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Facing Down The Monster
Submission to the Parliamentary Inquiry into Child
Custody Arrangements in the Event of Family
Separation

Dr. Travis Gee

SigmaX Consulting
Tamborine, Qld.

Correspondence:

Dr. T. Gee
2057 Waterford-Tamborine Rd.
Tamborine, Qld. 4270
ph. [REDACTED]
mob. [REDACTED]

Summary

This submission draws on personal and professional experience, along with critical reviews of social-scientific literature to address the sociological factors that may inhibit the successful implementation of any programmes or changes to the existing processes that relate to family breakdowns. Fears that men have which lead to particular problems, including but not limited to suicide are addressed, and recommendations are derived from the argument as to what sort of systemic changes may facilitate the implementation of any new regime in this area.

Submission to the Parliamentary Inquiry into Child Custody Arrangements in the Event of Family Separation

Dr. T.L. Gee
SigmaX Consulting

Introduction

I am a psychologist who has both personal and professional experience with the devastating effects of the present system on divorced fathers and children. My CV (Appendix A) is attached, where you will see that I hold a PhD in Psychology, and am currently registered in Qld (having let my NSW registration lapse, as anticipated work there has not materialized). Employed by Griffith University and the University of Queensland, I spend part of my week assisting in the design and statistical analysis of research. I am writing the following submission first as a noncustodial parent who is directly affected by this inquiry, and secondly as an interested party who has a special background that will be of use to the Inquiry.

The general form of this submission is to detail psychological factors that are at play in the mind of the modern man which lead him to comply quietly with unjust situations out of fear, and to detail particular ways in which Western systems at large, and the Australian one in particular, abuse the power that these fears grant them. With regard to the terms of reference of the Inquiry, the achievement and maintenance of shared parenting that works in the best interest of the children is inhibited by a number of factors which must be faced. First and foremost, gender bias *against men* in important respects works against children by depriving them of access to their fathers, and by depriving fathers of the resources needed to maintain adequate contact with and influence over them. This bias is identified as endemic to the Australian system, which in its appetite for social-scientific evidence has accepted at face value the woman-as-victim and male-as-abuser sentiments of some research, such as that on battered woman syndrome, while ignoring other work that is less flattering to feminists, such as the concept of 'battered husband syndrome' (e.g., (George 2003)). Acceptance of negative stereotypes of men leads to deep-seated fears in men of false allegations being levelled against them, and acceptance of unfair decisions for fear of such allegations being the end result of any attempt to fight back. It is first necessary to understand such allegations before proceeding to the sorts of injustices that men accept out of this fear.

False Allegations

Custody disputes have been identified as a major source of distress to children (Ellis 2000) and a common background for false allegations of physical and sexual abuse. Such allegations almost invariably result in children being denied access to the father, and in the many cases where they are proved unfounded, can still result in a denial or reduction of access on the grounds that this is somehow 'in the best interests of the child'. The rationalization? He can be denied simply because the children have gotten used to him not being around, and might be upset by his return. This is a far inferior position to provision of counselling to the children to help them understand why their mother made up false allegations.

In my capacity as a psychologist, I have seen men devastated by false allegations which have arisen in the context of acrimoniously-ended relationships. These allegations are often, though not exclusively, of sexual abuse, and there is a pervasive cultural disbelief of all who are so accused, even where there is good evidence that they are innocent. This is the *presumption of guilt* which seems to apply in sexual abuse cases, and it is a strong motivating factor in the minds of modern men, who live in quiet terror of being falsely accused themselves. I have testified to the Queensland Crime and Misconduct Commission alongside an experienced social worker on the extent of the problem of false abuse allegations at large, and custody-related malicious allegations in particular, such as those which arise when a custodial mother wishes to deprive a noncustodial father of visitation rights, sometimes for no other reason than sheer malice, and other times to maximize the payout under the existing Child Support Agency's draconian conditions. My social worker friend calls it 'the monster' and in this paper I wish to show you some of its' many faces, which we as a society must face down if men are to be returned to their role as proper models for children.

The Family Court system has colluded with such an individual in one remarkable instance of a man (whom I may not identify) who came to see me because he was *not* depressed. However, the mother, wishing to deprive him of visitation rights, had accused him of being depressed and suicidal, and a magistrate had seen fit to side with the mother, depriving him of such rights until such time as I was able to certify him as being officially *not depressed*. Divorced fathers are the leading risk group for suicide in Australia, and such a callous judicial approach is probably the best way to make a man who is not suicidal begin to have such thoughts, particularly if he *was* depressed (which, happily, my client most certainly was not).

Being accused of depression is one thing. The fear of false allegations of the sexual - as opposed to the psychiatric - variety is quite another. I believe it is a powerful driving factor in much modern male behaviour. I have spoken with many educators who decry the decline of male teaching staff in primary and secondary schools, and who identify the fear of false allegations as a primary element. I myself can attest to the power of this force. When I first moved to Brisbane, I wished to continue a sideline volunteer career in radio by doing shows for *Rainbow Radio*, a closed-circuit radio show at the local childrens' hospital. However, when I found out that it had changed to closed-circuit TV, and the demand was such that all presenters had to do several shifts of essentially day-care worker work with children in order in rotations, I declined, as I am all too well-aware that a single allegation is the end of a career, even if found to be baseless. As Australian swim coach Scott Volkens said of the false allegations raised against him, "the mud sticks." And it is very sticky mud, indeed, as Volkens found out when the Queensland opposition used parliamentary privilege to try to force a re-

prosecution following a trial-by-media broadcast after charges were dropped.

In another case, I know of man whom I may not identify who was involved in a bitter custody dispute with a vindictive ex-wife. He was accused of bizarre sex acts involving the kidnapping, rape and murder of nearly 200 children *all in one night*. Despite the utter impossibility of the allegations, which would have been falsified had the psychologist, police or Dept. of Justice (who were notified *by the accusers*) bothered to investigate. Failing action by those who should be impartial and objective, his life was destroyed quite completely. Being familiar with the ease with which such professionals can be gulled when their personal prejudices are catered to, I am not surprised that no further investigation of such bizarre allegations occurred, nor am I surprised that the court allowed unfounded allegations to be used as a basis for denying him access.

In another case with which I am familiar, a blind man was prosecuted for voyeurism by a prosecutor who has personally expressed a complete lack of interest in the possibility that detailed, believed-in, yet utterly false memories may be produced by certain therapeutic methods (a primary area of my own expertise - see CV attached). This case, which should never have been prosecuted in the first place, was of course thrown out when the justice system finally worked out that blind men can neither drive nor perve. I am also aware of a case where death threats were sent to third parties with the man's signature photocopied onto them, in order to incriminate him during custody proceedings. Despite absolute proof being given to the police that the specimen of the signature was a photocopy from a letter that the ex-wife had been sent by the man, the police refused to charge the woman with anything, despite her clear attempts to pervert the course of justice, not to mention the forgery. In another case, despite proof that evidence was fabricated by copying from books (chapters and page numbers were provided in my report), a man was completely ruined financially with no recourse to sue as the action was criminal, not civil.

One need look no further than the Volkens case to see how fear of the media's attacks on prosecutors who are 'soft on pedophiles' can drive these political creatures. I have seen a trial that was taken off the books out for lack of evidence be reinstated the day after the ABC aired a 'trial by media' of another case. The savagery of the media on this topic merely feeds the monster, and it is small wonder that men harbour a deep fear of such allegations being raised.

All of the preceding clearly addresses a term of reference of the inquiry, because it addresses a major fear in the hearts of all men, and reflects one face of the systemic bias against them. The presumption of guilt in sexual abuse cases can destroy a man far more effectively than anything (possibly - and only possibly - short of murder, and I submit also that the unwillingness of the judicial system to prosecute those who make malicious allegations or fabricate evidence is a major source of continued abuse of process and countless children are harmed by it. There are men who have plead guilty to lesser charges to try to avoid the severe sentence they would get if found guilty, simply because they know that this presumption of guilt will be present in the jury, and that the woman, having been convinced by a therapist that the memories must be real, will be as convincing a witness as someone to whom such things actually happened. Indeed, if they look into their own minds, I believe that they find that they would find themselves guilty, simply because that presumption was in themselves - at least, that is, until they were pointed out to be the modern-day witch.

It has also been clear from discussions that I have had with teachers - both male and female -

that the fear of such allegations being raised has drastically reduced the number of males entering the teaching profession. In view of the inadequate parenting afforded by a father hamstrung financially by the Child Support Agency, and denied sufficient access to his children to provide a positive influence, this is a 'double whammy' for children in families that have faced separation. They no longer even have regular access to a positive male role model in school.

The aforementioned disappearance of males from traditional roles in education is a clear consequence of this underlying fear. Facing down the monster is of the essence, because as long as we continue the hunt for paedophiles at the cost of the presumption of innocence and justice, men will know this fear and recoil from children when the possibility arises that they could be in a position to be accused. However, there is a more insidious route by which children may be deprived of positive male influences, and it involves a process by which those children come to wish to cease contact through the machinations of their mother (although on occasion the genders are reversed, with equally-devastating results). It is called *Parental Alienation Syndrome*.

