

# Parental Alienation International

Advancing worldwide understanding in the field of parental alienation

**pasg**  
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Parental Alienation Study Group

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## Spring and the May PAI are upon us

*Alan D. Blotcky, PhD*

WELCOME TO THE MAY PAI. We continue to try to provide a wide variety of topics in our issues. All PA scholars, clinicians, and parents know that it is important for us to remain open-minded and clear-eyed in our approach to PA as a serious condition. PASG is the vehicle by which we can all make a difference in our mission to understand and disseminate knowledge about PA. The light of Spring is shining brightly on our task!!

We are proud to announce that Phillip Hendrix, MA, MBA has been selected by the Board of Directors of PASG to be our next president.

We continue to announce that our PASG 2024 Conference will be in Oslo in early September. Please register for this exciting event. Great speakers will be covering cutting-edge topics.

We have three excellent feature articles in this issue. Please check them out.

Art and poems by our members are always welcome for publication.

Finally, a book review, upcoming events, and recent publications are standard inclusions in our issues.

Thank you for your interest in PAI. This newsletter is the best way for the entire membership—and others—to stay connected and engaged with PA information. ■



## Board of Directors Selects Future PASG President



AT A RECENT MEETING, the Board of Directors of PASG selected Phillip Hendrix, MA, MBA, as the president-elect of this organization. Beginning January 2025, Phillip will succeed William Bernet, MD, the founder and first president of PASG.

Phillip is in private practice in Castle Rock, Colorado, USA and is a counselor, family mediator, parent educator, child access provider, and serves in the court appointed roles of Parenting Coordinator and Decision Maker. He previously provided services as a Parental Responsibilities Evaluator and as a Child and Family Investigator. Phillip was educated in psychology and business and is extensively trained in family law and domestic relations issues. Phillip is also highly experienced in cases involving parental alienation and other forms of child abuse and domestic violence and is regularly asked to serve as an expert witness. As a coach and advocate for the past twenty years, Phillip leads the Colorado Parental Alienation Support Group to assist targeted parents and the Colorado Children's Center to assist children caught in the middle.

Phillip was an early member of PASG and has been a member of the Board of Directors since 2017. He participated in its first conference, which occurred in Washington, D.C., and, as treasurer of PASG, he has been instrumental in most of the conferences and other activities since. As chairperson of the PASG Website Committee, Phillip helped orchestrate the renovation of the PASG website in late 2023. At its April 2024 meeting, the Board of Directors unanimously selected Phillip to be our next president.

Phillip can be reached at: [phillip@covenantcounselors.com](mailto:phillip@covenantcounselors.com). ■



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## How Are Judges & Experts Dealing with Parental Alienation Evidence?

Shawn A. Wygant

A RECENT EXAMINATION of 58 Michigan appellate cases explored (1) how parental alienation is being defined by judges and experts, (2) whether the definitions for parental alienation accurately represent the science, and (3) whether judges and experts are accurately applying the science to the facts of the case. Interestingly, out of the 58 cases where parental alienation was alleged by either party, 40% of the trial court judges (23 cases) found parental alienation which was affirmed on appeal. Of those 23 cases, 61% (14) had a resist-refuse dynamic (Factor 1 of the FFM<sup>1</sup>) and parental alienation symptoms (Factor 5 of the FFM). The remaining 39% (9) did not have factors 1 and 5 of the FFM, meaning the judges and/or experts made a finding of parental alienation based on a child's exposure to parental alienation behaviors (Factor 4 of the FFM). So this begs the question, when children are exposed to parental alienation behaviors in a way that substantially interferes with their love and affection for the target parent, should experts and judges call it parental alienation? Or, should judicial officers and experts wait until the resist-refuse dynamic and parental alienation symptoms are present? And, if they wait for factors 1 and 5 to be present, are they failing to identify parental alienation child abuse that if left alone will likely result in serious mental harm? More importantly, what about the 35 cases (60%) where the court did not find parental alienation? Did they get it right? Did they get it wrong? How do we know?

