



A recent article entitled “When A Client Files Suit”, in the Family Advocate, published by the ABA Section of Family Law, Spring 2005, Vol. 27, No. 4, brought to mind to potential problems of working with high conflict families. Attorney’s may need to be particularly cautious when working with families with children diagnosed with Parental Alienation Syndrome (PAS). Let’s look at how this may evolve.

Generally speaking attorneys strive to provide honest and professional representation of their clients, especially those engaged in divorce cases. Family attorneys are constantly dealing with highly emotional clients, aggressive adversaries and judicial staffs under constant pressure to process cases. Family attorneys are really on the front lines in what at times appears to be an all out battle in the court room.

There is a trend emerging, however, to raise the stakes in the “wars.” Lawyers are being pitted against their clients or third parties in actions that arise from their roles as divorce litigators. Clients can turn hostile and become adversaries of their lawyers and bring legal action.

A particular concern may come under a “failure to warn of intended abuse”. A situation could possibly arise, under certain circumstances, where an attorney can be guilty of negligence in a breach of duty that results in harm or damage to another. A duty may exist to protect a third party from a clients’ intended child abuse. Revealing the clients’ admission of prior abuse or criminal activity generally is prohibited by lawyer-client confidentiality. However, a duty may exist to warn a third party for immediate and impending violent action or abuse against a child. The attorney-client privilege was deemed not to apply to a New Jersey attorney after he had learned that his client had a propensity to engage in continuing child abuse. New Jersey Supreme Court Advisory Committee on Professional Ethics, Op.280 Supp. 97 N.J.L.J. 753 (1974). The article presented the possibility that a victim of abuse may have a negligence action against an attorney who fails to warn of any immediate, likely assault. The duty of an attorney may require reporting of the danger or threat to law enforcement on an emergent basis.

Well, how does this relate to Parental Alienation Syndrome (PAS) in Florida. An examination of the Chapter 39 Proceedings Relating To Children may be revealing. The purpose of the chapter is to provide for the care, safety and protection of children that fosters healthy development and to promote the health and well-being of all children. Paragraph (3), entitled General Protections for Children, specifically states that “it is a purpose of the Legislature that the children of this state be provide with the following protections: (a) protection from abuse, abandonment, neglect and exploitation, (b) a permanent and stable home, (c) a safe and nurturing environment which will preserve a sense of personal dignity and integrity, (d) adequate nutrition, shelter and clothing, (e) effective treatment to address physical, social and emotional needs, regardless of

geographical location, (f) equal opportunity and access to quality and effective education, which will meet the individual needs of each child and to recreation and other community resources to develop individual abilities, (g) access to preventive services, (h) an independent, trained advocate, when intervention is necessary and a skilled guardian or caregiver in a safe environment when alternative placement is necessary. In addition, paragraph (6) discusses that the intent of Legislature that a comprehensive approach for the prevention of abuse, abandonment and neglect of children be developed for the state. The definitions of abuse are presented in 39.01 (2). Specifically, Abuse means any willful act or threatened act that results in any physical, mental or sexual injury or harm that causes or is likely to cause the child's physical, mental or emotional health to be significantly impaired. Abuse of a child includes acts or omissions, Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in it self constitute abuse when it does not results in harm to the child.

PAS can be the linking factor. First a brief review of PAS. In a recent article in The Florida Bar Journal, Vol. 73, No. 3, March 1999, by Dr. J. Michael Bone and Michael R. Walsh, entitled Parental Alienation Syndrome: How To Detect It and What To Do About The authors describe four very specific criteria to identify potential PAS. In most instances, these criteria can be identified through the facts of the case, but also can be revealed by deposition or court testimony. More importantly they introduced the concept of "attempted" PAS; that is when the criteria of PAS are present, but the child is not successfully alienated from the absent parent. The authors caution that this phenomenon is still quite harmful and the fact of children not being alienated should not be viewed as neutral by the court.

Any attempt at alienating the children from the other parent should be seen as a direct and willful violation of one of the prime duties of parenthood.

**Criteria I: Access and Contact Blocking**. This involves the active blocking of access or contact between the child and the absent parent. The rationale used to justify it may well take many different forms. One of the most common is that of protection. It may be argued that the absent parent's parental judgment is inferior and, therefore, the child is much worse off from the visit. In extreme cases, this will take the form of allegations of child abuse, quite often sexual abuse. On a more subtle and common level, an argument heard for the blocking of visitation is that seeing the absent parent is "unsettling" to the child, and that they need time "to adjust." The message here is that the absent parent is treated less like a key family member and more like an annoying acquaintance that the child must see at times. Over time, this pattern can have a seriously erosive effect on the child's relationship with the absent parent. This is beginning to sound like an abusive situation. An even more subtle expression of this is that the visitation is "inconvenient," thereby relegating it to the status of an errand or chore. Again the result is the erosion of the relationship between the child and the absent or "target" parent. One phenomenon often seen in this context is that any deviation from the schedule is used as a reason to cancel visitation entirely.