Parental Alienation Syndrome

I believe that children are harmed because these cases arose in the context of custody disputes. One need look no further than the man whose daughter was cajoled into "remembering" the murders and rapes noted above. Nevertheless, there is an extensive literature on the topic of *Parental Alienation Syndrome* (PAS) (Gardner 1992) in which the alienating parent engages in a campaign of denigration against the targeted parent, resulting in alienation of the children from the targeted parent. An annotated bibliography of a selection of relevant literature is provided to the Inquiry in Appendix B. There are weak or absurd rationalizations for the deprecation that goes on, and no ambivalence in moderate or severe cases. The children feel that the ideas that have been insidiously drilled into their heads are their own, and that no-one else had anything to do with it despite the long-term 'brainwashing' that has occurred, for lack of a better term. The children also often feel that the alienating parent can do no wrong, and have no sense that abusing the targeted parent is wrong in any way. These young victims often cite as 'evidence' the scenarios that they have been fed which are obviously sourced from someone else, e.g, stupid things the targeted parent did *before they were born*. Ultimately, the denigration extends not only to the targeted parent, but to their friends and family as well.

Visitation problems also occur in the context of PAS (Turkat 1994), and I have seen such a case in Canada where a father, granted weekend visits on sufficient notice, would often drive for nearly ten hours to pick up his children on a Friday for a weekend visit, only to be told by the alienating mother that the children were 'away for the weekend,' and he could just go home. In my own personal case, I have had difficulties with access, being denied a weekend once when I was unable to respond immediately to my ex-wife's demand that I pick up the children within twenty minutes. Absent a car, and not having cash in hand for a taxi, it was impossible and unreasonable, as it would take at least fifteen minutes simply to get to a bank machine to get money for a taxi. The absence of recourse for me to gain access to my children subsequent to her refusal to grant it left me unable to visit my children at all that weekend, and left them to wonder why I couldn't see them. Having no access, I had no way of explaining to them that I really did want to see them, and they were left to infer that I did not. I can only imagine what was said to them.

As children rely on the parent to be there when expected, refusal to permit the alienated parent to fulfill children's expectations can diminish that parent in their eyes to the point where parenting becomes impossible. The behavioral problems that the afflicted children exhibit cannot be dealt with because the targeted parent then fears that the alienator may raise false allegations using the children's descriptions of routine punishments as a basis for grossly exaggerated claims of abuse.

This fear also extends to partners of alienated parents, who are in the impossible situation of sometimes having to manage children who, if they do not like being disciplined however mildly, may take exaggerated tales back to the alienating parent. This is especially likely if the alienating parent uses repeated direct and leading questions to elicit such information for her own purposes. This can result in false allegations not usually of a sexual nature, but nevertheless sufficient to distress the innocent third party. Where these allegations take on a sexual aspect, destruction is certain. Furthermore, as my own partner has often pointed out, simply watching a father's heart being broken as his own children gradually turn against him is in itself highly distressing, as is the frustration of having to deal with them in a way that does not leave one exposed to accusations. These sorts of collateral damage may be invisible to many people, but they are no less real for their lack of public acknowledgement.

Abuse of Process

While it is natural enough for the public system to worry about bona-fide abuse in such cases (Gardner 1999), it is easy to let the pendulum swing too far. It has been suggested (Gardner 2003) that the judiciary itself plays a role in the development of PAS. However, the PAS pattern has been identified in cases by researchers other than Dr. Gardner (Dunne and Hedrick 1994) and is being recognized in numerous court decisions around the world, including one in Australia (see Appendix C). The suggestion has even been put forward based on South African research, that PAS is a form of child abuse (Szabo 2002). The implication of this line of reasoning is that to the extent that the judiciary may collude with the alienating parent, the system itself is guilty of child abuse.

In support of that I cite another case with which I am familiar, wherein a father, having a weekend visit with his daughter, was denied access for some seven years *despite the man's partner witnessing the incident in question and verifying that it was utterly harmless*. The daughter jokingly asked the father if he had holes in his underwear, with the intention of delivering the punch line "But what do you put your legs through?" The father, in fact, *did* have holes in his underwear other than the ones he puts his legs through, so, seeing the punch line coming, he said "Yes, I do!" and pulled his pants down and underwear up enough for the daughter to see the hole. When the police arrived with a social worker the next week, the man was coerced into agreeing to cease contact under threat of being charged. Knowing the extreme bias inherent in the system and the presumption of guilt in such cases, he complied. I believe it is some seven years since he has seen her.

I regard this case as simple abuse of the system. If the police and social worker truly believed that abuse was going on, they had a duty to charge the man. As with the man who supposedly raped and murdered 200 children in one night, the ridiculousness of the situation, and the fact that there was a witness to it all who confirmed that it was a harmless prank, would have made these officers of the court appear ridiculous had the case proceeded, and the man would

have been cleared with full access remaining. However, I view the fact that they cajoled him with threats into an agreement that punished the daughter as much as it did him is abuse of process, and, in the sense noted above, constitutes child abuse *by those assigned to protect the child*. The social workers and police officers who assume the man to be guilty simply by virtue of his being male, and refuse to consider or look for exculpatory evidence, are perhaps the most terrifying face of the monster.

The preceding discussion of the fear of false allegations in the preceding section becomes particularly central here. It has been pointed out (Gardner 2002) that "A central factor operative in the children's contributions is their empowerment, most often by the indoctrinators, but occasionally by the passivity of the targeted parent." I submit based on personal experience that a fear of false allegations produces precisely the kind of fearful passivity in a targeted parent that is necessary for the emergence of PAS, and I will discuss this in the broader context of the Department of Community Services (DOCS).

Priority: None - The Department of Community Services

Last year's report condemning DOCS rings very true to me because I have seen my own children continue to be exposed to the risk of domestic violence on the part of my ex-wife's boyfriend through DOCS' inaction. When on a weekend visit with them recently, my new partner and I were surprised when my eldest son, 8 years of age, exhibited a bizarre reaction to a minor event. When a painter came to the motel door to ask me to move my car, I stepped back from the door. My son had crept up behind me to see what was going on, and as I turned after stepping back, my elbow accidentally bumped him on the head and he fell cowering onto the floor then dived into a shoe cupboard to hide. With some careful, gentle, non-leading questioning, he alleged that he and his brother had often suffered physical abuse at home from my ex's boyfriend, including a punch in the testicles, which is well beyond anything that could be considered chastisement. Furthermore, the children indicated that at home their mother referred to me as "an inconsiderate bastard," and that my partner, who was six months pregnant at the time, was a "silly fucking girl" and our anticipated child with which my partner is pregnant as "that silly fucking baby," which when I realized that PAS was beginning to occur, explained the behavioural problems that we had been having with my children. Although my partner and I was skeptical at first, what convinced me that the children were not exaggerating was their description of how upset they were at "the bruises that he leaves on Mummy's arms." Furthermore, they claimed that they were often left unattended after school until their mother returned home from work, which is consistent with another incident where the mother left the four-year-old locked in the house alone at times while she went to get the eldest from school (which DOCS *did* investigate some time ago and find to be true).

Upon being told all of this by the children, I spoke to a friend who was a retired detective, who recommended the course of action that I had planned myself, which was to report the matter immediately to DOCS and to the police. The police forwarded their report to DOCS, and in the meantime I found that neighbours had witnessed verbal abuse consistent that the children had described. My partner and I returned from NSW to Queensland, and we waited. When I rang DOCS to find out what had happened, they refused to discuss the matter with me other than to say the case had been closed, even though I had indicated that the prior report noted above had been found to be true. I had to ring the Ombudsman in Sydney to find out more information, and was told only two new things. First, that the case had been closed

without further investigation when they got off the phone with me, and secondly, that if I wanted anything else relating to my children, I would have to use the Freedom of Information process, at a cost of some \$30. Non-custodial parents, it appears, have virtually no rights at all when it comes to their own children.

Lack of rights notwithstanding, what is to me the most striking about this is the incongruity of the widespread prosecution of even the least credible sexual abuse claims made by mothers against fathers, and the refusal to consider the possibility of abuse when allegations are made by the father, even when witnesses are provided who can corroborate, at least in part, the claim. However, DOCS is staffed by people with presumably some degree of training in the social sciences, and the gender bias in social-scientific research over the last thirty years explains, although it does not excuse, such client-damaging ignorance.

Gender Bias in Research

If there is gender bias in DOCS, it may be because their staff have some degree of training based on social science research that might suggest that such fallacies are true, primarily because of a pervasive anti-male sentiment in the universities, which fear offending those who would place blame for the world's problems on men. To illustrate the political atmosphere surrounding these issues I need only cite sound sociological work by Straus & Gelles, whose pioneering work on domestic violence was welcomed by feminists around the world for showing the extent to which women suffered at the hands of men. When, however, they turned their eyes towards *female* violence towards *men*, and found that the rates were only slightly lower, their whole research programme was suddenly attacked from all sides (e.g., (Straus and Kurz 1997)).

The irony in this is bitter, as Straus & Gelles have maintained that the *effects* of male violence are likely to be more serious in terms of causing physical harm, and that up to half of female violence may be in self-defence (although in view of the approximately-equal prevalence of female abuses, it is possible that a nontrivial proportion of male violence may also lay claim to this justification). Furthermore, Straus suggests "that neither side can give up their position because it would be tantamount to giving up deeply held moral commitments and professional roles." (Straus in press), who also points out that "Assaults by women also need to be a focus of social policy because of the harm to children from growing up in a violent household." Indeed, in my own case, the primary reason for leaving was continual verbal abuse which had become, on occasion physical, against which I dared not defend myself for fear of being identified as the perpetrator. The deleterious effect on the children were becoming apparent as they disrespected me, as my authority was routinely undermined in front of me.

