Parental Alienation International

Advancing worldwide understanding in the field of parental alienation

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As we present the second issue of the 2025 *Parental Alienation International* newsletter, we are heartened by the growing community dedicated to understanding and addressing parental alienation. Your engagement has been instrumental in fostering awareness and driving meaningful conversations around this critical issue.

We encourage you to explore our News section for the latest international updates on parental alienation legislation and recognition. Notably, the progress being made in Denmark. We also invite you to mark your calendars for the 7th International Conference on Parental Alienation, scheduled from September 10 to 12, 2025, in Toronto, Canada.

In this issue we focus on parenting, presenting the second part of Dr. Mary Alvarez's article, "Working with a Targeted Parent: Objectives, Challenges, and a Path Forward" and an inquisitive article by Shawn Wygant, exploring the "protective parent paradigm."

Our Targeted Parents' Column serves as a dedicated space for affected families to express their grief, share personal experiences, and find solace among those who understand their journey. By sharing stories, we hope to provide comfort and solidarity to others facing similar challenges. To contribute your own writings or artwork, please reach out to myself or Alan Blotcky; our contact information can be found at the end of the newsletter.

We remain committed to providing a platform for education, support, and advocacy. Thank you for being an integral part of our community!

With Gratitude,

Diana Alberter

Please see the additional pdf of Upcoming Events & Connections from Holly J. Mattingly, PhD

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Protective Parenting and Shared Parenting Models: Can They Co-Exist?

Shawn A. Wygant, MA

THE TERM 'PROTECTIVE PARENT' was introduced in the scientific literature several years ago. Many of the researchers using this term argue that when aggrieved parents embroiled in custody disputes make claims of child abuse or domestic violence, they are either disbelieved or "put on trial."[1] Essentially, the claim is that trial courts are biased against protective parents, and that bias leads to Type II errors.[2] The parent who claims protective parent status will often maintain that status even in cases where the court has found the allegations to be false. The fallout seems to be a movement of sorts in which anytime a protective parent is ruled against at the trial court level, it is assumed that the judge got it wrong.[3] When viewing cases through this protective parent lens, there appears to be a distorted perception that the actual rate at which judges make erroneous findings of fact against a self-anointed protective parent is much higher than the appellate court record suggests.[4] Furthermore, the status of a protective parent is often conferred on the accusing parent before a determination on the merits of their claims has been made in court.[5]

The protective parent paradigm has been used as an argument against shared parenting models. For example, Goldstein (2024) pointed out that family courts commonly take shortcuts including coercing a protective parent to settle their case, imposing shared parenting in domestic violence cases, and restricting evidence presented by the protective parent.[6] In an article titled *The Dangers of Presumptive Joint Physical Custody*, the authors argue that a shared parenting presumption comes at a cost, as "it takes consideration of the child's best interests out of the calculus altogether."[7] When viewing this last claim through recent court cases in Kentucky, where there is a shared parenting time statute,[8] courts have never failed to consider the child's best interests. This is demonstrated in the following excerpt from *Layman v. Bohanon* (2020);

> *"The court shall determine custody in accordance with the best interests of the child and equal consideration shall be given to each parent and to any de facto custodian. Subject to KRS 403.315, there shall be a presumption, rebuttable by a preponderance of evidence, that joint custody and equally shared parenting time is in the best interest of the child. If a deviation from equal parenting time is warranted, the court shall*

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[1] Smith, R., & Coukos, P. (1997). Fairness and accuracy in evaluations of domestic violence and child abuse in custody determinations. *Judges' Journal, 36*(4), 38-55. Page 39.

[2] *See* Neustein, A., & Goetting, A. (1999). Judicial responses to the protective parent's complaint of child sexual abuse. *Journal of Child Sexual Abuse, 8*(4), 103-122; California Protective Parents Association. (2025) https://www.caprotectiveparents.org/

[3] Archer-Kuhn, B. (2018). Domestic violence and high conflict are not the same: A gendered analysis. *Journal of social welfare and family law, 40*(2), 216-233

[4] Meier, J. S. (2017). Dangerous liaisons: domestic violence typology in custody litigation. *Rutgers University Law Review, 70*(1), 115-174

[5] De Simone, T., & Heward-Belle, S. (2020). Evidencing better child protection practice: Why representations of domestic violence matter. *Current Issues in Criminal Justice, 32*(4), 403-419.

