FAMILY COURT REVIEW**

Volume 37, Issue 4, October 1999, Pages: 487–503, Anita Vestal

Version of Record online : 15 MAR 2005, DOI: 10.1111/j.174-1617.1999.tb00548.x

- **Abstract**
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## **CONCEPTUALIZING VISITATION RESISTANCE AND REFUSAL IN THE CONTEXT OF PARENTAL CONFLICT, SEPARATION, AND DIVORCE**

### **FAMILY COURT REVIEW**

Volume 45, Issue 4, October 2007, Pages: 588–599, Benjamin D. Garber

Version of Record online : 25 JUL 2007, DOI: 10.1111/j.1744-1617.2007.00173.x

- **Abstract**
  - **Article**
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## **WHEN A CHILD REJECTS A PARENT: TAILORING THE INTERVENTION TO FIT THE PROBLEM**

### **FAMILY COURT REVIEW**

Volume 48, Issue 1, January 2010, Pages: 98–111, Steven Friedlander and Marjorie Gans Walters

Version of Record online : 15 JAN 2010, DOI: 10.1111/j.1744-1617.2009.01291.x

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## [ASSESSING FOR ALIENATION IN CHILD CUSTODY AND ACCESS EVALUATIONS](#)

### [FAMILY COURT REVIEW](#)

Volume 39, Issue 3, July 2001, Pages: 282–298, S. Margaret Lee and Nancy W. Olesen

Version of Record online : 15 MAR 2005, DOI: 10.1111/j.174-1617.2001.tb00611.x

- [Abstract](#)
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## [LEGAL AND PSYCHOLOGICAL MANAGEMENT OF CASES WITH AN ALIENATED CHILD](#)

### [FAMILY COURT REVIEW](#)

Volume 39, Issue 3, July 2001, Pages: 299–315, Matthew J. Sullivan and Joan B. Kelly

Version of Record online : 15 MAR 2005, DOI: 10.1111/j.174-1617.2001.tb00612.x

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## [COMMENTARY ON “FAMILY BRIDGES: USING INSIGHTS FROM SOCIAL SCIENCE TO RECONNECT PARENTS AND ALIENATED CHILDREN” \(WARSHAK, 2010\)](#)

### [FAMILY COURT REVIEW](#)

Volume 48, Issue 1, January 2010, Pages: 81–90, Joan B. Kelly

Version of Record online : 15 JAN 2010, DOI: 10.1111/j.1744-1617.2009.01289.x

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## [ASSESSING MUTUAL PARTNER-ABUSE CLAIMS IN CHILD CUSTODY AND ACCESS CASES](#)

### [FAMILY COURT REVIEW](#)

Volume 42, Issue 3, July 2004, Pages: 411–438, Linda C. Neilson

Version of Record online : 15 MAR 2005, DOI: 10.1111/j.174-1617.2004.tb00661.x

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### [RESISTANCE TO VISITATION](#)

#### FAMILY COURT REVIEW

Volume 40, Issue 2, April 2002, Pages: 220–231, Jo-Anne M. Stoltz and Tara Ney

Version of Record online : 15 MAR 2005, DOI: 10.1111/j.174-1617.2002.tb00833.x

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### [RESISTANCE TO VISITATION](#)

#### FAMILY COURT REVIEW

Volume 40, Issue 2, April 2002, Pages: 220–231, Jo-Anne M. Stoltz and Tara Ney

Version of Record online : 15 MAR 2005, DOI: 10.1111/j.174-1617.2002.tb00833.x

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#### Abstract

The authors argue that current formulations of the problem of resistance to visitation in separation and divorce are conceptually weak because they fail to take into account the adversarial influence of the legal paradigm. First- and second-order change theory is used to clarify the problem, and a new formulation is proposed that shifts the focus from the parent and/or child exclusively to the resistance dynamic as a whole. General guidelines for intervention are proposed based on a holistic, participatory model that takes into account the tensions involved in working toward compliance while upholding the best interests of the child.