The common thread to all of these tactics is that one parent is superior and the other is not and, therefore, should be peripheral to the child's life. The alienating parent in these circumstances is acting inappropriately as a gatekeeper for the child to see the absent parent. When this occurs for periods of substantial time, the child is given the unspoken but clear message that one parent is senior to the other. Younger children are more vulnerable to this message and tend to take it uncritically; however, one can always detect elements of it echoed even into the teenage years. The important concept here is that each parent is given the responsibility to promote a positive relationship with the other parent. When this principle is violated in the context of blocking access on a consistent basis, one can assume that Criteria I has been, unmistakably identified.

**Criteria II: Unfounded Abuse Allegations.** The second criterion is related to false or unfounded accusations of abuse against the absent parent. The most strident expression of this is the false accusation of sexual abuse.(4) It has been well studied that the incident of false allegations of sexual abuse account for over half of those reported, when the parents are divorcing or are in conflict over some post dissolution issue.(5) This is especially the situation with small children who are more vulnerable to the manipulations implied by such false allegations. When the record shows that even one report of such abuse is ruled as unfounded, the interviewer is well advised to look for other expressions of false accusations.

Other examples of this might be found in allegations of physical abuse that investigators later rule as being unfounded. Interestingly our experience has been that there are fewer false allegations of physical abuse than of other forms of abuse, presumably because physical abuse leaves visible evidence. It is, of course, much easier to falsely accuse someone of something that leaves no physical sign and has no third party witnesses.

A much more common expression of this pattern would be that of what would be termed emotional abuse. When false allegations of emotional abuse are leveled, one often finds that what is present is actually differing parental judgment that is being framed as "abusive" by the absent parent. For example, one parent may let a child stay up later at night than the other parent would, and this scheduling might be termed as being "abusive" or "detrimental" to the child. Or one parent might introduce a new "significant other" to the child before the other parent believes that they should and this might also be called "abusive" to the child. Alternatively one parent might enroll a child in an activity with which the other parent disagrees and this activity is, in actuality, a difference of parental opinion that is now described as being abusive in nature. These examples, as trivial as they seem individually, may be suggestive of a theme of treating parental difference in inappropriately subjective judgmental terms. If this theme is present, all manner of things can be described in ways that convey the message of abuse, either directly or indirectly. When this phenomenon occurs in literally thousands of different ways and times, each of which seems insignificant on its own, the emotional atmosphere that it creates carries a clearly alienating effect on the child.

Obviously, this type of acrimony is very common in dissolution actions but such conflict should not necessarily be mistaken or be taken as illustrative of the PAS syndrome; however, the criteria is clearly present and identifiable

when the parent is eager to hurl abuse allegations, rather than being cautious, careful, and even reluctant to do so. This latter stance is more in keeping with the parent's responsibility to encourage and affirmatively support a relationship with the other parent. The responsible parent will only allege abuse after he or she has tried and failed to rationalize why the issue at hand is not abusive. Simply put, the responsible parent will give the other parent the benefit of the doubt when such allegations arise. He or she will, if anything, err on the side of denial, whereas the alienating parent will not miss an opportunity to accuse the other parent. When this theme is present in a clear and consistent way, this criteria for PAS is met.

**Criteria III: Deterioration in Relationship Since Separation.** The third of the criteria necessary for the detection of PAS is probably the least described or identified, but critically is one of the most important. It has to do with the existence of a positive relationship between the minor children and the now absent or nonresidential parent, prior to the marital separation; and a substantial deterioration, of it since then. Such a recognized decline does not occur on its own. It is, therefore, one of the most important indicators of the presence of alienation as well as a full measure of its relative "success." By way of example, if a father had a good and involved relationship with the children prior to the separation, and a very distant one since, then one can only assume without explicit proof to the contrary that something caused it to change. If this father is clearly trying to maintain a positive relationship with the children through observance of visitation and other activities and the children do not want to see him or have him involved in their lives, then one can only speculate that an alienation process may have been in operation. Children do not naturally lose interest in and become distant from their nonresidential parent simply by virtue of the absence of that parent. Also, healthy and established parental relationships do not erode naturally of their own accord. They must be attacked. Therefore, any dramatic change in this area is virtually always an indicator of an alienation process that has had some success in the past. Most notably, if a careful evaluation of the pre-separation parental relationship is not made, its omission creates an impression that the troubled or even alienated status that exists since is more or less an accurate summary of what existed previously. Note that nothing could be further from the truth! An alienated or even partially or intermittently alienated relationship with the nonresidential parent and the children after the separation is more accurately a distortion of the real parental relationship in question. Its follow-through is often overlooked in the hysterical atmosphere that is often present in these cases. A careful practitioner well knows that a close examination is warranted and that it must be conducted with the utmost detail and scrutiny.