[6] Goldstein, B. (2024). Family Court Shortcuts that Short Circuit Children's Lives. *Family & Intimate Partner Violence Quarterly, 17*(1), 33.

[7] Davis et al. (2010). The Dangers of Presumptive Joint Physical Custody. *The Battered Women's Justice Project*. Minneapolis, MN *citing to* Dangl, L. (2008). A Critical Evaluation of Presumptions in Favor of Joint Custody: Why Michigan Should Not Follow the Trend, *Michigan Child Welfare Law Journal, 11*(9), 17.

[8] KRS 403.270

construct a parenting time schedule which maximizes the time each parent or de facto custodian has with the child and is consistent with ensuring the child's welfare. The court shall consider all relevant factors."[9]

The interpretation of the relevant shared parenting time statute by the Supreme Court of Kentucky makes it clear that the best interests of the child are always considered as part of the calculus in determining custody between the parents. A more nuanced version of Davies et al. (2010) argument suggests that a rebuttable shared parenting time presumption abrogates the "individualized best interests of the child" paradigm.[10] While there are variances in how the best interests of the child factors are defined and interpreted in each state, in most cases where a presumption in favor of shared parenting time exists – either through statute or judicial discretion – the individualized best interests of the child analysis always takes center stage and ultimately acts as a trump card. Thus, the argument suggesting that the application of a shared parenting time presumption will eliminate the individualized best interests of the child standard seems to be a red herring.

It is interesting to note that the groups and individuals who oppose shared parenting time models seem to have an inherent distrust of the judiciary in its capacity and willingness to properly handle serious allegations of abuse and violence through the lens of the best interests of the child standard.[11] An example of why distrust in the judiciary seems unwarranted is the recent case out of Oregon, *In the Matter of Gist*.[12] In that case, the trial court temporarily granted a father's Motion for an Order of Immediate Danger and a Motion to Modify Custody and Parenting Time ex-parte, and the parties proceeded to a hearing on whether to continue the immediate-danger order and on the father's motion to change custody.[13] After taking evidence and hearing arguments, the trial court determined that the father failed to prove by clear and convincing evidence that the mother represented an immediate danger to the children, and it dismissed the immediate-danger order. The Court then discussed each of the statutory best interests of the child factors to determine the best interest of the children and ultimately awarded sole legal custody to the mother.[14]

What was notable in the Gist appellate decision was one of the father's assignment of errors, which read in pertinent part: "*…the father argues the trial court erred by … (2) ruling that father as a protective parent is guilty of parental alienation without consideration of the facts.*"[15] This is one of many examples where a trial court judge performed their duty effectively. I think if legal and mental health professionals took the time to review the relevant appellate court record, they would likely discover that the judiciary, for the most part, consistently considers the best interests of the child in both original custody and modification cases – even when compelled by statute to consider a shared parenting time presumption. More importantly, the way in which the best interests of the child standard has been anchored into the family court system has been through the lens of the assemblage clause of the First Amendment. The right of intimate association among family members has been interpreted to mean that children and their parents have a constitutional right to associate without government

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[8] KRS 403.270

[9] Layman v. Bohanon, 599 S.W.3d 423, 429 (Ky. 2020)

[10] Dale, M. (2021). Still the One: Defending the Individualized Best Interests of the Child Standard against Equal Parenting Time Presumptions. *J. Am. Acad. Matrimonial Law., 34*, 307-361.

[11] *See* Family Violence Appellate Project https://fvaplaw.org/; California Protective Parents Association https://www.caprotectiveparents.org/;

[12] Matter of Gist, 336 Or.App. 346 (2024)

[13] Id. 347

[14] Id. 348

[15] Id. 347.

infringement.[16] Essentially, this means that every family member – both during a divorce and in post-family dissolution life – has an equal right to access under the assemblage clause, protected by due process under the Fourteenth Amendment. I believe it is a mistake to consider that assumption. Rather, the Supreme Court seems to hold the opinion that it is a natural right of each parent and their child(ren).

