



False Information Regarding Parental Alienation and What to Do About It

WILLIAM BERNET, M.D.
FAMILY ACCESS SYMPOSIUM

Frankfort, Kentucky – October 2019



Robert Geffner, Ph.D.
Editor-in-Chief

Morgan Shaw, Psy.D.
Editor of Special Issue

Joyanna Silberg, Ph.D.,
and Stephanie Dallam, Ph.D.

Jean Mercer, Ph.D.

Madelyn Simring Milchman, Ph.D.

Jenna Rowen, Ph.D.,
and Robert E. Emery, Ph.D.

JOURNAL OF CHILD CUSTODY
2019, VOL. 16, NO. 2, 140–169
<https://doi.org/10.1080/15379418.2019.1613204>



Abusers gaining custody in family courts: A case series of over turned decisions

Joyanna Silberg and Stephanie Dallam

The Leadership Council on Child Abuse & Interpersonal Violence, Baltimore, MD, USA



JOYANNA L. SILBERG, PH.D.

**Psychology Consultant
Sheppard Pratt Hospital
Baltimore, Maryland**

**Executive Vice-President
Leadership Council on Child Abuse
and Interpersonal Violence**

JOYANNA SILBERG MISINFORMATION

At the current time, definitions of parental alienation and methods of operationalizing this concept differ among proponents to such an extent that the body of literature on the phenomenon cannot be reliably synthesized to assess its overall validity (Saini et al., 2016). As such, none of this work has reached a point of scientific credibility; yet, family courts continue to rely on the alienation construct when making custody determinations.

SAINI ET AL. ACTUALLY SAID ...

“There is remarkable agreement about the behavioral strategies parents can use to potentially manipulate their children’s feelings, attitudes, and beliefs in ways that may interfere with their relationship with the other parent. The cluster of symptoms or behaviors indicating the presence of alienation in the child can also be reliably identified.”

Michael Saini, Janet R. Johnston, Barbara Jo Fidler, and Nicholas Bala, *Empirical Studies of Alienation*, 2016, p. 423.

JOYANNA SILBERG MISINFORMATION

7. All evidence admitted in custody and parenting adjudications should be subject to evidentiary admissibility standards and courts must reject pseudoscientific concepts that pathologize parents seeking to protect children such as Parental Alienation Syndrome, and other simplistic theories of parental alienation that rely on this unvalidated construct.

SAINI ET AL. ACTUALLY SAID ...

- ▶ “Alienation should be viewed as a family relational problem, not an individual pathology of one parent or child. ... There are cases where one parent may have primary responsibility for ‘alienating’ a child from the other parent.”
- ▶ Michael Saini, Janet R. Johnston, Barbara Jo Fidler, and Nicholas Bala, *Empirical Studies of Alienation*, 2016, p. 422.

Child Affected by Parental Relationship Distress

William Bernet, MD, Marianne Z. Wamboldt, MD, William E. Narrow, MD, MPH

Children who experience parental alienation almost always fulfill the definition for CAPRD; that is, the child is affected by conflict between the parents, with the result of forming an enmeshed relationship with one parent and rejecting a relationship with the other parent. Depending on

JOYANNA SILBERG MISINFORMATION

2013). For example, the various parental alienation theories utilized by professionals evaluating the children in our dataset all included the logical error of affirming the consequent (see Mercer (in press), this issue), as there had been no documentation of the mothers attempting to brainwash their children against the father. Similarly, no supporting evidence for maternal coaching was presented in any of the cases we studied. Instead, it was merely assumed. It should be noted that the literature suggests that concern over

IN FACT ...

FIVE-FACTOR MODEL FOR DIAGNOSIS OF PARENTAL ALIENATION:

- ▶ **One: Child actively resists or refuses a relationship with a parent.**
- ▶ **Two: Presence of a prior positive relationship with rejected parent.**
- ▶ **Three: Absence of abuse, neglect, or seriously deficient parenting.**
- ▶ **Four: Use of multiple alienating behaviors by the favored parent.**
- ▶ **Five: Many of the eight manifestations of alienation by the child.**

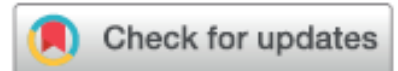
EMAIL: BERNET TO SILBERG

▶ I have read your recent article, “Abusers Gaining Custody in Family Courts,” which is quite interesting. I would like to review the case material, the basic data, which you relied on for this research. I am particularly interested in the ten cases in which the preferred parent reportedly engaged in alienating behaviors. Can you send me the actual documents that you reviewed pertaining to those cases? At a bare minimum, can you send me the legal citations for those cases and the jurisdictions in which they occurred?