It may be helpful to look at a few of these 58 cases to help answer those questions, beginning with the latest case heard in March of this year – *McMurphy v. Paz* (2022).<sup>2</sup> The parents were never married and the mother was awarded sole legal and physical custody in July of 2014. They had one child together. Custody was modified in March of 2020 when the parties stipulated to sharing legal custody and articulating a specific parenting time schedule. The mother then made claims of sexual and physical child abuse against the father and his parenting time was suspended at the request of the mother. A CPS investigation determined the allegations could not be sustained by a preponderance of the evidence and parenting time between the father and the minor child resumed. The father then filed a motion for sole legal and physical custody claiming that the mother had engaged in alienating behaviors in ongoing attempts to damage his relationship with their child. A friend of the court referee conducted 12 evidentiary hearings and heard the testimony of several experts including Kathleen Faller who the referee initially qualified as an expert over the objections of father's counsel and despite several Michigan Court of Appeals cases referring to Dr. Faller's work as "unreliable."<sup>3</sup> It appears that the purpose of the mother using Kathleen Faller was to validate the sexual abuse allegations, convince the court that she had not "coached" her son and by inference had not engaged in parental alienation behaviors.<sup>4</sup> It was noted that during this stage of the litigation the mother was representing herself and questioning the witnesses which speaks to the ultimate intent of the mother to overturn the findings of the CPS investigation and re-suspend the father's parenting time. The referee ultimately concluded that while the mother had engaged in "very

<sup>1</sup> "FFM" refers to the Five-Factor-Model of parental alienation as explicated in Bernet, W., & Greenhill, L. L. (2022). The five-factor model for the diagnosis of parental alienation. *J. Am. Acad. Child Adolesc. Psychiatry*, 61, 591-594.

<sup>2</sup> *McMurphy v. Paz*, 2024 WL 113107 (Ct. App. Mich. 2024)

<sup>3</sup> *Bielaska v. Orley*, 1996 WL 33324080, \*32 (Ct. App. Mich. 1996)

<sup>4</sup> 2022.05.04 Transcript of Friend of the Court Evidentiary Hearing. Page 83.

troubling”<sup>5</sup> behavior (e.g., confiding in the child), the referee did not believe her behavior constituted a form of parental alienation. Specifically, the referee said: “...legally, the burden is how does this impact the child? That’s where I was really stuck quite frankly, is we were so focused on mom, and mom’s bad acts, and all of these things that she did or allegedly did, but I needed that nexus. I needed the nexus that it connects it to how it impacts this child.”<sup>6</sup>

Here the referee is mirroring what the parental alienation expert said about diagnosing parental alienation: “...all five factors must be present for alienation to be occurring.”<sup>7</sup> One of the other experts, who testified for the mother, was Dr. Kelly Champion who said: “...the American Professional Society on the Abuse of Children [APSAC] has never recognized parental alienation, by itself, as constituting child abuse.”<sup>8</sup> The trial court in its final opinion and order denied the father’s motion for sole custody and the court of appeals affirmed the trial court’s interpretation of parental alienation. It was clear from the trial court record that both the judge and the father’s parental alienation expert’s interpretations of parental alienation required a showing that the mother’s alienating behaviors caused the child to resist/refuse a relationship with his father as well as exhibition of some, many, or all of the eight parental alienation symptoms.

The lingering question is: did they get it right? A careful look at the nine cases where the trial courts found parental alienation absent factors 1 and 5 of the FFM showed how the experts and judges believed a child’s exposure to parental alienation behaviors demanded a child protection response.<sup>9</sup> For example, in the case of *Krieg v. Baleja* (2022) an expert testified that the defendant/mother “planted the seed of parental alienation, and agreed that some of defendant’s behaviors properly could be regarded as alienating the child from plaintiff.”<sup>10</sup> Another expert “discussed a number of defendant’s alienating behaviors, ... and how they were inappropriate and harmful” and maintained that “this was a form of abuse and enmeshment because it interfered with the child’s development of independence.”<sup>11</sup> The appellate court affirmed the trial court’s ruling changing the primary physical custody of the parties’ minor child to the plaintiff/father based primarily on the trial court’s interpretation of parental alienation behaviors as a form of child abuse without requiring a showing that the child was resisting/refusing contact or exhibiting many parental alienation symptoms.