What seems to be lost in arguments against shared parenting time is the natural right of the child to equal access to both parents after the legal dissolution of the family. When a child is forced into divorce litigation by their parents, the child's legal interests in the maintenance intact of their love, affection, and other important emotional attachments to each parent are not adequately represented unless the court assigns a Lawyer/Guardian ad litem. The idea that a parent can speak for the legal interests of their child while simultaneously being engaged in opposition to the other parent sharing custody is an inherent problem in the way family law is currently practiced. Shared parenting time models seem to ameliorate this inequity by assuming that the child's constitutional right to equal access to both parents is in their best interests – unless rebutted by evidence to the contrary.[17]

What is also lost in the argument against shared parenting time is the fact that research studies show that children do better in shared parenting arrangements than in sole parenting arrangements on most dimensions. And that the quality of parent-child relationships (with both mothers and fathers) is a highly important factor in a child's level of adjustment. ■

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[16] *See* Karst, K. L. (1980). The freedom of intimate association. *The Yale Law Journal, 89*(4), 624-692; Bohl, J. C. (1994). Those Privileges Long Recognized: Termination of Parental Rights Law, the Family Integrity Right and the Private Culture of Family. *Cardozo Women's LJ, 1*(323). *See also Alsager v. Polk County*, 406 F.Supp. 10 (1975); *Santosky v. Kramer*, 102 S.Ct. 1388 (1982).

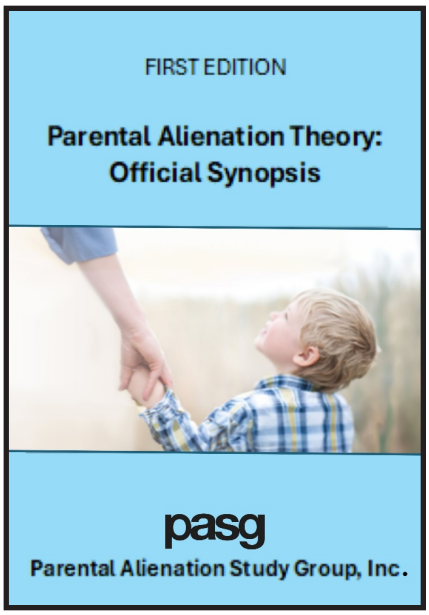
[17] *See* Vowels et al. (2023). Systematic review and theoretical comparison of children's outcomes in post-separation living arrangements. *Plos one, 18*(6), e0288112; de Torres Perea, J. M., Kruk, E., & Alarcón, M. O. T. (Eds.). (2021). *The Routledge international handbook of shared parenting and best interest of the child*. Routledge.
And see https://www.sharedparenting.org/articles

Ownership of the Word "Diagnosis"

William Bernet, MD

INTRODUCTION

For several months, the current and former members of the Board of Directors of PASG have been creating an important new book, *Parental Alienation: Official Synopsis.* This book will be relatively short—perhaps 140 pages—but it features all the basic information that mental health and legal practitioners need to know about parental alienation. It is noteworthy that the "authors" of the book are not specific individuals, but are our organization, Parental Alienation Study Group.



We want this book to be widely distributed and read. The publisher will provide a professionally made PDF of the entire book, which will be available for free on our website and at many other locations on the internet. The publisher will also provide printed copies of the book, and we will deliver complimentary copies to everyone who attends PASG conferences and also at other scholarly events. We hope that this *Official Synopsis* will be translated into several foreign languages.

The short article below is an except from the *Official Synopsis*. This is a response to PA critics who frequently say, "Experts cannot testify in court regarding parental alienation because the term is not in the DSM." These PA critics can be refuted by the following two arguments: (1) Nobody, including the writers of the DSM, own or control the concept of "diagnosis." There are many diagnoses that are not in the DSM. (2) Several federal courts, including the U.S. Supreme Court, have made it clear that experts can testify regarding mental conditions even if those conditions are not in the DSM.

The DSM Does Not Own "Diagnosis."

Some critics of PA theory have objected to our use of the word "diagnosis" when we refer to the clinical identification of PA. They say that we should not use "diagnosis" because PA is not included as a specific mental disorder in the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-5-TR, American Psychiatric Association, 2023). This criticism of PA theory is unfounded for two reasons: (1) Several well-known and widely accepted mental conditions have never been included in the DSM, such as "psychopathy," "complex posttraumatic stress disorder," "battered woman syndrome," "sexual addiction," and "pathological lying." Clinicians and researchers commonly refer to these conditions as "diagnoses." (2) The DSM does not "own" the concept of diagnosing mental conditions. Other organizations have created their own systems of psychiatric nomenclature, including the National Institutes of Mental Health, which uses "Research Domain Criteria" (RDoC) instead of DSM diagnoses. The Group for the Advancement of Psychiatry (GAP), a large, influential organization, developed its own system of classification of mental conditions. And, of course, the World Health Organization uses the *International Classification of Diseases*.