If this piece of the puzzle is left out, the consequences can be quite devastating for the survival of this relationship. Also, without this component, the court can be easily swayed into premature closure or fooled into thinking that the turmoil of the separation environment is representative of the true parent-child relationship. Once this ruling is made by the court, it is an exacting challenge to correct its perception. In a separate but related issue, a word should be said about the use of experts. First, it must be understood that all mental health professionals are not aware of nor know how to treat the PAS

phenomenon. In fact, when a mental health professional unfamiliar with PAS is called upon to make a recommendation about custody, access, or related issues, he or she potentially can do more harm than good. For example, if the psychologist fails to investigate the pre-separation relationship of the nonresidential parent and the children, he or she may very easily mistake the current acrimony in that relationship to be representative of it, and recommend that the children should have less visitation with that parent, obviously supporting the undiagnosed PAS that is still in progress. If that expert also fails to evaluate critically the abuse claims or the agenda of the claimant, they may be taken at face value and again potentially support the undiagnosed PAS. If that professional is not also sensitive to the subtleties of access and contact blocking as its motivator, he or she may potentially support it, thereby contributing to the PAS process. When these things occur, the mental health professional expert has actually become part of the PAS, albeit unwittingly. Alarming, this happens often. Suffice it to say, if PAS is suspected, the attorney should closely and carefully evaluate the mental health professional's investigation and conclusion. Failure to do so can cause irreparable harm to the case, and, ultimately to the children.

**Criteria IV: Intense Fear Reaction by Children.** The fourth criteria necessary for the detection of PAS is admittedly more psychological than the first three. It refers to an obvious fear reaction on the part of the children, of displeasing or disagreeing with the potentially alienating parent in regard to the absent or potential target parent. Simply put, an alienating parent operates by the adage, "My way or the highway." If the children disobey this directive, especially in expressing positive approval of the absent parent, the consequences can be very serious. It is not uncommon for an alienating parent to reject the child(ren), often telling him or her that they should go live with the target parent. When this does occur one often sees that this threat is not carried out, yet it operates more as a message of constant warning. The child, in effect, is put into a position of being the alienating parent's "agent" and is continually being put through various loyalty tests. The important issue here is that the alienating parent thus forces the child to choose parents. This, of course, is in direct opposition to a child's emotional well being.

In order to fully appreciate this scenario, one must realize that the PAS process operates in a "fear based" environment. It is the installation of fear by the alienating parent to the minor children that is the fuel by which this pattern is driven; this fear taps into what psychoanalysis tell us is the most basic emotion inherent in human nature--the fear of abandonment. Children under these conditions live in a state of chronic upset and threat of reprisal. When the child does dare to defy the alienating parent, they quickly learn that there is a serious price to pay. Consequently, children who live such lives develop an acute sense of vigilance over displeasing the alienating parent. The sensitized observer can see this in visitation plans that suddenly change for no apparent reason. For example, when the appointed time approaches, the child suddenly changes his or her tune and begins to loudly protest a visit that was not previously complained about. It is in these instances that a court, once suspecting PAS must enforce in strict terms the visitation schedule which otherwise would not have occurred or would have been ignored.

The alienating parent can most often be found posturing bewilderment regarding the sudden change in their child's feelings about the visit. In fact, the alienating parent often will appear to be the one supporting visitation. This scenario is a very common one in PAS families. It is standard because it encapsulates and exposes, if only for an instant, the fear-based core of the alienation process. Another way to express this concept would be that whenever the child is given any significant choice in the visitation, he or she is put in the position to act out a loyalty to the alienating parent's wishes by refusing to have the visitation at all with the absent parent. Failure to do so opens the door for that child's being abandoned by the parent with whom the child lives the vast majority of the time.

Children, under these circumstances, will simply not opt on their own for a free choice. The court must thus act expeditiously to protect them and employ a host of specific and available remedies.<sup>(6)</sup>As a consequence of the foregoing, these children learn to manipulate. Children often play one parent against the other in an effort to gain some advantage. In the case of PAS, the same dynamic operates at a more desperate level. No longer manipulating to gain advantage, these children learn to manipulate just to survive. They become expert beyond their years at reading the emotional environment, telling partial truths, and then telling out-and-out lies. One must, however, remember that these are survival strategies that they were forced to learn in order to keep peace at home and avoid emotional attack by the residential parent. Given this understanding, it is perhaps easier to see why children, in an effort to cope with this situation, often find it easier if they begin to internalize the alienating parent's perceptions of the absent parent and begin to echo these feelings. This is one of the most compelling and dramatic effects of PAS, that is, hearing a child vilifying the absent parent and joining the alienating parent in such attacks. If one is not sensitive to the "fear-based" core at the heart of this, it is difficult not to take the child's protests at face value. This, of course, is compounded when the expert is also not sensitive to this powerful fear component, and believes that the child is voicing his or her own inner feelings in endorsing the "no visitation" plan.

## Conclusion

All the criteria listed above can be found independent of each other in highly contested dissolutions, but remember that the appearance of some of them does not always constitute PAS. When all four are clearly present, however, and the possibility of real abuse has been reasonably ruled out, the parental alienation process is operative. This does not necessarily mean, however, that it is succeeding in that the children are being successfully alienated from the target parent. The best predictor of successful alienation is directly related to the success of the alienating parent at keeping the children from the target parent. When there are substantial periods in which they do not see the other parent, the children are more likely to be poisoned by the process. Another variable that predicts success is the child's age. Younger children generally are more vulnerable than older ones. Also, another variable is the depth and degree of involvement of the pre-separation parent-child relationship. The longer and more involved that relationship, the less vulnerable will be the children to successful alienation. The final predictor is the parental tenacity of the target parent. A targeted parent often gives up and walks away, thus greatly increasing the chances of successful alienation.