The wake of the attacks on Straus & Gelles still produces ripples today in the research literature, where authors (either from simple blindness or fear of attack for "political incorrectness") disregard or minimize the possibility that women might bear some responsibility for problems. In the literature we find titles such as "The benefits of living with two biological parents depend on the father's antisocial behavior" (Jaffee, Moffitt et al. 2003). The stereotyping in this article is beyond belief. These authors claim that "Fathers' antisocial behavior may increase risk for childrens' conduct problems via a range of family problems, including family poverty, child and spousal abuse, harsh and coercive discipline, and comorbid drug and alcohol problems." They do entertain briefly the possibility of

mothers' antisocial behaviour being equally responsible for conduct problems when they suggest that "... the advantages of growing up in a two-parent family may be negated when one or both parents are characterized by a history of antisocial behavior." But for the most part, they leave it at that. The statistical analyses are almost uniquely focussed on the theory that fathers are to blame for all problems. In fact, in their model, terms which (as a methodologist and statistician) I can say *should* have been calculated and tested involving mother's antisocial behaviour towards both the father and the child do not even appear to have been calculated. This is a paper that I would have been unwilling to pass as an Honours thesis, for it failed to consider and attempt to rule out obvious alternative hypotheses, any of which could potentially explain the data better than the simple-minded 'men are violent' theory.

Even though the results and discussion focus in the Jaffee, et al. article almost exclusively on the father's antisocial behaviour, *their own data reveal that the mothers' antisocial behavior is strongly correlated with child's problems*. Furthermore, the mother's antisocial behaviour is *negatively* related to the father's presence in the household. This suggests an alternative interpretation of their data wherein fathers may leave dysfunctional households because of the pathological behaviour of the mother, in the hope that the divorce will be less harmful to the children than witnessing their authority as a parent continually being undermined by having to accept the violence and verbal abuse of the mother. Speaking from personal experience of being in such a situation myself, I can attest to the fear that nonviolent men have in such a situation. If pushed to the point of being forced to defend oneself, it is the man, not the woman, who will end up in prison. The refusal of the system to consider female violence is, I suspect, a significant factor in many marital breakdowns, where the man must leave before being forced to defend himself and thereby face incarceration.

Female violence against children is also - possibly more so - widespread (FitzRoy 2003) but not widely studied. And even when it is studied, it is placed in the context of male violence, and afforded 'excusing' in a way that male violence is not. The FitzRoy article just cited suggests that women's violence 'should be positioned within an analysis of the human capacity for violence,' and that violent women are 'silenced' by the cultural belief that if women are violent, women must be passive, and that since a violent woman is abnormal, regarding her as mad or evil, and this is 'pathologising.' This 'disallows any space for women to speak about their experiences or to offer explanations as to the circumstances and/or purpose of the violence.' Furthermore, 'because of our investment in the 'good woman' we often are unable to hear such voices.'" Feminist analyses of the discrepancy between the ideal mother and the reality of motherhood somehow should allow us to understand how the difficulties of motherhood might lead to violence. She then suggests - implicitly - that male violence against female children may be to blame for later violence of the grown children against their own offspring. In other words, without explicitly excusing female violence, it is rationalized away as an artefact of male violence.

Let us borrow her language for a moment. Despite calling for understanding of the factors that underpin female violence, FitzRoy's paper sharply highlights the extent to which research pathologizes men, and silences those men who are pushed to physical violence by verbal and/or physical abuse from their female partner. It underscores our own deafness with respect to the discrepancy between the ideal father and the realities of fatherhood, and how that might lead to violence. And if a third to a half of violence against children is perpetrated by women, what of the lasting damage to *male* psyches of being so abused by their mother?

Understanding is certainly called for, but understanding *on equal grounds* is the only way that research can ever inform a project such as this Inquiry.

As a final example of biased interpretation of results, I cite another study reported at this year's Australian Institute of Family Studies Conference (Wilson and Prior 2003). In this article, the authors found some interesting correlations that suggest (but do not logically imply) that educational approaches to raise fathers' awareness of the value of their contribution to child-rearing could encourage fathers to stop shirking their responsibilities. Furthermore, workplace reform should be implemented so that fathers wouldn't have to work such long hours that they are too tired to participate, so as to take the load off of women. Fathers should be educated about the value of their contribution. However, what they appear *not to have studied* is the extent to which women may devalue the father's contribution, and whether they might work *against* encouraging men to participate through negative attitudes of their own. If fathers believe at the outset that they have a contribution, but are consistently belittled when they try to make one, then the same set of data would be observed as the one on which Wilson's suggestion was based. Is it the men who need education or the women here? I speak again as a man whose contribution was devalued, whose disciplinary methods were overridden at the whim of the mother, who was cut down in front of the children. I *did* know the value of paternal contribution but dared not contribute, as being criticized in front of the children (in a manner that would be considered abusive if a man did it to a woman) could not possibly be good for them. The omission in the research is obvious, and not a trivial one.

There is research out there, such as the Scottish Government's inquiry into domestic violence against men (see <http://www.scotland.gov.uk/cru/kd01/green/dvam-00.asp>). However, ***it must be sought to be found***. The present Inquiry depends upon research into the relevant matters, and I hope that these illustrations raise awareness of the sorts of biases of selectivity of subject and blindness to alternatives that are built into much research on this topic. The sources of violence by members of both sexes must be understood correctly, without political biases being allowed to blind policymakers to what is actually happening. **To do otherwise is to place political agendas ahead of the children's interests**. If the Inquiry has the power, the Members need to consider the current research infrastructure with an eye to its improvement. I will refer back to this in my recommendations. Next, it is necessary to mention how another major institution fits into this puzzle.

The Child Support Agency

In Parental Alienation Syndrome, the alienating parent may be either the mother or the father, but is most commonly the mother as she is the custodial parent with sufficient access to the children to engage in a sustained campaign against the father. It is for this reason of less-than-perfect gender imbalance that Gardner argues that the unwillingness to recognize PAS is harmful to women as well (Gardner 2002). Furthermore, particularly in the Australian system, she is the one with a financial interest in reducing the amount of contact that the father has with the children, because the Child Support Agency's (CSA) formula is quite precise in the way that it provides a specific number of hours of contact that a father may have with the children before receiving a graded reduction in support payable. There is no grading below that threshold, and fathers can receive highly misleading or simply incorrect information from CSA about what expenses they can claim. It is therefore in the mother's interest to sustain the father's contact levels below that threshold, which maximizes her income whilst minimizing

the money that the father has available to get a lawyer to defend himself.

Part of this process is the advice of a solicitor. In my own particular case, the negotiation of Orders of Consent was not facilitated by my own legal representative, although at the time I was too new to the system to know this. In speaking to him, he was utterly pessimistic on the point of getting me more access than what was offered by my ex-wife's solicitor, which was the maximum possible number of hours of contact that could be had without me getting a reduction in child support. I was told that to try to get more would be a waste of time because this was "the court's standard formula" when there was a dispute. It would appear, then that the Court's aim is to maximize the availability of a free babysitter for the mother, while at the same time maximizing the amount of money that a father has to pay, without allowing him to see his children more.

I can understand at an empathic level those men whose suicides have gained media attention in recent years, where for instance one Warren Gilbert died from gassing himself in his car with a letter from CSA in his hand (Canberra Times Wednesday 15/11/00). I have personal experience with the sheer incompetence and abusiveness of the Child Support Agency, having suffered financially due to their continuous stream of unjust policies, vague information, misinformation, errors and omissions. During the whole time, I have lived in fear of making a mistake in statistical projections of my earnings due to their policy of fining men who underestimate income by more than a slight margin, but keeping the overpayments to themselves if the men overestimate their income *at all*. Whatever one's view of the fining for underestimation of income, the unjustness of the keeping of overpayments should be clear to all. Furthermore, where an error is made and a man ends up paying in excess of 50% of his pay to the CSA, it can take upwards of 12 weeks to have matters fixed - a time that most banks do not allow for in the terms of their loans when repayments cannot be made due to a CSA mistake. Again, I speak from bitter experience, having had a loan called in because I was obliged to pay hundreds of dollars excess support because business losses reported to CSA were disregarded in the computations of projected income. For a time, my partner and I were living on approximately ten cents of every dollar I made, after taxes and nearly-doubled levels of child support.

This suffering is not only financial. It extends to the emotional spectrum as well, because I was advised by the CSA - in contradistinction to what later turned out to be the correct interpretation of the legislation - that I could not claim travel expenses against support. In fact, if such expenses exceed 5% of income, it *is* possible to claim these, although it is not guaranteed. The critical point, however, is that I did not maintain as much contact with my children as I desired for over a year because I could not afford it. Had I known that I could claim these expenses, I would have seen the children much more often. There is no amount of compensation from the CSA that I would consider adequate for these weekends lost with my children during their sixth and eighth years. The propagation of this misinformation by CSA staff (whom the complaints department admitted to be under-trained and often inaccurate) has certainly cost untold numbers of children countless hours of joy with their fathers.

In another situation, I asked an operator at the CSA repeatedly to identify the portion of the legislation under which he was acting. He repeatedly refused to do so, and then refused to transfer me to a manager when I so asked. When I asked to be transferred to the complaints department he rudely and abruptly hung up on me. Were I less emotionally stable and financially solvent this might have been enough to put me over the edge myself.

Furthermore, there is the element of feeling that the wheels of bureaucracy are there simply to grind one down. Almost two months ago, I requested a transcript of every transaction on my account along with a letter detailing the section of the legislation on which each decision was based. I cannot afford a solicitor and must read the legislation myself, and knowing what sections the CSA is acting under is essential to making a case that they have erred even more than I have noticed to date. The transcript arrived last week. The explanation was not forthcoming, and, according to my last conversation with them, never will be. I have waited over ten days for my case manager to call back. At least it is not the same female case manager who was originally assigned, whom I demanded be changed because of the audible glee in her voice when she had the opportunity to "make me pay by taking legal action" on alleged arrears that remain in dispute because of my inability to get any information out of them.