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### [A THERAPIST'S VIEW OF PARENTAL ALIENATION SYNDROME](#)

#### FAMILY COURT REVIEW

Volume 33, Issue 3, July 1995, Pages: 308–316, Mary Lund

Version of Record online : 15 MAR 2005, DOI: 10.1111/j.174-1617.1995.tb00373.x

- [Abstract](#)
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## [PARTNERS IN THE PROCESS: HOW ATTORNEYS PREPARE THEIR CLIENTS FOR CUSTODY EVALUATIONS AND LITIGATION](#)

### FAMILY COURT REVIEW

Volume 49, Issue 4, October 2011, Pages: 750–759, James N. Bow, Michael C. Gottlieb, Hon. Dianna J. Gould-Saltman and Lesly Hendershot

Version of Record online : 10 OCT 2011, DOI: 10.1111/j.1744-1617.2011.01411.x

- [Abstract](#)
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#### Abstract

We surveyed 113 family attorneys regarding what they did to prepare their clients for child custody evaluations and litigation. Findings revealed that participants saw child custody evaluations as useful on a variety of levels and effective in settling cases. In general, participants reported using professionally acceptable procedures, appropriately advocated for their clients, and dealt with complaints in a reasonable fashion. Referrals to mental health professionals in advance of a child custody evaluation were generally made to provide support rather than for evaluation or test preparation. Work product reviews by mental health consultants were infrequent, although such reviews were seen as highly useful by those who used them. Lastly, participants reported that allegations of parental alienation and domestic violence were often used to gain leverage in custody cases. Implications for practice are discussed for both attorneys and evaluators.

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## [Cognitive-Behavioral Methods in High-Conflict Divorce: Systematic Desensitization Adapted to Parent–Child Reunification Interventions](#)

### FAMILY COURT REVIEW

Volume 53, Issue 1, January 2015, Pages: 96–112, Benjamin D. Garber

Version of Record online : 16 JAN 2015, DOI: 10.1111/fcre.12133

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## [The Role of Social Science in Australian Family Law: Collaborator, Usurper or Infiltrator?](#)

FAMILY COURT REVIEW

Volume 52, Issue 1, January 2014, Pages: 69–89, Zoe Rathus

Version of Record online : 19 FEB 2014, DOI: 10.1111/fcre.12071

- [Abstract](#)
- [Article](#)
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### Abstract

This article explores the somewhat ambiguous relationship between family law decision making and social science research in contemporary Australian family law. It follows the history of social scientists and social science research in the current family law system since its commencement in 1976 and sets this against the changing socio-legal climate of the four decades covered. It demonstrates that, while social science research has been of critical importance to the progress of family law, its use by judicial decision makers raises questions about the contested, shifting, and selective nature of the content and the absence of any legal basis by which these extrinsic materials could be received. Extensive referencing of social science research by some judicial officers in recent years has triggered appellate authority disapproving its use. It is argued that there is growing uncertainty in the relationship between the disciplines of social science and law in the family law system and that steps should be taken to begin resolving this.

### Keypoints

- Role of social science in family law
  - Analysis of Australian family law cases that use social science research
  - Use of extrinsic materials by judges
  - Fathers' rights' groups
  - Shared parenting debate
  - Use of attachment theory in courts
-

## [THERAPEUTIC WORK WITH ALIENATED CHILDREN AND THEIR FAMILIES](#)

### FAMILY COURT REVIEW

Volume 39, Issue 3, July 2001, Pages: 316–333, Janet R. Johnston, Marjorie Gans Walters and Steven Friedlander

Version of Record online : 15 MAR 2005, DOI: 10.1111/j.174-1617.2001.tb00613.x

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## [ALLEGATIONS AND SUBSTANTIATIONS OF ABUSE IN CUSTODY-DISPUTING FAMILIES](#)

### FAMILY COURT REVIEW

Volume 43, Issue 2, April 2005, Pages: 283–294, Janet R. Johnston, Soyoung Lee, Nancy W. Olesen and Marjorie G. Walters

Version of Record online : 3 MAY 2005, DOI: 10.1111/j.1744-1617.2005.00029.x

- [Abstract](#)
- [Article](#)
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#### Abstract

In this study of 120 divorced families referred for child custody evaluations and custody counseling, multiple allegations of child abuse, neglect, and family violence were raised in the majority of cases. About half of the alleged abuse was substantiated in some way with one fourth involving abuse perpetrated by both parents. Different kinds of allegations were raised against mothers compared with fathers. Implications of these findings for social policy, family court interventions, and the provision of coordinated services within the community are discussed.