The question remains: What if all four criteria are present, but the children are not successfully alienated? Should this failure at alienation be seen as nullifying the attempt at alienation? The answer to that should be a resounding "No!" It should be, but often it is not. It is very common to read a psychological evaluation or a GAL's report that identified PAS but then notes that since it was not successful, it should not be taken very seriously. Nothing could be further from the truth. Any attempt at alienating the children from the other parent should be seen as a direct and willful violation of one of the prime duties of parenthood, which is to promote and encourage a positive and loving relationship with the other parent, and the concept of shared parental responsibility. It is our feeling that when attempted PAS has been identified, successful or not, it must be dealt with swiftly by the court. If it is not, it will contaminate and quietly control all other parenting issues and then lead only to unhappiness, frustration, and, lastly, parental estrangement.

1 PAS syndrome applies and relates equally to the nonresidential, as well as the residential parent. D.C. Rand, *The Spectrum of Parental Alienation Syndrome*. 15 Am. J. Forensic Psychol. No. 3 (1997).

2 S.S. Clawar and B.V. Rivlin, *Children Held Hostage: Dealing with Programmed and Brainwashed Children*, A.B.A. (1991).

3 M. Walsh and J.M. Bone. *Parental Alienation Syndrome: An Age-Old Custody Problem*, 71 Fla. B.J. 93 (June 1997).

4 N. Theonnee and P.G. Tjaden, *The Extent, Nature and Validity of Sexual Abuse Allegations in Custody Visitation Disputes*, 12 Child Abuse and Neglect 151-63 (1990).

5 National Center on Child Abuse and Neglect, Washington, D.C.: Department of Health and Human Services, 2998, Contract 105-85-1702.

6 The appointment of a guardian ad litem, the appointment of an expert to conduct a psychological evaluation of the child and the parents, the employment of make-up or substitute access and contact, or an enlargement of same to the nonresidential parent, and as previously suggested by the authors in their last article, a consideration for entry of a multidirectional order.

Walsh and Bone, *supra* note .3

Estreicher, chair, and Sharon O. Taylor, editor.

## A Brief

In recent years, with increasing familiarity and recognition of the parental alienation syndrome (PAS), one parent has accused the other parent of inducing a PAS in the children. In response, the responding parent accuses the other parent of abusing and neglecting the children. In short, the children's alienation is considered by one parent to be the result of PAS indoctrinations and the other

to be the result of bona fide abuse/neglect. The purpose of this article is to provide criteria for differentiating between these two situations, a differentiation that is obviously crucial if courts are to deal properly with children exposed to and embroiled in these two very different situations. The parental alienation syndrome (PAS) (Gardner, 1985, 1986, 1987a, 1987b, 1992, 1998) is a disorder that arises almost exclusively in the context of child-custody disputes. In this disorder, one parent (the alienator, the alienating parent, the PAS-inducing parent) induces a program of denigration against the other parent (the alienated parent, the victim, the denigrated parent). However, this is not simply a matter of "brainwashing" or "programming" in that the children contribute their own

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elements into the campaign of denigration. It is this combination of factors that justifiably warrant the designation PAS. When bona fide abuse/neglect is present, then the PAS diagnosis is not applicable. In recent years, with increasing frequency of the recognition of the PAS, abusing/neglectful parents have been claiming that the PAS designation is improper and that the children's animosity has nothing to do with abuse/neglect, but is a manifestation of programming of the children by the alienating parent. In response, the other parent might claim that there has been no such indoctrinations and that the children's acrimony is in direct response to the abuse/neglect to which they have been subjected.

There is no doubt that some abusing/neglectful parents are using the PAS explanation to explain the children's campaign of alienation as a cover-up and diversionary maneuver from exposure of their abuse/neglect. However, there is no question, also, that some PAS-inducing parents are using the argument that it is the other parent's abuse/neglect that is causing the children's campaign of denigration and there has been no programming whatsoever. Obviously, this differentiation is an important one if courts are to deal properly with families embroiled in such disputes. Presented here are criteria that should prove useful for differentiating between the PAS and bona fide abuse/neglect.

#### THE DIFFERENTIATING CRITERIA

##### Criteria for Differentiating Between PAS and Bona Fide Abuse/Neglect in Children

Inducing a PAS in a child is also a form of abuse. After all, it can result in the attenuation and even permanent destruction of the psychological bond between loving parents and their children. It is a form of emotional abuse, however, that is different from physical abuse, neglect, and sexual abuse. Here the term abuse will generally refer to physical abuse and, to a lesser degree, sexual abuse. Included also in such abuse would be such behaviors as frequent menacing, threatening, hovering, and other forms of child intimidation. These often serve as precursors to physical and sometimes sexual abuse. All these

abuses, and neglect as well, will be encompassed under the term abuse/neglect. This group will be compared to the PAS, which is basically a form of emotional abuse. This is the distinction that will serve the purposes of this article. When attempting to differentiate between PAS and bona fide abuse, examiners do well to refer first to the eight basic PAS symptoms as guidelines. In general, PAS children are likely to exhibit these symptoms, whereas children who have been genuinely abused/neglected are not likely to.