It is Not Required for Testimony to be Based on the DSM.

Federal courts in the U.S. have repeatedly held that witnesses can testify about diagnoses even if those terms are not in the DSM. In an important case regarding pedophilia, the U.S. Supreme Court stated the general

principle, “Legal definitions . . . need not mirror those advanced by the medical profession” (*Kansas v. Hendricks*, p. 359). More specifically, in two cases involving the diagnosis of hebephilia, federal appellate courts held that “a mental disorder or defect need not necessarily be one so identified in the DSM in order to meet the statutory requirement [for testimony]” (*U.S. v. Carta*, p. 9; *U.S. v. Vandivere*, p. 23). “Pedophilia” is a diagnosis in DSM-5-TR, but “hebephilia”—sexual attraction to adolescents—is not. Nevertheless, these appellate courts have ruled that witnesses are allowed to testify regarding both pedophilia and hebephilia, if those terms are relevant for the case at trial.

It court, it may or perhaps may not be a good idea to introduce the term parental alienation in one’s testimony. That depends of the details of the case, the strategy developed by the parent and their attorney, and even the attitude of the trial judge. But if an attorney does plan to use the term parental alienation in court, that tactic can be supported by the arguments in this article. ■

LEGAL REFERENCES

Kansas v. Hendricks, 521 U.S. 346 (1996).

United States v. Carta, 592 F.3d 34 (1st Cir. 2010).

United States v. Vandivere, 88 F.4th 481 (4th Cir. 2023).

Contact Information for PASG Officers and PAI Editors

Mailing Address

Parental Alienation Study Group
P.O. Box 4090
Brentwood, TN 37027, USA

Board of Directors

Phillip Hendrix, MA, MBA, President
Castle Rock, Colorado, USA
info@covenantcounselors.com

Phillip Hendrix, MA, MBA, Treasurer
Castle Rock, Colorado, USA
info@covenantcounselors.com

Brian Hart, MBA, MS, Secretary
Needham, Massachusetts, USA
Brianhart123@gmail.com

Kelley Baker, PhD
Georgetown, Texas, USA
kabakerphd@gmail.com

William Bernet, MD, Past President
Nashville, Tennessee, USA
william.bernet@vumc.org

Alan D. Blotcky, PhD
Birmingham, Alabama, USA
alanblotcky@att.net

J. Michael Bone, PhD
Winter Park, Florida, USA
michael@jmichaelbone.com

Lena Hellblom Sjögren, PhD
Siljansnäs, Sweden
mail@testimonia.se

Ashish S. Joshi, LLM
Ann Arbor, Michigan, USA
a.joshi@joshiattorneys.com

Stan Korosi, PhD
Melbourne, Australia
skorosi@usc.edu.au

Editors-in-Chief

Diana Alberter
Pittsburgh, Pennsylvania, USA
dmalberter@gmail.com

Alan D. Blotcky PhD
Birmingham, Alabama, USA
alanblotcky@att.net

Managing Editor

Tom Janssen
Antwerp, Belgium
tomjanssen@outlook.com

Column Editors

Targeted Parents' Column
Editor: Diana Alberter
Pennsylvania, USA
dmalberter@gmail.com

Interventions Column
Editors: Mary Alvarez, PhD, &
Chris Turner
Texas, USA
dralvarez@resetting-the-family.com
cturner@resetting-the-family.com

Legal Column
Editor: Shawn Wygant, MA
Oscoda, MI
swygant@psychlaw.net

Book Review Editor

Brian Hart, MBA, MS
Needham, Massachusetts, USA
Brianhart123@gmail.com

Events Editor

Holly Mattingly PhD
Kentucky, USA
h.mattingly@yahoo.com

PASG Archivist

Robert Ferrer
Urbana, Illinois, USA
r-ferrer@illinois.edu

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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