Additionally, it is ironic that whilst fathers are required to account for every cent they earn to the CSA, there is no obligation on the mother to account for how the money is spent. I believe that to do so would be to expose the fallacious reasoning underlying the CSA formula for support. My own children have been sent to visit me in rags, not having had a haircut in a very long time. Their mother knows that I love photography and pictures of the children are one of the things that sustains me emotionally. She knows that they will come back with at least one new outfit each, and haircuts, because I want the pictures to be nice ones. Expenses that I cannot deduct to fix things for which I have already paid are one of the nagging injustices built into this system which deepens the sense of injustice. The lack of accountability of the mother to the CSA (or the CSA to anyone – see also <http://www.mensrights.com.au/page12ac.htm>) deepens the sense that the system wishes to protect itself against the public seeing the irrationality of its formula. Worse, it has the power to do so.

I feel that I am being compelled to pay - often twice and usually in excess - on the basis of decisions that no one has to justify. It is small wonder that many men simply give up and go on the dole. What is worse, hopeless men giving up and becoming 'dole bludgers' are scarcely the role models that their children need. Fathers committing suicide are even worse, and I submit to the Inquiry Appendix D - a letter from a girl in Canada whose father committed suicide under such circumstances. I suggest that this 'monster' is not restricted to Australia, but hides in the structures of modern Western family court bureaucracy. Men are, individually, hopelessly outnumbered by faceless bureaucrats, and hopelessly outgunned by ex-wives whose solicitors are funded through their excessive child support payments. This cannot possibly be in the best interests of the children, because their role model is ground down and defeated by a system they cannot fight without massive financial resources to afford a good lawyer. And the CSA guarantees that those resources will be allocated to the ex-wife.

Summary

This submission has put forward some of the faces of 'the monster' which modern men must face. In the context of separation where children are involved, consider why male suicides abound. Consider the hopelessness that some men feel from being harassed, deprived of a fair income, denied access to his children and forced to pay spousal maintenance through the back door of the CSA to a woman who uses that money not for the children, but to get a better lawyer, when he cannot afford one. Consider the grandparents of a falsely accused man who

refuse to have the children around except when there are witnesses, and who even then will not have the children on their knees, for fear that the finger will point at them next. Consider a father who has to tape every telephone conversation he has with his children so that he will have evidence that *he* was not inducing PAS for the defamation suit that his ex-wife is threatening... a suit threatened simply because he reported to the police and the deaf ears at DOCS that which his children told him about her boyfriend's abuses not just of themselves but of their mother. A father, that is, who does not wish to visit his children not because he doesn't love them, but because he cannot tape the entire visit to prove that he is not leading them to make allegations of abuses that DOCS refuses to investigate. A father who took a great deal of time out of his hectic schedule to write this submission because he hopes that not only might it help change the system that works against him and his boys, but that by writing now, someday his sons will come back to him and have documentary proof that he loved them all along, and was not the monster that he fears he has been made out to be.

None of the preceding in any degree is good for children. The biases which create these scenarios are deeply rooted in our system, and are difficult to weed out if only because many senior bureaucrats buy into them, justifying their prejudices on equally-prejudiced research which demonizes men and, when it does not simply ignore female violence and abusiveness, attempting to excuse it in ways that would never be extended to males.

Recommendations

There are two broad courses of action that the Inquiry must consider to remedy this situation, the curative and the preventive. Whilst ideally we wish to change the system to prevent the pathological situations that I have described, we must consider straightaway the cures for those individuals who have been harmed.

Curatively, I urge the Inquiry to consider not only the reality of PAS, but to recognize the role that court-appointed psychologists who recognize the diagnosis and associated patterns can play in discerning the situation to hand. It is recommended (Gardner 2001) that courts should either permit visitation with the alienated parent or transfer custody to that parent. Personally I prefer the latter course, simply because the sustained campaign of denigration logically requires sustained exposure to the targeted parent so that the children can observe for themselves the inconsistencies between what they have been taught by the alienating parent, and what is in fact true of the alienated one. Naturally, this should be done with some counselling support to ensure that the alienated parent does not engage in a revenge campaign of PAS against the now-non-custodial parent, as they certainly would be tempted to do in some of the more extreme cases.

Furthermore, prosecution of those who have raised malicious allegations, fabricated evidence or otherwise used the court system as a weapon in the past is long overdue, and a compensation system for those so damaged must be set in place. Similarly, the current witch-hunt for paedophiles must be tempered by reason. Directors of Public Prosecutions across the nation must come to the recognition that certain forms of therapy-induced recollections are highly likely to be false. Judicial review of cases where innocence has been maintained in the face of consistent denial of parole is warranted, as the perception of the system as fair by men is essential to their 'coming out of their shells' and considering the teaching profession again,

along with the ancillary benefit of fathers losing fear of the power of false allegations. All allegations must be taken seriously, but so must the possibility of false ones. A system that fails to look for exculpatory evidence and listen to reason before punishing people is a system that ends up with “witches” burning on pyres, and a population or subpopulation that cannot function due to fear of being the next accused.

The costly bureaucracy of the CSA (see <http://www.mensrights.com.au/page12ae.htm>) could also be reduced substantially if mediation upon separation would also routinely include terms under which a custodial parent may arrange for a realistic level of support to be awarded by the court. Enforcement could be left to civil action with legal aid provided to the custodial parent as a remedy where payments are not made. Mutual negotiation before a magistrate apprised of the relevant details would allow for tailoring of the settlement in a mutually-agreeable manner, and obliging magistrates to actually think about the matters to hand, rather than simply falling back on an unrealistic default formula would be of great benefit. This would enable the enormous and costly CSA to be all but eliminated, save possibly as a means of last resort in the recalcitrant cases it was originally designed to take care of, rather than as a means of harassing the large majority of fathers who wish to maintain their children, but who so often fail to see the point of paying when they are barred from seeing their children so that the mother can take advantage of an unrealistic formula. Absent an elimination of the CSA, at the very least, the institution of mechanisms that the bureaucracy accountable for its decisions and the mother equally as accountable for how the money is spent as the father is for how it is earned are in order. Seeing the system as fair might alleviate the hopelessness that men feel in the face of it.

In finding any cure, there is also a need for background research that identifies correctly the factors at work. I have indicated above how biased research is endemic in the social science literature to which the Inquiry will certainly have much reference. Not only must the biases in such research be carefully identified so that such studies may be taken with the appropriate grain of salt, but new unbiased research must be undertaken. To guarantee such gender equity in research, bodies such as the Australian Research Council which distribute funds to study domestic violence and marital breakdown should have as matters of policy the requirement that where such research is conducted under the auspices of the public purse, gender equality must be observed in terms of researching the role of *both* parents from a neutral point of view that allows the truth to be told *irrespective of what that truth may be*.

In considering preventive courses of action, I refer the Inquiry to work from the UK (Lowenstein 1998) that proposes a non-adversarial route to preventing the issues that feed PAS, and suggest that such an approach should have systemic effects that moderate the severe and deleterious effects of custody restrictions on fathers. Lowenstein suggests that “Professionals such as qualified psychologists or psychiatrists should be able to offer a full course of mediation before partners begin divorce proceedings or decisions regarding the placement of children with one party or the other,” and provides a 10-year series involving 16 cases that supports this contention.

I also regard my suggestion regarding the requirement of true gender equity in scientific inquiry that is funded by public monies as ultimately preventive, as it will lead to a deeper understanding of the nature of the problem, which is a necessary step towards an equitable system. In the interim, careful analysis of DOCS files to establish the extent of gender bias is in order. If there exists a marked discrepancy in the willingness of their staff to investigate a

claim as a function of the gender of the complainant, then I would hope that the anti-discrimination laws could be brought into force that can rid this Department of endemic gender bias in the interest of protecting children. Re-training of such staff in the social sciences by educators who see both sides of the problem, rather than politicized academics who approach all problems as being men's fault, is in order. There are children who are not being served because the father is not believed, on the basis of false stereotypes held by DOCS staff regarding the non-violence of women and the unbelievability of fathers' claims.

Lastly, as a preventive measure, I recommend that the Inquiry uses a broad interpretation of its' terms of reference in order to allow it to look at gender discrimination against fathers in those Agencies and Departments where it has occurred, possibly using the research funds allocated under the new policy towards unbiasedness in research. Shared parenting cannot occur in an adversarial context, and so long as bureaucrats are of the opinion that men are simply walking wallets who should pay for the results of sexual acts (from which only the men are often believed, wrongly, to have benefited), justice will not be served but more importantly, children will be denied the right to a full, inclusive upbringing with role models who can stand tall and lead their children to a balanced view of gender roles. This is infinitely preferable to a system that leads to the raising of boys who see themselves defeated before they start, and girls who learn early that fathers are undependable, unstable losers, who thus learn to look down on men and, in more cases than may wish to admit, abuse them in a domestic situation and blame the men for their own violence.

Before closing, I must point out that there are objections to the view that these issues are connected. For instance, in *The Age*, Michelle Grattan (June 25, 2003) writes that "it is potentially dangerous to conflate three distinct issues: shared residency; child support; and male role models." She suggests that 'a father who feels fleeced will look for joint arrangements to reduce his financial burden,' all the while ignoring the women who deny it to increase their gain from their former partner. Imposed settlements may be rare as Grattan suggests, but she fails to see that is only a statistical artefact of the judicial systems. What she is missing is the pressure on men from solicitors to settle because they know that the formula will be applied and the man will lose anyways, whether he fights at great cost, or capitulates. This surely results in any agreements that would not be made if there was a chance of joint custody being awarded. But these are not seen in court statistics, because it appears that men agree when in fact they are forced into agreements. Research on this is clearly in order as well. I hope that what I have written will underscore the intricate connections that there are between these issues.

