

Parental Alienation International

Advancing worldwide understanding in the field of parental alienation

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Parental Alienation Study Group

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Welcome to the March issue of PAI

Alan D. Blotcky, PhD

WE WELCOME YOU BACK to another issue of PAI. We continue to try to make our newsletter focused on timely and relevant issues in the field of parental alienation. We strive to find the right balance between scientific research and clinical knowledge in each of our issues.

In this issue, we present a wide variety of topics. We have information about how to re-activate your PASG membership in light of our new website and technology. We also have information about the upcoming 2024 PASG International Conference in Oslo.

Dr. Michael Bone presents Part 2 of his white paper on preparing for custody evaluations. This is a pragmatic and time-tested approach to custody evaluations in PA cases.

Dr. Mary Alvarez presents an article on borderline personality disordered parents and their role in parental alienation.

Shawn Wygant of PsychLaw presents an article on Kayden's Law in the context of child custody matters. As our legal column editor, Shawn will continue to shine a bright light on all kinds of legal issues in PA.

Dr. Lena Hellblom Sjogren is kind enough to share with us a few of her compelling poems and pictures.

Finally, as usual, we have a book review, a listing of recent publications, and a description of upcoming PA events.

I hope you enjoy this issue of PAI. Feedback from our large audience is always an important part of making this newsletter better. Comments, questions, suggestions, and articles themselves are welcome. ■

Kayden's Law and Its Impact on Child Custody Cases that Involve Allegations of Parental Alienation

Shawn A. Wygant

IN 2022, CONGRESS AMENDED the Violence Against Women Act of 1994 with the passage of Keeping Children Safe from Family Violence Act / Kayden's Law. Kayden's law provides Federal grants to States that pass laws requiring courts in child custody proceedings to view remedies for protecting children from parental alienation as harmful. This legislation does this by reframing parental alienation as part of a resist-refuse dynamic. Through the lens of resist-refuse dynamic, the spectrum of parental alienation disappears and is replaced with the idea that when a child resists contact after a family is legally dissolved it is assumed that the target parent co-created the symptoms in the child.¹ This assumption creates a confirmatory bias where parental alienation is either not considered or ruled out per se.

Enter reunification treatment. Under subsection 'k' of Kayden's Law, "reunification treatment" is defined as "a treatment or therapy aimed at reuniting or reestablishing a relationship between a child and an estranged or rejected parent or other family member of the child."² Reunification therapy has never been a remedy for parental alienation because we know it does not work.³ Why? Because it was developed in child protection cases as part of "reasonable efforts" to reunite an *abused* child with their abusive parent or parents.⁴ The reunification treatment paradigm, like the resist-refuse dynamic, assumes the target parent is part of the problem while ignoring the elephant in the room: *the alienating parent's behavior and relationships with the alienated child and the target parent.*

When Courts have considered an alienating parent's behavior and ordered remedies that stopped the alienation and protected the children, the children recovered.⁵ Why? Because in those cases, parental alienation was seen for what it is: *a form of emotional child abuse perpetrated by an abusive parent*⁶ and the remedy was to remove the child from the poisonous influence of the abusive parent as recommended by Clawar and Rivlin (2013) when they noted: "If the degree of harm is assessed to be serious, sometimes the only method of intervention and healing is to remove the infectious agent for a period of time."⁷

¹ Walters, M. G., & Friedlander, S. (2016). When a child rejects a parent: Working with the intractable resist/refuse dynamic. *Family Court Review*, 54(3), 424-445.

² 34 U.S.C. § 10446(k)(1)(C)

³ Warshak, R. A. (2015). Ten parental alienation fallacies that compromise decisions in court and in therapy. *Professional Psychology: Research and Practice*, 46(4), 235-249.

⁴ Kelly, R. F. (2000). Family preservation and reunification programs in child protection cases: Effectiveness, best practices, and implications for legal representation, judicial practice, and public policy. *Family Law Quarterly*, 34(33), 359-391.

⁵ Cisneros v. Guinand, 332 So.3d 1041 (Dist. Ct. App. FL., 2021); McClain v. McClain, 539 S.W.3d 170 (Ct. App. Tenn., 2017).

⁶ Kruk, E. (2018). Parental alienation as a form of emotional child abuse: Current state of knowledge and future directions. *Family Science Review*, 22(4), 141-164.