EMAIL: BERNET TO SILBERG

- ▶ As you know, the Ethical Principles of Psychologists and Code of Conduct says, “After research results are published, psychologists do not withhold the data on which their conclusions are based from other competent professionals who seek to verify the substantive claims through reanalysis and who intend to use such data only for that purpose, provided that the confidentiality of the participants can be protected and unless legal rights concerning proprietary data preclude their release.”

JOURNAL OF CHILD CUSTODY
2019, VOL. 16, NO. 1, 67–113
<https://doi.org/10.1080/15379418.2018.1557578>



Are intensive parental alienation treatments effective and safe for children and adolescents?

Jean Mercer

Psychology, Stockton University, Galloway, New Jersey

JEAN MERCER, PH.D.

**Professor Emerita of Psychology
Stockton University**

**Founding Fellow
Institute for Science in Medicine**



JEAN MERCER MISINFORMATION

Interviews with young adults who as adolescents had attended Family Bridges provide additional information regarding the experiences of children in the workshop; although, it must be stated that no reports are available from individuals who felt the program had a positive effect. One

WARSHAK ACTUALLY SAID ...

Outcome study of Family Bridges, involving 83 children:

A majority of children felt that they were treated with “a lot” of respect (57%) and with “a lot” of kindness (66%). Nearly every child reported being treated with “some” or “a lot” of respect (95%) and kindness (96%). None reported that they were treated with no respect or kindness.

Richard A. Warshak, *Reclaiming Parent–Child Relationships: Outcomes of Family Bridges with Alienated Children*, 2018, page 15.

JEAN MERCER MISINFORMATION

“PA proponents have been guilty of circular reasoning since Gardner’s day ... in that they have omitted the collection of data about one parent’s persuasive efforts but have nevertheless assumed that [visitation resistance or refusal] is in itself evidence that the preferred parent has carried out a campaign of denigration against the non-preferred parent.”

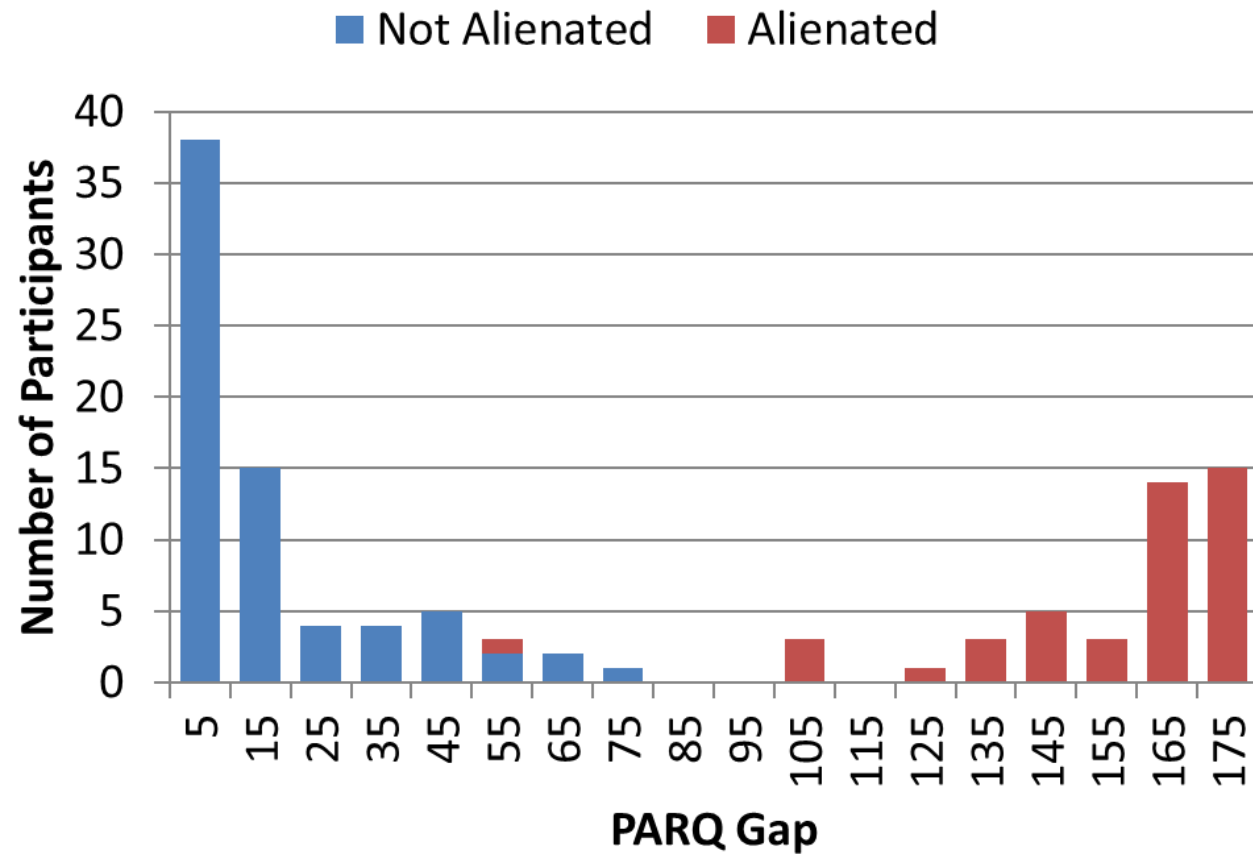
IN FACT ...

