

# Parental Alienation International

Advancing worldwide understanding in the field of parental alienation

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## Welcome to our September PAI

*Alan D. Blotcky, PhD*

THANK YOU TO OUR MANY AUTHORS in this September newsletter. We have a variety of great articles that address important topics and issues. As always, the newsletter's goal is to inform, educate, and guide our research and clinical endeavors regarding all aspects of PA.

PASG 2024 Oslo was a huge success, and we have a summary article on its impactful content.

Stan Korosi writes on the need for social and public health policy guidelines for PA.

Michael Bone addresses a very common question for parents: What is the best way to choose an attorney?

Christine Giancarlo tackles the ins and outs of effective court orders in PA cases.

Linda Gottlieb and Loretta Maase address the unfortunate promulgation of specious claims against PA.

Shawn Wygant writes of the harmfulness of caution in PA cases.

We also have a moving piece by a rejected parent who gained custody of his children after years of legal struggles.

Our Events and Publications columns are included. Both are chock-full of information as usual.

I hope all our readers find these articles as interesting and provocative as I do!! ■



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## “We Need to Err on the Side of Caution” – The One Way Street to Alienation Prison

Shawn A. Wygant

IN A CASE OF suspected parental alienation, I reviewed a custody evaluation report that invoked the phrase “err on the side of caution.” This was in relation to the evaluator’s belief that an unfounded allegation of sexual abuse reported by the mother must be accepted as true by the father. The evaluator noted: *“The father did not err on the side of caution when it came to his daughter’s reality, and therefore his daughter questions today if her father can/would protect her in the future.”* It is important to note that CPS had already determined the allegation was unfounded, meaning it was not true by a clear and convincing evidence standard.<sup>1</sup> Additionally, the specific allegation referenced how the mother believed that the father’s friend had inappropriately touched the daughter’s thigh when the father’s friend put the daughter in a chair during a family game activity. The evaluator did not investigate the context and instead took the position that as long as the child believed she was sexually abused the father’s friend, then the father would be and contributing to alienation.

What’s wrong with this picture? Well, the daughter’s reality appears to be a delusion based on the evidence from the CPS file and the family therapist which suggested it is *“a false belief based on an incorrect inference.”*<sup>2</sup> More importantly, it appears that the delusion was induced during the child’s conversations with her mother after visitations with her father.<sup>3</sup> The fruit of a shared delusional belief between an alienating parent and the child being alienated is often borrowed scenarios.<sup>4</sup> This dynamic of parental alienation was discussed in a 2014 New Jersey case where the mother had engaged in a pattern of interviewing her daughter Barbara after every visit with the father.<sup>5</sup> The mother was concerned that something ‘inappropriate’ was going on. The mother hired a therapist, Dr. Joanne E. Booth, as a ‘rescuer’ to help validate her concerns.<sup>6</sup> As soon as therapy commenced, the mother was able to gain the third party endorsement she needed to justify in her own mind refusing the father access. The father alerted the court to the problem, and the court ordered a ‘focused’ custody evaluation by Dr. Rosenbaum *“to determine the nature of [Barbara’s] relationship with her father; to determine possible estrangement issues by her mother; and to make recommendations regarding how to address issues of alienation, if found.”*<sup>7</sup> Dr. Rosenbaum submitted her report to the court and noted how Barbara recounted *“borrowed scenarios and fragmented memories”* demonstrating to the evaluator that the reported noises between father

<sup>1</sup> See Colorado Code Regs 7.202.3: “the child abuse investigation showed there is *clear evidence* that no incident of child abuse occurred.” Page 9.

<sup>2</sup> See DSM-5 (2013). *The diagnostic and statistical manual of mental disorders fifth edition*. American Psychiatric Association: “A false belief based on incorrect inference about external reality that is firmly held despite what almost everyone else believes and despite what constitutes incontrovertible and obvious proof or evidence to the contrary.” Page 819.

<sup>3</sup> Principe, G. F., & Schindewolf, E. (2012). Natural conversations as a source of false memories in children: Implications for the testimony of young witnesses. *Developmental Review*, 32(3), 205-223.

<sup>4</sup> Lee Maturana, S. L. (2020). *The forgotten parents: experiences, consequences and coping mechanisms of targeted parents of parental alienation* (Doctoral dissertation, University Of Tasmania); And see Sirbu, A. G., Vintila, M., Tisu, L., Stefanut, A. M., Tudorel, O. I., Maguran, B., & Toma, R. A. (2020). Parental alienation-development and validation of a behavioral anchor scale. *Sustainability*, 13(1), 316.

