

The Question of making Parental Alienation a Criminal Offence.

What's your expertise in relation to parental alienation?

I have a mixed background of being a private family court service user for 16 years, and an ex-law legal advisor including assisting successful applications to the Court of Appeal. I wrote two books under the pseudonym Stuart Hontree that objectively and critically analyse the UK family courts. I am a research expert specialising in applying neuroscience-led attachment principles to assessing and resolving parental alienation, and I have worked as an expert witness in intractable cases at court. I supported reunifications of severely alienated children and have applied the reunification protocols successfully as an expert.

The impact parental alienation has?

The impact parental alienation has on children and families is huge. It's a form of manipulation of the child's attachment system and malign inculcation sometimes made effective by an underlying threats of rejection, maltreatment or abandonment of the child by the alienating parent. Dependent children with young developing brains cannot withstand this form of manipulation and should not be expected to. It is inflicted via countless forms of manipulative and intrusive parenting strategies and behaviours, all of which cause illnesses in other family members.

Splitting is the first child disorder upon which the others ride. It's where children are provided wrong information about the alienated parent, plus denied true information about them, and adequate experiences of them. The child comes to invest in this misinformation and orientate their perspectives, feelings and behaviors around it.

Splitting underlies many mental health illnesses. It's an identified symptom of borderline and narcissistic personality disorders, major depressive illness, is central to understanding developmental arrests, and deviance in psychic understanding. It is integral to developing schizophrenia, and schizoid personality disorders, and common in dissociative disorders, including brainwashing.

Triangulation comes next. It's an intergenerational, relational boundary dissolution that develops when one or both conflicted parents enlist their children's sympathy and support in their struggle against the other parent, involving them in adult disputes. In health terms, it's correlated with internalising problems, cardiovascular reactivity and lesser physical health in children. Longitudinal evidence supports links between triangulation, adolescent hostility, depression, and drug dependence. It is linked to the development of borderline personality disorder in teenagers, and other serious psychological problems, including anorexia. Studies show that triangulated children may be stressed without conscious awareness of why, meaning they can falsely attribute their predicament to the wrong parent.

Psychological enmeshment is defined as adverse parent child interactional patterns that cause psychological and emotional fusion among family members that is not recognised or acknowledged by the enmeshed parent or child.

There are three main types of psychological enmeshment relevant to parental alienation: parentification, adultification and infantilisation. Each type has its own poor effects on children.

Severe parental alienation involves all three of these issues together, so they can have a mutually compounding effect on children that helps to explain why it perseverates in the absence of skilled intervention.

In any welfare issue, we need to listen to and be guided by what experts have to say and take our lead from them, and here, not be influenced by people who are not qualified and do not work with alienated children. Let me quote from Dr Linda Gottlieb's book, where Dr Buckhard details the difficulties of treating alienated children, compared to other trauma victims:

"This other group of children have been raped, burned, beaten, sexually abused, and victims of crime. If they are in the newspapers, the children are likely to wind up in this office because we specialize in traumatized children. And yet, they don't hold a candle in terms of symptoms and prognosis to the PAS (alienated) children. PAS kids are a mess."

In the UK, the statute, case law, legal, social, and mental health services, and family courts, are not skilled or resourced to adequately protect children. Therefore, we need also to consider the iatrogenic damage on children and families in the family courts; that is, the damage suffered whilst cases drag on at court for months at least, if not years, with no practical or useful interim support for children to arrest their deterioration.

Being manipulated severely interferes with how the brain processes cognitive and affective information. These corruptions are the underlying factors in most personality vulnerabilities and maladaptations, so the longer alienation goes on, especially in an immature and still developing brain, the greater the damage, and the greater the difficulty and expertise required to evaluate it, and treat it. Parental alienation is easily resolvable in the early stages and can be resolved with expert assistance even when very serious. If it were criminalised, victims would be entitled to support and the relevant child mental health services would soon be updated.

Where we have a family court system known to need reform but where repeat Reviews have been unable or unwilling to deliver a system ready for the mental health problems it receives, it's inevitable that the prevalence and impact of issues will actually get worse. It's simply best to protect children by prevention. That can only be done by criminalising parental alienation, as has been done in other countries.