IN FACT, NO PROPONENT OF PA ...

assumes that contact refusal “is in itself evidence that the preferred parent has carried out a campaign of denigration against the non-preferred parent.”

JEAN MERCER MISINFORMATION

ent, Gardner (2002) claimed that children in PA situations were unusual in that they unambivalently saw one parent as good and the other as bad, and in that they insisted that they had made up their own minds and were not influenced by the preferred parent's persuasion. PA theorists have continued these assumptions. Such assumptions are implausible without empirical demonstration that there are cognitive differences of this kind between children "with PA" and a matched group without. A lack of ambivalence is



BERNET SAID ...

The PARQ Gap was 99% accurate in distinguishing the mental state of severely alienated children from nonalienated children.

JOURNAL OF CHILD CUSTODY
2019, VOL. 16, NO. 2, 115–139
<https://doi.org/10.1080/15379418.2019.1614511>



How far has parental alienation research progressed toward achieving scientific validity?

Madelyn Simring Milchman

Private Practice, Montclair, New Jersey, USA



MADelyn SIMRING MILCHMAN, PH.D.

**Private Practice
Montclair, New Jersey**

MADELYN SIMBRING MILCHMAN MISINFORMATION

Bernet (2013) reports that the American Psychiatric Association (2013) refused to include PA in the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition* (DSM-5) because of the scientific limitations of PA research. Of particular concern was the inadequacy of the empirical research needed to establish scientific validity. The exclusion of PA from

BERNET ACTUALLY SAID ...

Dr. Daniel Pine said the initial proposal submitted in 2008 “did not cite enough research regarding the validity of parental alienation disorder as a concept or the reliability of the proposed criteria for the diagnosis of parental alienation disorder for this novel condition to be included in *DSM-5 as a mental disorder.*”

HOWEVER, the *DSM-5* Task Force said that parental alienation should be considered a relational problem, such as *parent–child relational problem* or *child affected by parental relationship distress*.

William Bernet, *Parental Alienation, DSM-5, and ICD-11*, 2013, p. 488.

JOURNAL OF CHILD CUSTODY
2019, VOL. 16, NO. 2, 197–208
<https://doi.org/10.1080/15379418.2019.1610135>



Parental denigration reports across parent–child dyads: Divorced parents underreport denigration behaviors compared to children

Jenna Rowen^a and Robert E. Emery^b

^aDepartment of Psychology, University of Illinois at Chicago, Chicago, Illinois, USA; ^bDepartment of Psychology, University of Virginia, Charlottesville, Virginia, USA

JENNA ROWEN, PH.D.

**University of Illinois
at Chicago**



ROBERT E. EMERY, Ph.D.

University of Virginia



ROWEN AND EMERY MISINFORMATION

grated parent from his or her children. This is especially important to examine, since the parental alienation hypothesis is often used in custody cases to determine important outcomes for children, even though there is currently no scientific data to support the outcome purportedly resulting from “parental alienation.”

IN FACT ...

We found hundreds of articles in the professional literature of 38 countries ...