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## [When a Child Rejects a Parent: Working With the Intractable Resist/Refuse Dynamic](#)

### FAMILY COURT REVIEW

Volume 54, Issue 3, July 2016, Pages: 424–445, Marjorie Gans Walters and Steven Friedlander

Version of Record online : 6 JUL 2016, DOI: 10.1111/fcre.12238

- [Abstract](#)
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## [ALIENATING AUDIENCES FROM INNOVATION: THE PERILS OF POLEMICS, IDEOLOGY, AND INNUENDO](#)

### FAMILY COURT REVIEW

Volume 48, Issue 1, January 2010, Pages: 153–163, Richard A. Warshak

Version of Record online : 15 JAN 2010, DOI: 10.1111/j.1744-1617.2009.01295.x

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## [CHILD CUSTODY EVALUATIONS](#)

### FAMILY COURT REVIEW

Volume 32, Issue 4, October 1994, Pages: 466–489, Chery Hysjulien, Barbara Wood and G. Andrew H. Benjamin

Version of Record online : 15 MAR 2005, DOI: 10.1111/j.174-1617.1994.tb01082.x

- [Abstract](#)
- [Article](#)
- [PDF\(1454K\)](#)
- [References](#)
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#### Abstract

Judicial and legal changes in divorce rules and precedents over the last two decades have led to increasing involvement by mental health professionals in child custody disputes. This involvement usually entails an evaluation of the child and parents, along with a recommendation to the court regarding custody. To date, there is little empirical evidence supporting the efficacy of methods typically used by professionals in making recommendations to the court. This article presents a review of assessment methods currently used in resolving child custody disputes. It also reviews the limited number of outcome studies on child custody evaluation and methods used in litigation and mediation.

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## [Proponents Bear the Burden of Proof](#)

### FAMILY COURT REVIEW

Volume 43, Issue 1, January 2005, Pages: 8–13, Robert E. Emery

Version of Record online : 18 FEB 2005, DOI: 10.1111/j.1744-1617.2005.00002.x

- [Abstract](#)
- [Article](#)
- [PDF\(70K\)](#)
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#### Abstract

Richard Gardner claimed to be able to diagnose parental alienation among contentious parents disputing custody, and asserted that his “syndrome” is supported by scientific and legal authority. Despite influencing many custody proceedings, Gardner's ideas fail to meet even minimal scientific standards. The burden of proving any new hypothesis falls on its proponents, and given the complete absence of objective replication, parental alienation syndrome (PAS) must be viewed as nothing more than a hypothesis. The lack of clear guidance in the law allows concepts like PAS to gain temporary credibility, as judges look to mental health professionals for help in making decisions under the vague best interests standard.

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## [Crossover Cases of High-Conflict Families Involving Child Protection Services: Ontario Research Findings and Suggestions for Good Practices](#)

### FAMILY COURT REVIEW

Volume 55, Issue 3, July 2017, Pages: 362–374, Claire Houston, Nicholas Bala and Michael Saini

Version of Record online : 17 AUG 2017, DOI: 10.1111/fcre.12289

- [Abstract](#)
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#### Abstract

Child protection services (CPS) are increasingly becoming involved in high-conflict separations and the related custody and access proceedings. CPS involvement is often necessary to respond to abuse or neglect allegations or protect children from emotional harm. However, these crossover cases are very challenging for family justice professionals. This article reports on research on crossover cases in Ontario, including an analysis of reported court decisions, a survey of CPS staff, and interviews with family justice professionals. We suggest clearer CPS policies; improved understanding of respective professional roles; CPS summary

reports for family courts; increased interagency coordination, communication, and training; and use of judicial case management.

### [THE FORGOTTEN BONDS: THE ASSESSMENT AND CONTEMPLATION OF SIBLING ATTACHMENT IN DIVORCE AND PARENTAL SEPARATION](#)

FAMILY COURT REVIEW

Volume 49, Issue 1, January 2011, Pages: 46–58, David M. Shumaker, Christopher Miller, Carolyn Ortiz and Robin Deutsch

Version of Record online : 18 JAN 2011, DOI: 10.1111/j.1744-1617.2010.01352.x

- [Abstract](#)
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### [Family Life, Parental Separation, and Child Custody in Canada: a Focus on Quebec](#)