In closing, I wish to quote Richard Fletcher, of the *Engaging Fathers Project* at the Family Action Centre at the University of Newcastle, who wrote "The scenario most likely to enable father involvement to the benefit of children is one which brings the collaborative dialogue between researchers, theorists and those developing policy, into conjunction with processes to encourage the articulation of fathers' views from across the spectrum of social groups found in our community"(Fletcher 2003). In other words, to paraphrase FitzRoy (FitzRoy 2003), *the challenge for us is not to pathologise and blame men...* Rather, the challenge is to find within ourselves those traces of the monster that blinds us to our invalid stereotypes of men *and women*, and like Theseus with the Minotaur, navigate the maze of research, biased and unbiassed, and slay it.

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APPENDIX B: ANNOTATED BIBLIOGRAPHY OF
SELECTED LITERATURE ON PAS

- Cartwright, G. F. (1993). "Expanding the parameters of parental alienation syndrome." American Journal of Family Therapy 21(3): 205-215 URLJ: www.tandf.co.uk/journals/01926187.html.
Parental alienation syndrome (PAS) results from the attempt by one parent to alienate a child from the other parent. Because PAS is newly recognized and described, it must be redefined and refined as new cases are observed and the phenomenon becomes better understood. New evidence suggests that PAS may be provoked by other than custodial matters, that cases of alleged sexual abuse may be hinted, that slow judgments by courts exacerbate the problem, that prolonged alienation of the child may trigger other forms of mental illness, and that too little remains known of the long-term consequences to alienated children and their families. (PsycINFO Database Record (c) 2002 APA, all rights reserved)
- Dunne, J. and M. Hedrick (1994). "The parental alienation syndrome: An analysis of sixteen selected cases." Journal of Divorce and Remarriage 21(3-4): 21-38 URLJ: <http://www.haworthpressinc.com/store/product.asp?sku=J087>.
Analyzed 16 cases of divorcing families in which 1 or more of the children (aged 0-14 yrs) in the family had rejected a parent after divorce to validate R. Gardner's (1987) criteria for parental alienation syndrome (PAS). Cases were taken from the caseloads of clinicians working with the families. The cases met the majority of Gardner's criteria, including an obsessive hatred of the alienated parent on the basis of trivial or unsubstantiated accusations and complete support for the alienating parent. Although the cases showed a wide diversity of characteristics, Gardner's criteria were useful in differentiating these cases from other postdivorce difficulties. PAS appeared to be primarily a function of the pathology of the alienating parent and that parent's relationship with the children, and PAS did not signify dysfunction in the alienated parent or in the relationship between that parent and child. (PsycINFO Database Record (c) 2002 APA, all rights reserved)
- Ellis, E. M. (2000). Divorce wars: Interventions with families in conflict. Washington, DC, US, American Psychological Association.
(from the cover) When parents divorce, children are the biggest losers. This book will give both mental health and legal professionals the expert information they need to help families navigate this grave ordeal and improve the outcome for hurting children. The author provides invaluable, research-based guidance on all stages of divorce cases, beginning with the warning signs of a failing marriage and ending with postdivorce conflict surrounding child custody. Each chapter features a detailed case study that depicts problems common to divorcing families and includes clinical guidelines and decision trees for interventions. Discussions include parental alienation syndrome, parent psychopathology, children's adaptation to chronic parental conflict, the evaluation of sexual abuse allegations, and ethical issues. (PsycINFO Database Record (c) 2002 APA, all rights reserved)
- Faller, K. C. (1998). "The parental alienation syndrome: What is it and what data support it?" Child Maltreatment: Journal of the American Professional Society on the Abuse of Children 3(2): 100-115.
Describes the parental alienation syndrome, its proposed characteristics and dynamics, and the methods used to document its presence. Research related to various tenets of the parental alienation syndrome is then reviewed. Finally, the syndrome's utility for mental health professionals and courts in explaining allegations of sexual abuse in situations of divorce is evaluated. (PsycINFO Database Record (c) 2002 APA, all rights reserved)
- Faller, K. C. (1998). ""The parental alienation syndrome: What is it and what data support it?": Reply." Child Maltreatment: Journal of the American Professional Society on the Abuse of Children 3(4): 312-313.
Responds to comments by R. A. Gardner (see record 1998-12942-001) on Faller's original article (see record 1998-02255-004) on parental alienation syndrome. Faller addresses each of Gardner's concerns. (PsycINFO Database Record (c) 2002 APA, all rights reserved)
- Fenichel, G. H., Ed. (1998). The mother-daughter relationship: Echoes through time. Northvale, NJ, US, Jason Aronson, Inc.
(from the cover) Explores the psychodynamics of the mother-daughter relationship, starting with childhood and proceeding through adolescence, marriage, motherhood, and aging. Clinical examples illustrate classical and developing perspectives on the themes--love and separation, identification and envy, idealization and competition--that make up the intense and ambivalent bond between mothers and daughters. The authors stress the lasting effect of that bond and reveal how psychotherapy can lead to insight and understanding. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

- Gardner, R. A. (1998). "The parental alienation syndrome: What is it and what data support it?": Comment." Child Maltreatment: Journal of the American Professional Society on the Abuse of Children 3(4): 309-312.
Comments on the article by K. C. Faller (see record 1998-02255-004) on the parental alienation syndrome. Gardner has written extensively on this subject, and in the original article, Faller referred to some of his work. Gardner feels that Faller's article is filled with misrepresentations and misperceptions of his work and that many of the things Faller says have nothing to do with anything Gardner has ever written or said. He enumerates some of what he feels are the most egregious examples. (PsycINFO Database Record (c) 2002 APA, all rights reserved)
- Gardner, R. A. (1998). "Recommendations for dealing with parents who induce a parental alienation syndrome in their children." Journal of Divorce and Remarriage 28(3-4): 1-23 URLJ: <http://www.haworthpressinc.com/store/product.asp?sku=J087>.
The parental alienation syndrome is commonly seen in highly contested child-custody disputes. The author has described three types: mild, moderate, and severe-each of which requires special approaches by both legal and mental health professionals. The purpose of this article is to correct some misinterpretations of the author's recommendations as well as to add some recently developed refinements. Particular focus is given to the transitional-site program that can be extremely useful for dealing with the severe type of parental alienation syndrome. Dealing properly with parental-alienation-syndrome families requires close cooperation between legal and mental health professionals. Without such cooperation therapeutic approaches are not likely to succeed. With such cooperation the treatment, in many cases, is likely to be highly effective. (PsycINFO Database Record (c) 2002 APA, all rights reserved)
- Gardner, R. A. (1999). "Differentiating between parental alienation syndrome and bona fide abuse-neglect." American Journal of Family Therapy 27(2): 97-107 URLJ: www.tandf.co.uk/journals/01926187.html.
In recent years, with increasing familiarity and recognition of parental alienation syndrome (PAS), 1 parent has accused the other parent of inducing PAS in the children. In response, the responding parent accuses the other parent of abusing and neglecting the children. In short, the children's alienation is considered by 1 parent to be the result of PAS indoctrinations and the other to be the result of bona fide abuse-neglect. This article provides criteria for differentiating between these 2 situations, a differentiation that is crucial if courts are to deal properly with children exposed to and embroiled in these 2 very different situations. (PsycINFO Database Record (c) 2002 APA, all rights reserved)
- Gardner, R. A. (1999). "Family therapy of the moderate type of parental alienation syndrome." American Journal of Family Therapy 27(3): 195-212 URLJ: www.tandf.co.uk/journals/01926187.html.
Each of the three types of parental alienation syndrome (PAS) warrants a different therapeutic approach. Because PAS is a family problem, family therapy is usually warranted--separation, divorce, and even litigation notwithstanding. Furthermore, formidable modifications of traditional family therapy approaches are warranted if there is to be any chance of success in the treatment of PAS families. Especially important is the full support of the court for the therapist's stringent and authoritarian methods necessary for the treatment of these families. Without such support, the therapist is not likely to be successful. Described here are the special family therapeutic techniques warranted in the treatment of families in which the PAS is of the moderate type. (PsycINFO Database Record (c) 2002 APA, all rights reserved)
- Gardner, R. A. (2001). "Should courts order PAS children to visit/reside with the alienated parent? A follow-up study." American Journal of Forensic Psychology 19(3): 61-106.
The question whether courts should order children with parental alienation syndrome (PAS) to visit/reside with the alienated parent has been a significant source of controversy among legal and mental health professionals. This article describes 99 PAS cases in which the author has been directly involved, cases in which he has concluded that the court should order visitation with or transfer primary residential custody to the alienated parent. The outcome when such orders were implemented will be compared with the outcome when this recommendation was not followed. (PsycINFO Database Record (c) 2002 APA, all rights reserved)
- Gardner, R. A. (2002). "Denial of the parental alienation syndrome also harms women." American Journal of Family Therapy 30(3): 191-202 URLJ: www.tandf.co.uk/journals/01926187.html.