Listed below are the eight primary manifestations of the PAS:

The Campaign of Denigration

Weak, Frivolous, or Absurd Rationalizations for the Deprecation

Lack of Ambivalence

The "Independent-Thinker" Phenomenon

Reflexive Support of the Alienating Parent in the Parental Conflict

Absence of Guilt over Cruelty to and/or Exploitation of the Alienated Parent

The Presence of Borrowed Scenarios

Spread of the Animosity to the Friends and/or Extended Family of the Alienated Parent

Listed below are the primary symptoms seen in the post-traumatic stress disorder (DSM-IV). Many abused children (but certainly not all) will exhibit such symptoms. This is especially the case if the abuse has been chronic. PAS children rarely exhibit these symptoms. Accordingly, reference to these symptoms, as well as the aforementioned primary manifestations of PAS, can be useful for differentiating between bona fide abuse/neglect and the PAS in children.

Preoccupation with the Trauma

Episodic Reliving and Flashbacks

Dissociation

Depersonalization

Derealization and Psychic Numbing

Recreational Desensitization and Fantasy Play

Trauma-Specific Dreams

Fear of People Who Resemble the Alleged Abuser

Hypervigilance and/or Frequent Startle Reactions

Running Away from Home or the Site of the Abuse

Pessimism about the Future

Criteria for Differentiating Between

Parental Alienation Syndrome and Bona Fide

Abuse/Neglect in Parents

First, behaviors seen in the parents of PAS children, i.e., PAS-inducing parents, will be compared with behaviors seen in abusing/neglectful parents.

Then, behaviors exhibited by abusing/neglectful parents will be compared with PAS parents.

The Relative Cooperation of the

Two Parents with the Examiner

The Parental Alienation Syndrome. Parents who are inducing a PAS are typically uncooperative with examiners who might appreciate the manipulative tactics so

often utilized in the process of inculcating the campaign of denigration in their children. They typically resist the targeted parent's attempts to bring in an impartial examiner; rather, they seek a mental health professional who is naive enough to be taken in by their often deceitful maneuvers. Frequently, they will select an examiner who is injudicious enough to evaluate only them and their children and not even make attempts to evaluate the deprecated parent. It is the alienated parent who is more likely to be willing to make the financial sacrifices to bring in competent mental health examiners to do assessments, especially neutral assessments. The programmers typically resist this.

**Bona Fide Abuse/Neglect.** Parents who are abusing and/or neglectful are usually quite reluctant to seek the services of an impartial examiner and will resist strongly the appointment of such. They recognize that the examination might reveal their significant parenting deficiencies. The accusing parent, who recognizes the children's victimization and may be a victim himself (herself), is far more likely to seek the services of an impartial examiner and suffer the financial privations often associated with such an appointment.

The parent who induces a PAS is the one (of the two parents) who is less likely to be cooperative with the examiner, and the parent who is a bona fide abuser/neglecter is also the one (of the two parents) who is less likely to be cooperative. In contrast, the parent who is a victim of PAS indoctrinations is likely to be the more cooperative one, and the parent who is a victim of bona fide abuse is also more likely to be cooperative. In short, the parent who is guilty of the accusation (whether it be of PAS inducer or abuser/neglecter) is more likely to be uncooperative, and the parent who is the victim (whether it be of PAS indoctrinations or abuse) is more likely to be cooperative. Accordingly, this is a strong differentiating indicator when applied to a single couple, where there is one accuser and one denier. It is not a strong differentiating indicator when one compares abusers/neglecters in general with PAS inducers in general, because individuals in both of these categories share the common trait of uncooperation.

#### The Relative Credibility of the Two Parents

**The Parental Alienation Syndrome.** Parents who inculcate a PAS in their children often do so with conscious fabrications, which sometimes develop into delusions. Sometimes they will promulgate, and even believe, the most absurd and preposterous allegations, especially when a sex-abuse accusation becomes incorporated into a PAS. In contrast, the targeted parent of the children's PAS is far more likely to be credible and far less likely to reveal deceits in the course of the evaluation.

**Bona Fide Abuse/Neglect.** Abusing/neglectful parents are far more likely to lie, especially in the realm of their abuses/neglect. Predictably, they deny to others and even deny to themselves. In fact, denial is one of their central defense mechanisms. Their credibility is also compromised in association with this defect. In contrast, the parent who is trying to protect the children from abuse/neglect is far less likely to reveal deceits in the course of the evaluation. Furthermore, the nonabusing parent's complaints and denials are usually credible.

In short, parents who are inducing a PAS are likely to exhibit deceptions, and parents who are abusers/neglecters are also likely to manifest deceptions. The spouses of the parents who exhibit each of these parenting deficiencies are likely to be far more credible and are far less likely to reveal deceptions in other aspects of the evaluation. As was true of the cooperation indicator, this can be a strong differentiating criterion when applied to a single couple. In general, however, when one compares groups of abusers/neglecters with groups of PAS inducers, it is a weak differentiating criterion, because deceitfulness is significantly present in both categories of perpetrator.