FAMILY COURT REVIEW

Volume 51, Issue 4, October 2013, Pages: 522–541, Francine Cyr, Gessica Di Stefano and Bertrand Desjardins

Version of Record online : 21 OCT 2013, DOI: 10.1111/fcre.12050

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### [Commentary on Entrenched Postseparation Parenting Disputes: The Role of Interparental Hatred](#)

FAMILY COURT REVIEW

Volume 55, Issue 3, July 2017, Pages: 424–429, Janet R. Johnston

Version of Record online : 17 AUG 2017, DOI: 10.1111/fcre.12290

- [Abstract](#)
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## [Planning for Children and Resolving Custodial Disputes: A Comment on the Think Tank Report](#)

### FAMILY COURT REVIEW

Volume 52, Issue 2, April 2014, Pages: 200–206, Elizabeth S. Scott

Version of Record online : 21 APR 2014, DOI: 10.1111/fcre.12084

- [Abstract](#)
- [Article](#)
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#### Abstract

This comment praises the report from the AFCC Think Tank on Research, Policy, Practice, and Shared Parenting for its support for separating parents' active role in custody planning, its emphasis on both parents' involvement in postdissolution parenting when cooperation is possible and also its recognition of the destructive impact on children of interparental conflict. The comment also commends the report's highlighting the importance of social science research in informing policy in the area, while recognizing that research has little utility in resolving individual cases and is often subject to misuse both in courts and in the policy arena. My primary criticism of the report is its endorsement of the best interest of the child standard as the basis of individualized decisions by judges when parents fail to agree on custody plans. I argue that the application of the best interest standard is in tension with the goals and values of the report, promoting conflict between parents by inviting them to offer evidence of each other's deficiencies, undermining their future cooperation, and encouraging judges to rely inappropriately on mental health professionals who have little expertise to offer in this setting. Instead, I argue that the American Law Institute's (ALI) approximation standard, which allocates parents' future time sharing on the basis of their past roles, is more compatible with the report's goals. The ALI standard promotes parental involvement and cooperation, reduces conflict, and deters the inappropriate use of expert testimony and of weak social science research evidence.

#### Key Points for the Family Court Community:

- Parental cooperation and shared involvement in parenting postdissolution promotes children's welfare.
- Parental planning and decision making about their children's custody usually furthers this goal.
- For parents who cannot agree on custody, the application of the best interest of the child standard is likely to undermine future cooperation.
- The American Law Institute's approximation standard is more likely than the best interest standard to further the goals of the Think Tank report.

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## **THE BENEFITS AND RISKS OF CHILD CUSTODY EVALUATORS MAKING RECOMMENDATIONS TO THE COURT:**

### **FAMILY COURT REVIEW**

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## **PARENT-CHILD OBSERVATIONS IN CUSTODY EVALUATIONS**

### **FAMILY COURT REVIEW**

Volume 41, Issue 2, April 2003, Pages: 214–223, Daniel J. Hyman

Version of Record online : 15 MAR 2005, DOI: 10.1111/j.174-1617.2003.tb00885.x

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#### **Abstract**

Child custody evaluators need to increase the scientific foundations of their work, both for the benefit of clients and to address criticisms of the field. Observations of parents with children potentially yield huge amounts of data, and it is important for evaluators to consistently apply scientific and professional principles to make sense of all that information. Recommendations for observation sessions are made that integrate theory, research, and practice. These recommendations include the most important interactional dimensions

to focus on, which family members to have present, the optimal level of stress, the number of sessions needed, and considerations about home visits.

## **HIGH-CONFLICT CONTACT DISPUTES: EVIDENCE OF THE EXTREME UNRELIABILITY OF SOME CHILDREN'S ASCERTAINABLE WISHES AND FEELINGS**