Notes that denying reality is obviously a maladaptive way of dealing with a situation. In fact, denial is generally considered to be one of the defense mechanisms, mechanisms that are inappropriate maladaptive, and pathological. In the field of medicine to deny the existence of a disease seriously compromises the physician's ability to help patients. If a physician does not believe that a particular disease exists, then it will not be given consideration when making a differential diagnosis, and the patient may then go untreated. The author argues that this is what is occurring with the parental alienation syndrome (PAS). In this article the author discusses the reasons for denial of the PAS and the ways in which such denial harms families. Particular emphasis will be given to the ways in which this denial harms women, although the author comments on the ways in which the denial harms their husbands and children. In the past, denial of the PAS has caused men much grief. Such denial is now causing women similar grief. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

Gardner, R. A. (2002). "Does DSM-IV have equivalents for the parental alienation syndrome (PAS) diagnosis?" *American Journal of Family Therapy* 31(1): 1-21 URL: www.tandf.co.uk/journals/01926187.html. Child custody evaluators commonly find themselves confronted with resistance when they attempt to use the term parental alienation syndrome (PAS) in courts of law. Although convinced that the patient being evaluated suffers from the disorder, they often find that the attorneys who represent alienated parents, although they agree with the diagnosis, discourage use of the term in the evaluators' reports and testimony. Most often, they request that the evaluator merely use the term parental alienation (PA). On occasion they will ask whether other DSM-IV diagnoses may be applicable. The purpose of this article is to elucidate the reasons for the reluctance to use the PAS diagnosis and the applicability of PA, as well as current DSM-IV substitute diagnoses. (PsycINFO Database Record (c) 2002 APA, all rights reserved)(journal abstract)

Gardner, R. A. (2002). "The empowerment of children in the development of parental alienation syndrome." *American Journal of Forensic Psychology* 20(2): 5-29. Focuses on the ways in which empowerment factors operate in the etiology, development and perpetuation of parental alienation syndrome (PAS). PAS is a disorder that arises in children in the context of child-custody disputes. It is the result of the combination of the programming (brainwashing) of children by the alienating parent and the children's own contributions to a campaign of denigration against the alienated parent. A central factor operative in the children's contributions is their empowerment, most often by the indoctrinators, but occasionally by the passivity of the targeted parent. In addition to these intrafamilial factors, extrafamilial factors are also operative, especially the legal system and mental health professionals. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

Gardner, R. A. (2002). "Parental alienation syndrome vs. parental alienation: Which diagnosis should evaluators use in child-custody disputes?" *American Journal of Family Therapy* 30(2): 93-115 URL: www.tandf.co.uk/journals/01926187.html. Notes that children who have been programmed by one parent to be alienated from the other parent are commonly seen in the context of child-custody disputes. Such programming is designed to strengthen the position of the programming parent in a court of law. Many evaluators use the term parental alienation syndrome to refer to the disorder engendered in such children. In contrast, there are evaluators who recognize the disorder, but prefer to use the term parental alienation. The purpose of this article is to elucidate the sources of this controversy and to delineate the advantages and disadvantages of using either term in the context of child-custody disputes, especially in evaluators' reports and testimony in courts of law. The author concludes that families are best served when the more specific term parental alienation syndrome is used rather than the more general term parental alienation. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

Gardner, R. A. (2003). "The judiciary's role in the etiology, symptom development, and treatment of the parental alienation syndrome(PAS)." *American Journal of Forensic Psychology* 21(1): 39-64. The parental alienation syndrome (PAS) is a psychiatric disorder that arises in the course of child custody disputes adjudicated in the context of adversarial proceedings. This article describes the central role that such proceedings have had in the development of this relatively new disorder. Our legal system does not stand alone in having produced this disorder, litigating parents as well as their children have played an important contributory role. It is the purpose of this article to focus on the judiciary's role in the etiology, development of symptoms, and treatment of the parental alienation syndrome. It is the author's hope that increasing recognition of the PAS by the judiciary will enhance its ability to make prudent decisions in child custody disputes in which the children have developed manifestations of this

Gordon, R. M. (1998). The Medea complex and the parental alienation syndrome: When mothers damage their daughters' ability to love a man. Fenchel, Gerd H. (Ed). (1998). The mother daughter relationship: Echoes through time, (pp. 207-225). Northvale, NJ, US: Jason Aronson, Inc. xviii, 355 pp. SEE BOOK. (from the chapter) Discusses the mother-daughter bond, the Medea complex (the mother's revenge against her former husband by depriving him of his children), brainwashing and the parental alienation syndrome (the children's pathological unconscious wish to please the "loved" parent by rejecting the "hated" parent), the subsequent disturbed intimacies that the brainwashed child suffers later in life, and a case history of 3 generations of parental alienation syndrome and its unusual resolution. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

Hysjulien, C., B. Wood, et al. (1994). "Child custody evaluations: A review of methods used in litigation and alternative dispute resolution." Family and Conciliation Courts Review 32(4): 466-489. Reviews the current assessment methods used in child custody (CC) litigation and mediation and discusses their reliability and validity. Existing outcome studies concerning CC evaluations are presented. Psychological tests, semistructured interviews, and behavioral observations of parents and children in CC disputes are reviewed. The related issues of child abuse, sexual abuse, domestic violence, and parental alienation syndrome are discussed. There is little empirical evidence to support the efficacy of methods typically used by professionals in making recommendations to the court. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

Jenkins, S. (2002). "Are children protected in the family court? A perspective from Western Australia." Australian and New Zealand Journal of Family Therapy 23(3): 145-152 URLJ: <http://www.blackwellpublishers.co.uk/asp/journal.asp?ref=0814-723X>. Despite a landmark High Court judgment in the area of child sexual abuse allegations, a major concern in such cases seems to be the fear that mothers use false accusations against fathers as 'weapons' in custody and contact cases. This paper seeks to examine the validity of such views as they apply to Western Australia. In particular, it examines the belief that false accusations are rampant: the questionable nature of 'parental alienation syndrome', the belief that young children's accounts of abuse lack credibility, and the ignoring of the effect of abuse itself on the nature of a child's testimony. The paper argues that the principle of 'protection of the child's best interests' should not necessarily be equated with the child having access, even supervised access, with a parent previously accused of having abused the child. (PsycINFO Database Record (c) 2002 APA, all rights reserved)(journal abstract)

Kelly, J. B. and J. R. Johnston (2001). "The alienated child: A reformulation of parental alienation syndrome." Family Court Review 39(3): 249-266. In this article, controversies and problems with parental alienation syndrome are discussed. A reformulation focusing on the alienated child is proposed, and these children are clearly distinguished from other children who resist or refuse contact with a parent following separation or divorce for a variety of normal, expectable reasons, including estrangement. A systemic array of contributing factors are described that can create and/or consolidate alienation in children, including intense marital conflict, a humiliating separation, parental personalities and behaviors, protracted litigation, and professional mismanagement. These factors are understood in the context of the child's capacities and vulnerabilities. (PsycINFO Database Record (c) 2003 APA, all rights reserved)(journal abstract)

King, M. (2002). "An autopoietic approach to 'Parental Alienation Syndrome'." Journal of Forensic Psychiatry 13(3): 609-635 URLJ: www.tandf.co.uk/journals/routledge/09585184.html. Discusses causes of parental alienation syndrome from an autopoietic approach. The term "parental alienation syndrome" refers to a disorder that arises predominantly in the context of child custody disputes; its primary manifestation is the child's campaign of denigration against the parent. Law, as a social communication system, and child mental health, as a sub-system of science, are each distinct and self-referential, each relating to its environment and to the other in very different ways. Recent developments in the rules of admissibility concerning expert evidence raise questions over the precise status in law of knowledge from clinical child psychiatric and child psychological experts. Fundamental questions arise about the role of experts in advising courts and in offering therapeutic intervention for children and families. The legal system needs to show that it is capable of distinguishing between reliable and unreliable mental health knowledge and court experts. (PsycINFO Database Record (c)

2003 APA, all rights reserved)

Lowenstein, L. F. (1998). "Parent alienation syndrome: A two step approach toward a solution." Contemporary Family Therapy: An International Journal 20(4): 505-520 URLJ: <http://www.wkap.nl/journalhome.htm/0892-2764>.

Discusses the steps involved in mediation before or while legal action and the courts intervene to force a solution by law to often tragic, acrimonious human interaction between former partners. The author advances the proposal that mediation plays a much larger role in cases of parental alienation syndrome in the British justice system. With one in three or more marriages leading to separation or divorce in Great Britain, there is a great urgency to develop plans with the legal system to make certain that both parents can have the opportunity to continue to play a role in the lives of their children. Professionals such as qualified psychologists or psychiatrists should be able to offer a full course of mediation before partners begin divorce proceedings or decisions regarding the placement of children with one party or the other. A 10-yr study involving 16 cases provides evidence that the initial use of mediation may well be superior to the initial use of the adversarial system on its own. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

Lowenstein, L. F. (1999). "Parental alienation and the judiciary." Medico Legal Journal 67(3): 121-123.

Examines parental alienation syndrome (PAS) within a judiciary perspective. A conversation with a judge is recreated to demonstrate how similar problems are faced by the judiciary in parental alienation cases. The author argues that in such cases of PAS, the first concern is to the children, and that no exception can be made for a custodial parent failing to adhere to the ruling of a court. It is contended that an alienated parent may eventually gain access to their child following a period of therapy between the psychologist and the child or children, to make them aware of what is happening. Reasons why some noncustodial parents do not pursue their rights are presented. It is suggested that the alienated parents, be they fathers or mothers, be protected. In so doing, it is argued that the children are also being protected from a misuse of power and position from the resident caregiver who alienates the nonresident parent. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

Lund, M. (1995). "A therapist's view of parental alienation syndrome." Family and Conciliation Courts Review 33(3): 308-316.