#### Programming the Child's Campaign of Denigration

**The Parental Alienation Syndrome.** The programming process may be active and deliberate, or passive and subtle. When active, the child is deliberately programmed to profess denigratory complaints about the targeted parent, and the programming parent fully recognizes that the inculcated material is false. The same goal can be accomplished with subtle maneuvers, such as encouraging the child to criticize the victimized parent and accepting as valid every absurd criticism the children have of the disparaged parent, no matter how preposterous.

Consistent with the programming process, PAS-inducing parents often support the child's contributions to the campaign of denigration, both in the realm of material that they program as well as material derived from the child's own contributions. Probably the most compelling manifestations of programming are the borrowed-scenario elements typically seen in PAS children. In the joint interviews, in the course of the evaluation, one may see manifestations of the programming process.

**Bona Fide Abuse/Neglect.** Parents of children who are genuinely abused/neglected are not usually obsessed with seizing upon opportunities to talk about the abuses with the child. In joint interviews, the children do not make side glances to the nonabusing parent in order to be reminded about what occurred. The children know well what happened and do not need any input, reminders, or coaching from the nonabusing parent. This does not mean that a genuinely abused child might not occasionally ask an accusing parent in a joint interview to help the child remember some minor details. No one's memory is perfect, and children are less capable of recalling details of events than adults. The genuinely abused child, however, is easily reminded and does not have the same degree of dependency for recall that the PAS child has. After one word or phrase from the nonabusing/nonneglectful parent, the whole incident will come to the child's mind and then be recalled with a reasonable degree of accuracy. In contrast, programmed children, having no actual experiences to relate, will need much more input from the programming parent if they are to "get the story straight." Genuinely abused children do not usually need "refresher courses" from older siblings in order to remember what happened to them. The scenarios of abused siblings are generally credible, and each child in the family will independently relate similar events. They do not need to get input from their siblings, especially older siblings. This is in contrast to programmed children, whose

scenarios are sometimes incredible. Furthermore, each child in the family will often (but certainly not always) provide a somewhat different rendition when seen separately. When PAS children are seen together, they can be observed glancing at each other in order to "get the story straight," especially from an older sibling who has served as an assistant programmer.

Overprotectiveness and  
Exclusionary Maneuvers

The Parental Alienation Syndrome. Mothers who program a PAS in a child are often overprotective. Their exclusion of the child from the father often extends to other realms. Often, the exclusionary measures antedate the separation and may not only go back to the earliest days of the child's life, but may even involve the father's exclusion from the delivery room.

Bona Fide Abuse/Neglect. Parents who justifiably accuse a spouse of abuse may very well be protective of the children with regard to exposure to the abuser, but they are not typically protective or exclusionary in other areas, areas unrelated to the abuser. Rather, their protectiveness is focused on the children's relationship with the abusing parent. In fact, they may even encourage involvement with the abuser in situations where the abuse is not likely to occur, e.g., public places.

Appreciation of the  
Role of the Other Parent

In the Children's Upbringing

The Parental Alienation Syndrome. Parents who induce a PAS in their children are often oblivious to the psychologically detrimental effects of the progressive attenuation of the child's bond with the target parent. In extreme cases it appears that the alienating parent would be pleased if the alienated parent were to evaporate from the face of the earth--making sure, beforehand, to bequeath an annuity for the remaining family. Such alienators basically believe that absolutely nothing would be lost to the children under such circumstances.

Bona Fide Abuse/Neglect. Accusing parents in bona fide abuse/neglect situations are often still appreciative of the importance of the child's involvement with the abuser/neglecter. Most often they do everything in their power to reduce the abuse/neglect and hope that the situation can be salvaged so that the children may yet enjoy a more benevolent relationship with the abusing/neglectful parent. Accordingly, this is an important differentiating criterion between PAS and bona fide abuse/neglect.

When there is genuine abuse/neglect the nonabusing parent may remove the children for protection from real dangers. Such removal may present a dilemma for the evaluator when utilizing this differentiating criterion. Take, for example, the situation in which the mother takes the children to a shelter. Mothers of children who are genuinely abused actually need such shelters for their own and the children's protection. But in the same shelter there are likely to be PAS mothers, with nonabused children, who are there as a conscious and deliberate PAS maneuver. And there may also be mothers in the same shelter, whose children are not being abused, who are operating on the delusion that abuse has taken place when it hasn't. Accordingly it behooves the examiner to

conduct a detailed inquiry regarding the events that resulted in the mother's going to a shelter and to try to ascertain whether there were justifiable dangers or whether these were fabricated or even delusional. These qualifications and complications notwithstanding, this general principle still holds: PAS-inducing parents are typically unappreciative of the importance of the child's bonding with the other parent; whereas parents of children who are actually being abused are still hopeful that the relationship can be salvaged because of recognition of the importance of a healthy psychological bond between a parent and a child.