What parents do it?

Several clinical studies have identified a causal link between parental alienation and parent-mental health issues, i.e. In the 1980s, 64% of a court-involved sample of custodial parents litigating over access to their children received a diagnosis of a personality disorder. In the US, suicidal behavior and substance abuse are common among alienating parents. The disorders commonly recorded seem to be anti-social, borderline, narcissistic, bipolar and histrionic. In effect, what we see in parental alienation is a transmission of mental health issues to the next generation that criminalising the issue would largely arrest.

How could criminal courts deal with parental alienation?

One perhaps has images of alienating parents being jailed, but that's not how jurisdictions that have already criminalised parental alienation have dealt with things. Let's take Brazil, for instance. They simply transferred the relevant powers of the family court to the criminal court. They can gather the evidence, adjudicate this specific issue in isolation, make a finding that alienating behaviours have been ongoing, and make directions. The courts start with a warning to the alienating parent, then have powers to fine, transfer custody on an interim basis, and direct therapy. So their process seems more orientated towards deploying the criminal jurisdiction to protect children than punish the alienating parent.

Other jurisdictions taking significant steps forward are Malta and Israel. Maltese law obliges the public to report known or reasonably suspected child abuse, with parental alienation specifically mandated as a type of abuse to report. Israel dispensed with the adversarial system of family law in 1995 and recognises 'contact failure' between family members as a public health issue, thereby dealing pragmatically with the potential for alienation very much sooner. These countries changed their laws in accordance with Article 19 UNCRC. The UK is also signatory to UNCRC but apparently without similar commitment to ensuring a child's healthy development.

The Ministry of Justice in the UK has no motivation to change the law to benefit vulnerable and alienated children. For instance, the Ministry scuppered progress the government directed in 2002 that would have given judges the guidance they sought. The Private Law Working Group of the Ministry of Justice is currently obstructing the same progression (see newapproachestocontact.co.uk for details). It is absurd that CAF/CASS, for instance, has no in-depth training in attachment and family systems, the relevant evaluation and treatment disciplines, and no intention to upgrade. CAF/CASS has no guidance for any kind of case yet advises judges, and refuses to produce adequate guidance. CAF/CASS was formed upon the dissolution of its forerunner, the Family Court Welfare Service, itself disbanded for having no guidance or adequate training. How can you have a 'welfare' service with no welfare training?

To overcome obvious and repeat obstruction by opponents to sensible and healthy reform, Parliament has to separate this specific issue out and criminalise parental alienation to force necessary change. Otherwise, we will continue to see the associated suicides in separated parents resulting from their intense trauma from loss that cannot be resolved, because the alienated child is still alive, and the separated parent knows those children are suffering, but their efforts to help their children via the family courts take too long or are not effective within that system. Mental health issues in separated parents will continue to rise. More will

kill their children in anguish. In the US, alienated children have been manipulated to murder their separated parents. We already have the first murder of a child by an alienating parent in the UK; the coroner in the Archie Spriggs case warned similar deaths will result without significant reform.

The typical, family court procedures lasting months and years are not appropriate for these cases with no pragmatic or useful support for mentally unwell children during the interim. This huge public health issue will get worse in the UK if parental alienation is not criminalised. Alongside it being criminalised comes public education to raise awareness and law to guide public behaviour, preventing many of the instances from arising at all - whereas at present, it is accepted that parental alienation has been significantly rising in recent years.

The rise is due to the lack of useful action to protect or assist vulnerable and alienated children at by local authorities and at family court. Currently, alienating children is known to be a highly effective legal strategy, where challenged or intransigent parents know family judges will sometimes direct alienated children have no ongoing contact to one of their parents, and no treatment, even when accepting they are severely alienated.

There seems a radical argument against criminalising parental alienation on the basis of it being used to veil justified estrangement from their children by domestic violence perpetrators. Albeit possible, that would be rare and identifiable. Good law cannot be guided by assertions and anecdotes. Criminalising parental alienation would also benefit genuine domestic violence victims as any such claims would have to be investigated with established procedures far sooner than they are now.

We look forward to better days, but unless parental alienation is dealt with by criminal procedures, I can't things getting better at all.

Stuart Graham
10.9.2021