Explores different reasons why a child might reject 1 parent in a divorced family and the ways of helping such families. Cases in which a child resists contact with a parent may or may not fit R. A. Gardner's (1989) theory of Parental Alienation Syndrome (PAS), which emphasizes the psychopathology of the alienating parent. The reasons for parental rejection are many; they could be due to (1) developmentally normal separation problems, (2) deficits in the noncustodial parent's skills, (3) oppositional behavior, (4) high-conflict divorced families, (5) serious problems, not necessarily abuse, and (6) child abuse. Gardner recommends legal and therapeutic interventions based on whether the case is assessed to be one of mild, moderate, or extreme parental alienation. Success in the treatment of the PAS cases should be defined as the maintenance of some contact between parent and child. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

McDonough, H. and C. Bartha (1999). Putting children first: A guide for parents breaking up. Toronto, ON, Canada, University of Toronto Press.

(from the book) Describes a child-centered approach for separated and divorcing parents who want to minimize the damage done to children during and after the break-up. The book offers essential information and advice on renegotiating the practical and emotional aspects of the parent-child relations. The authors provide a step-by-step guide to the emotional work parents must do to make their divorce manageable for themselves and their children. They also highlight the relevant research findings concerning the effects of divorce on families. Recent studies show that it is not only the presence of conflict that determines the adjustment of children to their parents' divorce, but the way in which parents involve their children in their conflict with each other. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

Palmer, N. R., J. L. Price, et al. (1988). "Legal recognition of the parental alienation syndrome
Parental alienation syndrome. A developmental analysis of a vulnerable population." American Journal of Family Therapy 16(4): 361-363 URLJ: www.tandf.co.uk/journals/01926187.html.

Addresses legal remedies to the parental alienation syndrome, the process by which one parent speaks or acts in a derogatory manner to or about the other parent during or subsequent to a divorce

proceeding to alienate the child or children from that other parent. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

- Rand, D. C. (1997). "The spectrum of parental alienation syndrome (Part I)." American Journal of Forensic Psychology 15(3): 23-52.
Reviews R. Gardner's (1985) work and that of others on parental alienation syndrome (PAS), integrating the concept of PAS with research on high conflict divorce and other related literature. PAS is a distinctive family response to divorce in which the child becomes aligned with 1 parent and preoccupied with unjustified and/or exaggerated denigration of the other, target parent. In severe cases, the child's once love-bonded relationship with the rejected/target parent is destroyed. Testimony on PAS in legal proceedings has sparked debate. Topics discussed include parents who induce alienation, high conflict divorce and PAS, clinical studies of PAS, the child in PAS, and the target/alienated parent. (PsycINFO Database Record (c) 2002 APA, all rights reserved)
- Rand, D. C. (1997). "The spectrum of parental alienation syndrome (part II)." American Journal of Forensic Psychology 15(4): 39-92.
Reviews the literature on the Parental Alienation Syndrome (PAS) as formulated by R. Gardner (1987, 1989, 1991, and 1992) and seeks to integrate his work with research on high conflict divorce and the work of other professionals in this arena. PAS is a distinctive form of high conflict divorce in which the child becomes aligned with one parent and preoccupied with unjustified and/or exaggerated denigration of the other, target parent. In severe cases, the child's once love-bonded relationship with the target/rejected parent is destroyed. Issues on the child in PAS, the target/alienated parent and the 3rd parties who become involved (e.g., family, lawyers) are discussed. The material presented on PAS in the legal arena is devoted to what attorneys and judges have to say about PAS. The discussion of forensic evaluations and PAS includes contributions by custody evaluators and others who recommend considering PAS as a possible explanation when child sex abuse is alleged in certain contexts. Case vignettes illustrate psychological maltreatment of the child in severe PAS, a case in which Child Protective Services was mobilized to bring pressure on the alienating parent to reverse the PAS, and the use of PAS testimony in criminal proceedings against a falsely accused parent. (PsycINFO Database Record (c) 2002 APA, all rights reserved)
- Raw, S. D. (2000). "Professional and legislative issues." Behavior Therapist 23(10): 219-221, 229.
Discusses the following professional and legislative issues: a class-action lawsuit that has been brought by 3 parents alleging the American Psychiatric Association conspired with Novartis Pharmaceutical Corporation and its Ciba-Geigy division to boost profits for the company's stimulant drug Ritalin (methylphenidate); the work of a national group which helps patients fighting their insurers; informed consent; the reaction to Supreme Court decision regarding financial incentives to doctors by HMOs; the legal decision on "Parental Alienation Syndrome;" the issue of doctors boycotting Merck products as part of antitrust battle; and the settlement reached in Antitrust Suit v. MCOs. (PsycINFO Database Record (c) 2002 APA, all rights reserved)
- Rooney, S. A. and T. F. Walker (1999). Identification and treatment of alienated children in high-conflict divorce. VandeCreek, Lebn (Ed); Jackson, Thomas L. (Ed). (1999). Innovations in clinical practice: A source book, Vol. 17. (pp. 331-341). Sarasota, FL, US: Professional Resource Press/Professional Resource Exchange, Inc. x, 512 pp. SEE BOOK.
(from the book) The authors address the issue of alienated children in high-conflict divorce. They define the parental alienation syndrome and provide guidance for the identification and treatment of these children and their parents. (from the chapter) Topics include: parental alienation syndrome-description and dynamics; theoretical considerations; parents at war; the Jones family-a case study; influence of legal and mental health systems; in the shoes of the alienated child; and Amy-a case study. (PsycINFO Database Record (c) 2002 APA, all rights reserved)
- Siegel, J. C. and J. S. Langford (1998). "MMPI-2 validity scales and suspected parental alienation syndrome." American Journal of Forensic Psychology 16(4): 5-14.
MMPI-2 validity scales of two groups of parents going through child custody evaluations, parents who engage in parental alienation syndrome (PAS) behaviors and parents who do not, were compared. It was hypothesized that PAS parents would have significantly higher L and K scales and a significantly lower F scale than parents who do not engage in these behaviors. Using female Ss (aged 27-45 yrs), since few males were available, the hypothesis was confirmed for K and F scales, indicating that PAS

parents are more likely to complete MMPI-2 questions in a defensive manner, striving to appear as flawless as possible. It was concluded that parents who engage in alienating behaviors are more likely than other parents to use the psychological defenses of denial and projection, which are associated with this validity scale pattern. Implications of this finding regarding possible personality disorders in PAS parents are discussed. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

Stahl, P. M. (1994). Conducting child custody evaluations: A comprehensive guide. Thousand Oaks, CA, US, Sage Publications, Inc.

This book explores professional issues and techniques involved in child custody evaluations. Domestic violence, drug and alcohol abuse, supervised contact, mental illness, parental alienation syndrome, relocation of one or both parents, and the need for ongoing updated evaluations are discussed. This book is intended for evaluators and other mental health professionals, attorneys, and judges. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

Stoner Moskowitz, J. (1998). The effect of parental alienation syndrome and interparental conflict on the self-concept of children of divorce, Stoner-Moskowitz, Jodi: Miami Inst. of Psychology of the Caribbean Ctr. For Advanced Studies, US.

More than one million children experience divorce each year. Of all divorcing couples, 60% involve children. Approximately a third of those children experiencing significant ongoing conflict more than two years after their divorce. It is presumed that self-concept is first formed in the family; and in destruction of that unit would ultimately affect the child's self-concept. Self-concept was selected as the dependent variable, an important measure of a child's healthy and emotional growth and development that could be measured objectively. The Personal Attribute Inventory for Children was selected as the instrument to measure self-concept. Participants for this study consisted of 141 children ranging in age from seven to thirteen. The children were divided into four types of family structures: Intact, Divorced, High Conflict and Parental Alienation Syndrome. Children were selected on the basis of meeting specific criteria set forth in the definition of these groups. The High Conflict and Alienated group came from the Dade County 11th Judicial Circuit Court. The Intact and Divorced group came from the South Florida area. Participants were on a voluntary basis and could withdraw from the study at any time. The children were given parental consent. The first hypothesis was supported in that children from Intact families had higher measures of self-concept than the other groups. Evidence failed to support that children from Divorced families had higher self-concepts than the High Conflict or the Alienated group. In retrospect, perhaps more rigorous controls could have been utilized when selecting children from the Divorce group. An in-depth parent history, clinical child interview along with the Personal Attribute Inventory for Children may have yielded more post-divorce information. Although there was not clinical significance, the High Conflict group produced higher scores of self-concept than the Alienated group. Children exposed to this type of post divorce conflict have demonstrated negative sequels of behaviors including aggression, anger, loss, blame, depression, somatization, non-compliance with authority and lowered self-esteem (Camera & Resnick, 1989). This study also examined the effects of Parental Alienation Syndrome, a constellation of parent-child behaviors that culminates in a child refusing to see the other parent. The relationship with the unwanted parent is abruptly halted, stunting the emotional development of the child. The importance of this study for psychologists is to gain insight that children from divorced families are likely to develop lower self-concept. Children with poor self-concepts are likely to display symptoms of anger, depression, aggression, limited friendships, and difficulty maintain positive interpersonal relationships. Children of divorce have a greater likelihood of focusing on the criticism of others and fail to seek support from others. (Abstract shortened by UMI.) (PsycINFO Database Record (c) 2002 APA, all rights reserved)

Szabo, C. P. (2002). "Parental alienation syndrome." South African Psychiatry Review 5(3): 1.