\* \* \*

At this point I focus on some of the more common behavioral patterns seen in abusing parents and compare them to parents who induce a PAS.

#### Psychopathic Behavior

Bona Fide Abuse/Neglect. Abusing and/or neglectful parents are often psychopathic. They may have little guilt over the victimization of others, even children who are often safe targets for their hostility. They cannot project themselves into the children whom they victimize. They utilize any deceitful maneuver they can to shift blame away from themselves. They do not give consideration to the future consequences of their behavior on their children, e.g., ongoing misery, formidable grief, relentless fear, and severe psychopathology. Such abusers are likely to have a history of psychopathic behavior in other realms of their lives. The nonabusing spouse is far less likely to exhibit psychopathic behavior, although such spouses usually have psychological problems of their own, considering the fact that they have married or involved themselves with an abusing person.

It is probable that among severe PAS inducers, there may be a higher percentage of psychopathic people than in the general population. It is probably also the case that psychopaths are overrepresented in those who abuse and/or neglect their children. In general, therefore, this is not a good differentiating criterion--when one compares groups of PAS inducers with groups of abusers/neglecters. However, it is a good differentiating criterion for assessing a single couple, because the presence of this trait in one of the parents can be useful in substantiating whether that parent is a PAS indoctrinator or whether that parent is an abuser/neglecter.

The Parental Alienation Syndrome. Whereas some parents who induce a PAS are not fully appreciative of what they are doing, there are others who are consciously and deliberately inducing the alienation. The latter will often profess innocence when confronted with their manipulations and are completely aware of the fact that they are lying. Many PAS inducers are psychopathic in association with the PAS programming, but they generally are not psychopathic in other realms of their lives. Furthermore, they are less likely to have been psychopathic prior to the onset of the child-custody dispute. When psychopathy is seen in a PAS programmer, it is more likely to be seen in the severe type, as is the case with paranoia. Psychopathy in other realms of life, outside of the family, is an important discriminator between the psychopathy seen in the PAS inducer and the psychopathy of the bona fide abusing/neglectful parent.

Furthermore, the victim of the PAS inducer's indoctrinations, like the nonabusing spouse of the bona fide abuser, is not particularly likely to exhibit psychopathic tendencies.

#### Comparison of the Family

##### Members Who Are Victimized

**Bona Fide Abuse/Neglect.** Fathers who abuse their children generally abuse their wives as well. Although some are selective in this regard, most are generally abusive to all family members. Most often, the wife is abused even before the birth of the children, and then the pattern expands after their arrival. The mother who flees to a shelter generally does so not only for herself but for her children. Some of these mothers are justifiably considered "battered women." **The Parental Alienation Syndrome.** According to the PAS programmer, the children's campaign of denigration against the targeted parent is justifiable, allegedly because of his (her) ongoing abuse/neglect of them. The programming parent generally focuses on the targeted parent's abuse/neglect of the children with far fewer complaints about the denigrated parent's abuse/neglect of the accusing alienator herself (himself). Certainly the programmer has a long list of complaints about the targeted spouse; otherwise she (he) would not be involved in separation/divorce proceedings. However, PAS programmers usually focus primarily on the abuses to which the children have allegedly been subjected by the victimized parent because such emphasis enhances the likelihood of prevailing in the child-custody dispute.

Although this is not a strong differentiating criterion, it is useful nonetheless, especially in the bona fide abuse situations where there is good documentation, especially medical, that the accusing spouse has been physically abused.

##### Time of Onset of the Alleged Abuse

**Bona Fide Abuse/Neglect.** In genuine abuse, the abuses are generally described by the complaining spouse to have existed long before the separation. In fact, they may have existed from the time the children were born, and the accusing spouse may describe abuses of herself (himself) prior to their birth. In many cases of bona fide abuse, the primary reason for the separation may have been that the abused parent can no longer tolerate the abuses to which he (she) and the children have been subjected.

**The Parental Alienation Syndrome.** Although the children, and even the mother, in a PAS situation may describe lifelong abuse and neglect, there is usually compelling evidence that such was not the case prior to the children's learning about the child-custody dispute. In the vast majority of cases the campaign begins after separation and after the programmer begins the indoctrination. The children's becoming aware that a child-custody dispute is in progress triggers the beginning of the phase when they provide their own contributions to the campaign, contributions that complement the programmer's. In short, in the PAS the campaign of denigration does not antedate the separation; the complaints of genuinely abusing children date back long before the announcement that the parents were going to get divorced.

##### Family History

Bona Fide Abuse/Neglect. Child abuse generally runs in families. Parents who abuse their children often have grown up in families in which they themselves were abused when younger, and this may be true of their parents as well. In fact, there are some families in which abuse of wives and children is the modus vivendi and dates back as far as anybody knows. It is almost as if such abusers do not know of any other way of relating to their families.

The Parental Alienation Syndrome. When one looks into the family history of the parent who has been victimized by a PAS campaign of denigration, one generally does not find a family history in which there is a pattern of bona fide abuse, especially abuse that extends back to forebears. Often, the programming parent will have to admit that she (he) knows of no bona fide abuse in the family background of the targeted parent.