- ▶ Algeria
- ▶ Argentina
- ▶ Australia
- ▶ Austria
- ▶ Belgium
- ▶ Brazil
- ▶ Canada
- ▶ Columbia
- ▶ Chile
- ▶ Cuba
- ▶ Czech Republic
- ▶ Denmark
- ▶ Finland
- ▶ France
- ▶ Germany
- ▶ Hong Kong
- ▶ India
- ▶ Israel
- ▶ Italy
- ▶ Japan
- ▶ Latvia
- ▶ Lithuania
- ▶ Malaysia
- ▶ Malta
- ▶ Mexico
- ▶ Morocco
- ▶ Netherlands
- ▶ Norway
- ▶ Poland
- ▶ Portugal
- ▶ Romania
- ▶ South Africa
- ▶ Spain
- ▶ Sweden
- ▶ Switzerland
- ▶ Turkey
- ▶ United Kingdom
- ▶ United States

JOURNAL OF CHILD CUSTODY

2019, VOL. 16, NO. 1, 1–6

<https://doi.org/10.1080/15379418.2019.1609384>



Routledge

Taylor & Francis Group



Misperceptions and misapplications of research in family law cases: Myths of “Parental Alienation Syndrome” and implanted false memories

Morgan Shaw

Professional Clinical and Forensic Services, Institute on Violence, Abuse, and Trauma, San Diego, California, USA



MORGAN SHAW, PSY.D.

Editor of Special Issue
Journal of Child Custody

MORGAN SHAW MISINFORMATION

Richard Gardner “was implicated as being a proponent of pedophilia.”

RICHARD GARDNER ACTUALLY SAID ...

“I consider pedophilia to be a psychiatric disorder, an abominable exploitation of children. I have never supported a pedophile in his (or her) quest for primary child custody.”

“I believe that pedophilia is a bad thing for society. I do believe, however, that pedophilia, like all other forms of atypical sexuality, is part of the human repertoire and that all humans are born with the potential to develop any of the form of atypical sexuality”

PUBLISHER OF *JOURNAL OF CHILD CUSTODY* SAYS ...

“Taylor & Francis, our agents, and our licensors make no representations or warranties whatsoever as to the accuracy, completeness, or suitability for any purpose of the Content. Any opinions and views expressed in this publication are the opinions and views of the authors, and are not the views of or endorsed by Taylor & Francis. The accuracy of the Content should not be relied upon and should be independently verified with primary sources of information.”



**WHAT CAN PRACTITIONERS, LAWYERS,
RESEARCHERS, AND TARGETED PARENTS
AND GRANDPARENTS
DO ABOUT MISINFORMATION?**

WHAT TO DO ABOUT MISINFORMATION

- ▶ **WRITE A LETTER TO THE EDITOR**
- ▶ *Monitor on Psychology*
- ▶ *Clinical Psychiatry News*
- ▶ *Journal of Forensic Sciences*

WHAT TO DO ABOUT MISINFORMATION

- ▶ **MAKE A FORMAL COMPLAINT TO THE PUBLISHER**
- ▶ **Norstedts Juridik**
- ▶ **American Psychological Association**

WHAT TO DO ABOUT MISINFORMATION

- ▶ **PUBLISH A REBUTTAL IN THE SAME JOURNAL**
- ▶ *Journal of American Academy of Psychiatry and the Law*
- ▶ *American Journal of Family Therapy*
- ▶ *Children and Youth Services Review*
- ▶ *Family Court Review*

WHAT TO DO ABOUT MISINFORMATION

- ▶ **CREATE A BLOG**

- ▶ *For Example, “Fake News about Parental Alienation”*

WHAT TO DO ABOUT MISINFORMATION

- ▶ **FILE A FORMAL ETHICS COMPLAINT**
- ▶ **American Psychological Association**
- ▶ **State Board of Psychology**

WHAT TO DO ABOUT MISINFORMATION

- ▶ **MEET WITH YOUR CONGRESSMAN**
- ▶ **U.S. House of Representatives and
House Concurrent Resolution 72 (2017)**

WHAT TO DO ABOUT MISINFORMATION

▶ WRITE A BOOK

- ▶ *Parental Alienation: The Handbook for Mental Health and Legal Professionals (2013)*
- ▶ *Parental Alienation – Science and Law (2020)*

WHAT TO DO ABOUT MISINFORMATION

- ▶ **MAKE A PRESENTATION**
- ▶ **Association of Family and Conciliation Courts**
- ▶ **Family Access – Fighting for Children’s Rights**