### **FAMILY COURT REVIEW**

Volume 49, Issue 4, October 2011, Pages: 788–800, Kirk Weir

Version of Record online : 10 OCT 2011, DOI: 10.1111/j.1744-1617.2011.01414.x

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#### **Abstract**

This article challenges an increasing orthodoxy regarding the weight which courts might place upon the expressed views of children in a specific situation—high-conflict contact disputes. **I am a child psychiatrist who acts as an expert witness within the family courts of England & Wales.** I have conducted a statistical analysis of cases in which I have conducted assessments of children caught in such disputes between their separated parents. Fifty-eight children met the criteria for inclusion in the study—the child's consistent opposition to contact with the non resident parent (NRP), despite the court having determined that there was no good reason to constrain contact. My assessment routinely included attempted observation of the child at a visit with the NRP. Despite their stated views most children had a positive experience in those visits that took place, and despite the fact that most had not seen the NRP for a long time. Overall there was a statistical association between increased resistance to contact and the greater age of the child and the longer the time during which no contact had occurred. However, the responses of children and young people were unpredictable and it was impossible to conclude that apparent maturity or intelligence was a guide to the reliability of their expressed resistance. The possible reasons for this unreliability are discussed. I emphasize that my sample of children is unusual as many of the cases had involved serious, though unfounded, allegations of abuse. In addition most of the children showed indications of having become “alienated” from the NRP. I conclude that courts might exercise caution when evaluating the views of children and young people in this situation, and emphasises that assessors should consider including at least one observation of the child at a prolonged visit to the NRP. Because of the new orthodoxy some parents may be tempted to misuse their child's right to a “voice” in court in order to achieve their own ends. Practitioners who advise courts may need to be more aware of these difficulties.

## **EVIDENTIARY ISSUES WITH PARENTAL ALIENATION SYNDROME**

### **FAMILY COURT REVIEW**

Volume 39, Issue 3, July 2001, Pages: 334–343, Lewis Ziropiannis

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#### **Abstract**

Expert testimony on unsubstantiated social science syndromes such as the Parental Alienation Syndrome (PAS) has been increasingly admitted in courtrooms across the United States. This is a problem because a trier of fact is making a determination based on theories that are inaccurate or incorrect. To remedy this, the standards of admissibility for expert testimony must be heightened. The broad discretion given to trial judges in determining admissibility should be reevaluated and a new rule of evidence for social science testimony should be adopted.

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July 2010

Pages 403–416

## **TOWARD THE DIFFERENTIATION OF HIGH-CONFLICT FAMILIES: AN ANALYSIS OF SOCIAL SCIENCE RESEARCH AND CANADIAN CASE LAW**

### **Authors**

- [Rachel Birnbaum](#),
  - 1.
- [Nicholas Bala](#)
  - 1.
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[rbirnbaum@uwo.ca](mailto:rbirnbaum@uwo.ca); [bala@queensu.ca](mailto:bala@queensu.ca)

### **Abstract**

Social science research and the courts have begun to recognize the special challenges posed by “high-conflict” separations for children and the justice system. The use of “high conflict” terminology by social science researchers and the courts has increased dramatically over the past decade. This is an important development, but the term is often used vaguely and to characterize very different types of cases. An analysis of Canadian case law reveals that some judges are starting to differentiate between various degrees and types of high conflict. Often this judicial differentiation is implicit and occurs

without full articulation of the factors that are taken into account in applying different remedies. There is a need for the development of more refined, explicit analytical concepts for the identification and differentiation of various types of high conflict cases. Empirically driven social science research can assist mental health professionals, lawyers and the courts in better understanding these cases and providing the most appropriate interventions. As a tentative scheme for differentiating cases, we propose distinguishing between high conflict cases where there is: (1) poor communication; (2) domestic violence; and (3) alienation. Further, there must be a differentiation between cases where one parent is a primary instigator for the conflict or abuse, and those where both parents bear significant responsibility.

# THE KIDS' TURN PROGRAM EVALUATION: PROBING CHANGE WITHIN A COMMUNITY-BASED INTERVENTION FOR SEPARATING FAMILIES

## Authors

- [Jeffrey T. Cookston](#),  
1.
- [Wenson W. Fung](#)  
1.
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[cookston@sfsu.edu](mailto:cookston@sfsu.edu);

[wfung002@ucr.edu](mailto:wfung002@ucr.edu)

## Abstract

We provide evaluation results for Kids' Turn, a community-based divorcing parent education program. Based on pre- and post-test results from 61 parents, we found that parents reported improvements over time in interparental conflict, the number of topics parents argue about, parental alienation behaviors, parent anxiety and depression, and children's internalizing behaviors. These changes over time remained after we accounted for child sex, parent and child age, and time since separation. However, we did not observe any change in parenting behaviors. We discuss these results in light of factors influencing the ability of community-based programs to affect change in families after divorce.