#### Comparative Concern for the Physical and Financial Well-being of the Family

Bona Fide Abuse/Neglect. Typically, abusing/neglectful parents are deficient in their concerns for the physical well-being of their families. They do not strive to be high earners and often will spend their earnings elsewhere, e.g., alcohol and/or gambling. They have little sense of family responsibility with regard to providing the spouse and children with a reasonable level of food, clothing, and shelter. It is not that they have absolutely no interest in such considerations, only that it has lower priority for them than such contributions have for the healthy, committed breadwinner. Typically, such abusers are justifiably considered to be very self-indulgent.

The Parental Alienation Syndrome. Typically, parents who have been targeted for PAS victimization are most often committed parents, very much concerned with providing their spouses and children with food, clothing, shelter, and child care. Children in these families want their alienated parent to continue contributing toward their education even though they want absolutely nothing to do with him (her). Such a demand usually derives from past experiences in which the parent has proven reliable for providing in this realm. Typically, these targeted parents are not justifiably considered to be self-indulgent, even though this accusation may be considered part of the campaign of denigration.

#### Impulsivity

Bona Fide Abuse/Neglect. Parents who abuse their children are typically impulsive. They act out their impulses without consideration for future consequences. Such impulsivity may be seen in other realms of their lives, especially in their relationships with others. They are quick to fight and take action. They are often viewed as rumbling volcanos, ready to erupt at any point. A history of job loss is common because of their inability to get along with coworkers and supervisors, especially because of their propensity to deal impulsively with conflicts by using physical force. Assaulting people is only one aspect of a broader pattern of impulsive physical acting out, which may include smashing furniture, throwing objects, breaking windows, and putting fists through walls.

The Parental Alienation Syndrome. Targeted parents in a PAS are not likely to have a history of impulsivity. Typically, they do not act out and their

self-restraint exhibits itself in the family and in other realms of life as well. Such parents generally have a good job history and are unlikely to have been repeatedly discharged from their positions because of difficulty in their relationship with peers and supervisors. Thinking about the future consequences of their behavior is also typically part of the reviled parent's personality pattern.

#### Hostile Personality Pattern

**Bona Fide Abuse/Neglect.** Abusing parents are usually very angry people. The children are often safe targets for releasing their rage. They are a captive audience and cannot meaningfully protect themselves and certainly cannot effectively fight back. The examiner is likely to observe such anger in the course of his (her) evaluation. This is the rage that fuels the aforementioned destruction of property. Usually, inquiry into the background history of such abusing parents reveals a longstanding pattern of acting-out of anger, a pattern that probably exhibited itself in childhood, and often there is a family history of similar acting-out of anger.

**The Parental Alienation Syndrome.** The parent who has been targeted for PAS indoctrinations is not likely to have a hostile personality pattern prior to the children's campaign of deprecation. However, following the onset of their campaign, it is reasonable that such a parent will suffer with ongoing frustration and anger, often with a feeling of impotent rage. In short, the alienated parent's anger typically begins at the time of the indoctrination, prior to which one cannot generally consider that individual to have been an angry person.

#### Paranoia

**Bona Fide Abuse/Neglect.** Parents who abuse and/or neglect their children are often very disturbed individuals. As mentioned, people who abuse their children are often very angry individuals and anger fuels paranoia. Accordingly, it behooves the examiner to assess for the presence of paranoia when conducting an evaluation to differentiate between bona fide abuse/neglect and PAS.

**The Parental Alienation Syndrome.** When paranoia fuels a PAS, the victim of the paranoid delusional system is often limited to the denigrated spouse. At least this is the case in the early phases. With ongoing litigation, the paranoia may expand to all of those who provide support to the targeted parent. Typically, the paranoid system becomes illogical and preposterous, e.g., that the targeted parent would perpetrate abusive behavior--and even sexual molestation--in front of court-ordered supervisors.

Often the PAS parent and the programmed child jointly entertain the same delusion. This is referred to in psychiatry as a *folie à deux* (folly for two).

Typically, a more domineering person with a specific form of psychopathology induces the same psychopathology in a more passive-dependent individual. This is a common occurrence in the PAS. In such cases the DSM-IV diagnosis of shared psychotic delusion (*folie à deux*) is warranted.

There is probably a higher prevalence of paranoia in severe PAS indoctrinators than in the general population. Also, there is probably a higher prevalence of paranoia in abusing and/or neglectful parents than is to be found in the general

population. The presence of paranoia, then, may be a strong indicator when applied to a single set of parents because it helps identify the one who is either an abuser/neglector or a PAS inducer. It is a weak indicator when comparing groups of PAS inducers with groups of abusers/neglecters.

#### CONCLUSION

Differentiating between the PAS and bona fide abuse is becoming increasingly important as the PAS diagnosis has become appreciated both by mental health professionals and courts of law. The list of such publications and citations is to be found in the internet ([www.rgardner.com/refs](http://www.rgardner.com/refs)). This list is continually being updated as more such articles and more courts of law are utilizing the concept. The purpose of this article has been to provide criteria for making this important differentiation.

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