The big take away from examining these cases is that the scientific community has created two ways of interpreting parental alienation. The first is born out of Dr. Gardner’s conceptualization of parental alienation syndrome as a condition diagnosed in the child (i.e., a cluster of eight symptoms that co-occur in alienated children) and the second is born of Dr. Gardner’s response to misinformation about parental alienation when

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<sup>5</sup> 2022.10.27 Transcript of Friend of the Court Evidentiary Hearing. Page 12.

<sup>6</sup> Id. at 15.

<sup>7</sup> *McMurphy v. Paz*, 2024 WL 113107, \*3 (Ct. App. Mich. 2024)

<sup>8</sup> Id. at 4.

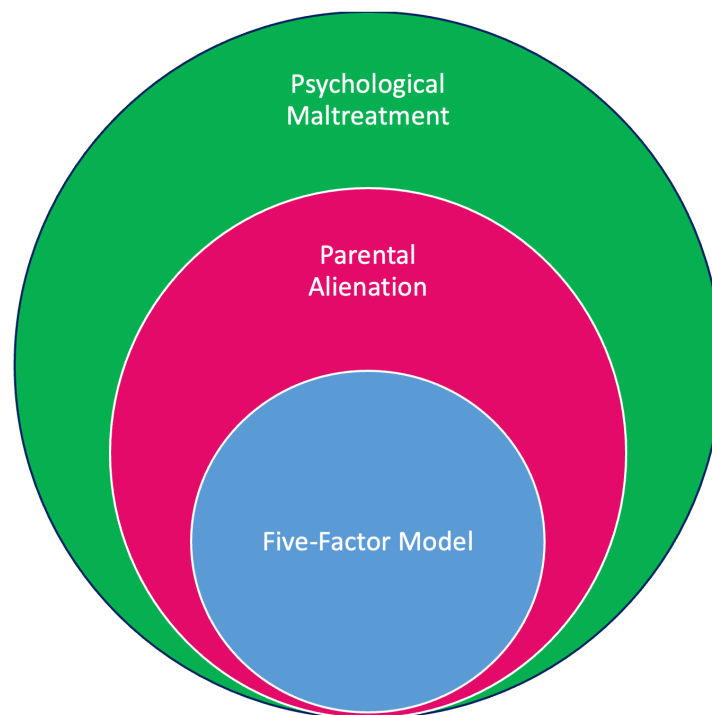
<sup>9</sup> See Kruk, E. (2018). Parental alienation as a form of emotional child abuse: Current state of knowledge and future directions. *Family Science Review*, 22(4), 141-164. Page 141: “As a form of individual child abuse, parental alienation calls for a child protection response.”

<sup>10</sup> *Krieg v. Baleja*, 2022 WL 12072124, \*6 (Ct. App. Mich. 2022)

<sup>11</sup> Id.

he wrote the following: “Misinformation: Parental Alienation (PA) Does Exist, but Parental Alienation Syndrome (PAS) Does Not. Fact: Both exist. There are many causes of parental alienation, for example, physical abuse, emotional abuse, verbal abuse, sexual abuse, and neglect. But there is another reason why children can become alienated from a parent, namely, being programmed into a campaign of denigration by an alienating parent. The disorder so produced, which I call parental alienation syndrome, is also a form of parental alienation. In short, the **PAS is one subtype of parental alienation.**”<sup>12</sup>

They say a picture is worth a thousand words. The following diagram hopefully makes clear what the science suggests about how to interpret parental alienation evidence and apply it to the facts of a case. ■



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<sup>12</sup> Gardner, R. A. (2002). Misinformation versus facts about the contributions of Richard A. Gardner, MD. *American Journal of Family Therapy*, 30(5), 395-416. Page 400. (emphasis added)

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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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