⁷ Clawar, S. S., & Rivlin, B. (2013). *Children held hostage second edition: Identifying brainwashed children, presenting a case, and crafting solutions*. American Bar Association. Page 162.

If Kayden's Law and some of its progeny; e.g., Piqui's Law,⁸ understood this, then perhaps they would not have thrown the baby out with the bath water. Instead, these two legislative efforts were hijacked by willfully ignorant mental health and legal professionals who used non-parental alienation cases to enact laws that prevent Courts from ordering the appropriate remedies to stop parental alienation child abuse and help severely alienated children recover. For example, under subsection 'k' of Kayden's Law, Courts "may not order a reunification treatment that is predicated on cutting off a child from a parent with whom the child is bonded or to whom the child is attached."⁹ Piqui's Law (2023), which went into effect January 1, 2024, adopted similar language:

"Notwithstanding any other law, a court shall not order family reunification treatments, programs, or services, including, but not limited to, camps, workshops, therapeutic vacations, or educational programs that, as a condition of enrollment or participation, require or result in any of the following: (1) A no-contact order; (2) An overnight, out-of-state, or multiday stay; (3) A transfer of physical or legal custody of the child; (4) The use of private youth transporters or private transportation agents engaged in the use of force, threat of force, physical obstruction, acutely distressing circumstances, or circumstances that place the safety of the child at risk; (5) The use of threats of physical force, undue coercion, verbal abuse, isolation from the child's family, community, or other sources of support, or other acutely distressing circumstances."¹⁰

This language was aimed directly at preventing Courts from considering Family Bridges (or other similar programs) by failing to understand the relevant psychiatric scientific literature concerning when removal is necessary to protect a brainwashed child from a folie à deux.¹¹ Family Bridges was designed to help severely alienated children deal with Court orders that placed them in the custody of a parent they rejected for unwarranted reasons *after* a Court has made a finding that the child was being abused by the alienating parent.¹² Understanding this distinction helps set the table for how Family Courts should view parental alienation evidence. Namely, when Family Courts are confronted with evidence that a parent has abused a child through parental alienation behaviors and the abuse is so severe that it warrants removal of the child from the home of the alienator, the child abuse laws should supersede laws like Piqui's Law to allow Judge's the discretion to order whatever remedies have been shown to help the alienated child recover. ■

⁸ 2023 Cal. Legis. Serv. Ch. 865 (S.B. 331)

⁹ 34 U.S.C. § 10446(k)(3)(B)(iv)

¹⁰ Cal. Fam. Code § 3193

¹¹ Gralnick, A. (1942). Folie à deux – the psychosis of association. A review of 103 cases and the entire English literature with case presentations. Part 2. *Psychiatric Quarterly*, 16(3), 491-520; Kumar et al. (2005). Folie a deux. *Indian Journal of Psychiatry*, 47(3), 164-166; Zakhrova et al. (2020, October). Induced delusional disorder (Folie à Deux). In *International Conference on Cognitive Sciences* (pp. 571-581). Springer International Publishing.

¹² Warshak, R. A. (2010). Family Bridges: Using insights from social science to reconnect parents and alienated children. *Family Court Review*, 48(1), 48-80.

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About the Parental Alienation Study Group

Parental Alienation Study Group, Inc. (PASG) is an international, not-for-profit corporation. PASG has 937 members—mostly mental health and legal professionals—from 65 countries. The members of PASG are interested in educating the general public, mental health clinicians, forensic practitioners, attorneys, and judges regarding parental alienation. PASG members are also interested in developing and promoting research on the causes, prevention, evaluation, and treatment of parental alienation.

About *Parental Alienation International*

Parental Alienation International (PAI) is published bimonthly by PASG. PAI seeks to lead and promote the scholarly discussion and debate concerning parental alienation practice, research, prevention, education, and advocacy to promote development of informed practice and policy in this field.

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How to contribute: Please send all your contributions to your local editor or to the editors-in-chief.

Format: Submit manuscript as a Word file (.doc, .docx) as an email attachment.

Content: News, case studies, pilot studies, literature reviews, announcements, research, research studies or proposals, advocacy, publicity, promotion, requests for support or funding.

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