<sup>5</sup> M.J.G. v. M.G., No. A-2582-12T3, 2014 WL 886820 (N.J. Super. Ct. App. Div. Mar. 7, 2014)

<sup>6</sup> Campbell, T. (1992). Psychotherapy with children of divorce: The pitfalls of triangulated relationships. *Psychotherapy*, 29(4), 646-652.

<sup>7</sup> Id. at \* 1

and Eileen that upset Barbara during her trip to New York with her father, were later acknowledged as laughing and not ‘inappropriate’ behavior.<sup>8</sup>

Although not explicitly discussed in the opinion, it is reasonable to believe that the borrowed scenarios identified by the evaluator were most likely the product of the child’s natural conversations with her mother. In the case I was reviewing, it became clear to me that the evaluator avoided the task of testing the main rival hypothesis – the reported sexual abuse did not happen. Erring on the side of caution when invoked as a justification for mollifying an alienated child’s delusional beliefs about the target seems to be a one way street to alienation prison. Alienation prison is that limbo land where professional participants never reach a final determination of serious allegations while keeping the child locked inside the dungeon of the alienating parent’s world. The literature does not help much in the way of identifying or describing this problem. However, common sense tells us that erring on the side of caution should only be used as a place holder, temporarily treating all serious allegations as true during a child abuse investigation until there is some clear and convincing indication that the allegations are not true.<sup>9</sup> The importance of using the erring on the side of caution approach as a *temporary* place holder during a search for the truth can be gleaned from the Colorado Supreme court opinion in *Wollert and Joseph* (2020).<sup>10</sup> The *Wollert* trial court found that the mother had been poisoning the children through “severe parental alienation” tactics that included “very strong negative feelings about father” and “numerous unfounded allegations of child abuse against father.” Despite a report from the evaluator that the parties’ child was in “imminent psychological and emotional danger as a result of the mother’s severe parental alienation,” the initial approach to the case was to “err on the side of caution.”

The err on the side of caution approach is meant to create a *brief* period of time and space to allow for a proper investigation and scientific inquiry into any serious allegations so as to quickly resolve the matter with the least amount of disruption to the children’s lives.<sup>11</sup> However, in practice it is more common for child custody evaluators to use a confirmatory biased method when they invoke the err on the side of caution maxim as a justification for not testing rival hypotheses and accepting what has been alleged as ‘the child’s truth’ that must be affirmed and ‘validated.’ The confirmatory biased method<sup>12</sup> of course is a one way street and when the evaluator gets it wrong by misdiagnosing an alienated as realistically estranged, the child suffers. The scientific method approach widens the road allow the evidence to go in both directions by testing all plausible rival hypotheses.<sup>13</sup> For example, if parent A makes an allegation of child sexual abuse and parent B reports the allegation is false, the evaluator seeks all available information that tends to show it is true and all available information that tends to show it is false until the cumulative evidence clearly preponderates in one direction or the other. ■

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<sup>8</sup> Id. at \* 2

<sup>9</sup> See Connolly, D. A., Price, H. L., & Gordon, H. M. (2009). Judging the credibility of historic child sexual abuse complainants: How judges describe their decisions. *Psychology, Public Policy, and Law*, 15(2), 102-123; Neoh, J., & Mellor, D. (2009). Professional issues related to allegations and assessment of child sexual abuse in the context of family court litigation. *Psychiatry, Psychology and Law*, 16(2), 303-321.

<sup>10</sup> In re Marriage of Wollert and Joseph, 464 P.3d 703 (2020).

<sup>11</sup> Wakefield, H., & Underwager, R. (1991). Sexual abuse allegations in divorce and custody disputes. *Behavioral Sciences & the Law*, 9(4), 451-468.

<sup>12</sup> Kassin, S. M., Dror, E. E., & Kukucka, J. (2013). The forensic confirmation bias: Problems, perspectives, and proposed solutions. *Journal of Applied Research in Memory and Cognition*, 2(1), 42–52.

<sup>13</sup> Gould, J. W. (1999). Scientifically crafted child custody evaluations. Part two: A paradigm for forensic evaluation of child custody determination. *Family Court Review*, 37(2), 159-178.



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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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