Discusses the concept of parental alienation syndrome (PAS), referring to an attempt by one parent (usually a custodial parent, in a divorce setting, and not always the mother) to alienate the child or children from the other parent. Related research is covered and core characteristics are reviewed. Involvement of mental health professionals who have no insight into PAS may exacerbate matters. The longer the time spent with the alienating parent, the more likely the process of alienation will be consolidated. It is suggested that PAS be recognized as a form of child abuse; accordingly custody may be awarded to the innocent party, with sanctions potentially applied against the alienating party. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

Turkat, I. D. (1994). "Child visitation interference in divorce." Clinical Psychology Review 14(8): 737-742

FTXT: ScienceDirect (tm) http://www.sciencedirect.com/science?_ob=GatewayURL&_origin=SilverLinker&_urlversion=4&_method=citationSearch&_vokey=0272%2d7358%2314%23737%238&_version=1&md5=a45f8178b0b1b226dd47609d049f3206
URLJ: <http://www.elsevier.com/inca/publications/store/6/5/2/>.

Describes the problem of child visitation interference in order to raise awareness of the problem among psychologists. From the clinical and legal literature, there appear to be at least 3 types of situations related to child visitation interference: acute interference, parental alienation syndrome, and divorce related malicious mother syndrome. The associated difficulties in handling this problem in the legal system are considered. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

Vassiliou, D. and G. F. Cartwright (2001). "The lost parents' perspective on parental alienation syndrome." *American Journal of Family Therapy* 29(3): 181-191 URLJ: www.tandf.co.uk/journals/01926187.html.

Examined five alienated fathers' and one alienated mother's perceptions of parental alienation syndrome (PAS). The data were collected via semistructured open-ended interview questionnaires to determine if there were shared characteristics among alienated families, common issues in the marital conflicts that contributed to the marriage dissolution, the nature of the participants' reports of alienation, similarities in the experience of alienation, and what things a lost parent might do differently. Overall, these findings indicate that there are several possible attributes, such as changes in relationships among family members, the roles of mental health and legal professionals, as well as custody arrangements, which may be precursors or indicators of PAS. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

Vestal, A. (1999). "Mediation and parental alienation syndrome: Considerations for an intervention model." *Family and Conciliation Courts Review* 37(4): 487-503.

Parental alienation syndrome (PAS), a term that originated in the mid-1980s, refers to a disturbance in which children are preoccupied with viewing 1 parent as all good and the other parent as all bad. Conscious or unconscious words and actions of custodial parents cause the child(ren) to align with them in rejection of noncustodial parents during divorce or custody disputes. Issues of concern for mediators include detection of PAS and an understanding of appropriate remedial plans that will allow the child to restore his or her relationship with the noncustodial parent. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

Warshak, R. A. (2000). "Remarriage as a trigger of parental alienation syndrome." *American Journal of Family Therapy* 28(3): 229-241 URLJ: www.tandf.co.uk/journals/01926187.html.

Maladaptive efforts to adjust to remarriage can provoke or exacerbate parental alienation syndrome. The remarried parent, the other parent, the stepparent, and the child each may contribute to the disturbance. Underlying dynamics include jealousy, narcissistic injury, desire for revenge, the wish to erase the ex-spouse from the child's life in order to "make room" for the stepparent, competitive feelings between the ex-spouse and stepparent, the new couple's attempt to unite around a common enemy and avoid recognition of conflicts in the marriage, the child's attempt to resolve inner conflict, and parent-child boundary violations. These dynamics are discussed and suggestions for treatment are offered. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

Warshak, R. A. (2001). "Current controversies regarding parental alienation syndrome." *American Journal of Forensic Psychology* 19(3): 29-59.

Despite a growing literature, the term parental alienation syndrome (PAS) continues to stir controversy in child custody matters. This article draws on the relevant literature to examine the main controversies surrounding the use of the term PAS by mental health professionals. The focus is on controversies regarding the conceptualization of the problem of alienated children, the reliability and validity of PAS, and the treatment of PAS. Some attention is given to issues relevant to the admissibility of expert testimony on PAS, such as the use of the term "syndrome," the question of whether PAS has passed peer review, and whether PAS enjoys general acceptance in the relevant professional community. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

Warshak, R. A. (2002). "Misdiagnosis of parental alienation syndrome." *American Journal of Forensic Psychology* 20(2): 31-52.

Describes and illustrates three general categories of situations that superficially resemble parental alienation syndrome (PAS) and can be mistaken for it. The term PAS continues to stir controversy in

part because of a concern that during custody litigation the term is applied indiscriminately to children who reject a parent regardless of the type of rejection or the reasons for it. First are children who are not truly alienated but who nonetheless resist spending time with a parent or exhibit hostility toward a parent. Second are children who resist becoming alienated despite one parent's denigration of the other. The third category consists of children who are truly alienated, but whose alienation is not caused primarily by the favored parent's influence. (PsycINFO Database Record (c) 2002 APA, all rights reserved)

Williams, R. J. (2001). "Should judges close the gate on PAS and PA?" *Family Court Review* 39(3): 267-281. Parental Alienation Syndrome and Parental Alienation are evolving clinical concepts. They are controversial. Their limits, the limits of the legal system, and recent developments in the use and admissibility of expert evidence call into question the appropriateness of their use within the trial process. (PsycINFO Database Record (c) 2003 APA, all rights reserved)

Zirogiannis, L. (2001). "Evidentiary issues with Parental Alienation Syndrome." *Family Court Review* 39(3): 334-343. Expert testimony on unsubstantiated social science syndromes such as the Parental Alienation Syndrome (PAS) has been increasingly admitted in courtrooms across the United States. This is a problem because a trier of fact is making a determination based on theories that are inaccurate or incorrect. To remedy this, the standards of admissibility for expert testimony must be heightened. The broad discretion given to trial judges in determining admissibility should be reevaluated and a new rule of evidence for social science testimony should be adopted. (PsycINFO Database Record (c) 2003 APA, all rights reserved)(journal abstract)

APPENDIX C: LEGAL CITATIONS ON PAS
Archived at http://www.rgardner.com/refs/pas_legalcites.html

Court Rulings Specifically Recognizing the Parental Alienation Syndrome in the US and Internationally

Richard A. Gardner, M.D.

(Document last updated 05/23/03: 77 items)

UNITED STATES (22 States)

Alabama

- Berry v. Berry, Circuit Court of Tuscaloosa County, AL, Case No. DR-96-761.01. Jan 06, 2001

Alaska

- Pearson v. Pearson, Sup Ct. of AK., No. S-8973, No. 5297, 5 P.3d 239; 2000 Alas. Lexis 69. July 7, 2000.

Arkansas

- Chambers v. Chambers, Ct of App of AR, Div 2; 2000 Ark App. LEXIS 476, June 21, 2000.

California

- Coursey v. Superior Court (Coursey), 194 Cal.App.3d 147,239 Cal.Rptr. 365 (Cal.App. 3 Dist., Aug 18, 1987.
- John W. v. Phillip W., 41 Cal.App.4th 961, 48 Cal.Rptr.2d 899; 1996.
- Valerie Edlund v. Gregory Hales, 66 Cal. App 4th 1454; 78 Cal. Rptr. 2d 671.

Colorado

- Oosterhaus v. Short, District Court, County of Boulder (CO), Case No. 85DR1737-Div III.

Connecticut

- Case v. Richardson, 1996 WL 434281 (Conn. Super., Jul 16, 1996).
- Metza v. Metza, Sup. Court of Connecticut, Jud. Dist. of Fairfield, at Bridgeport, 1998 Conn. Super. Lexis 2727 (1998).

Florida

- Schutz v. Schutz, 522 So. 2d 874 (Fla. 3rd Dist. Ct. App. 1988).
- Blosser v. Blosser, 707 So. 2d 778; 1998 Fla. App. Case No. 96-03534.
- Tucker v. Greenberg, 674 So. 2d 807 (Fla. 5th DCA 1996).
- Berg-Perlow v. Perlow, 15th Circuit Court, Palm Beach County, FL., Case no. CD98-1285-FC. Mar 15, 2000.
 - An exceptionally strong family court decision in which five experts testified to the diagnosis of PAS.
- Loten v. Ryan, 15th Circuit Court, Palm Beach County, FL., Case No. CD 93-6567 FA. Dec 11, 2000.
- Kilgore v. Boyd, 13th Circuit Court, Hillsborough County, FL., Case No. 94-7573, 733 So. 2d 546 (Fla. 2d DCA 2000) Jan 30, 2001.

- Boyd v. Kilgore, 773 So. 2d 546 (Fla. 3d DCA 2000) (*Prohibition Denied*)
- Court **ruling** that the Parental Alienation Syndrome has gained general acceptance in the scientific community and thereby satisfies *Frye Test* criteria for admissibility.
- McDonald v. McDonald, 9th Judicial Circuit Court, Orange County, FL. Case No. D-R90-11079, Feb 20, 1001.
- Blackshear v. Blackshear, Hillsborough County, FL 13th Jud. Circuit: 95-08436.

Illinois

- In re Violetta 210 Ill.App.3d 521, 568 N.E.2d 1345, 154 Ill.Dec. 896(Ill.App. I Dist Mar 07, 1991).
- *In re Marriage of Divelbiss v. Divelbiss*, No. 2-98-0999 2nd District, Ill.(Appeal from Circ Crt of Du Page Cty No. 93-D-559) Oct 22, 1999.
- Tetzlaff v. Tetzlaff, Civil Court of Cook County, Il., Domestic Relations Division, Cause No. 97D 2127, Mar 20, 2000.
- Bates v. Bates 18th Judicial Circuit, Dupage County, IL Case No. 99D958, Jan 17, 2002.
 - Court ruling that the Parental Alienation Syndrome has gained general acceptance in the scientific community and thereby satisfies *Frye Test* criteria for admissibility.[excerpt]

Indiana

- White v. White, 1995 (Indiana Court of Appeals) 655 N.E.2d 523. (Ind. App., Aug 31, 1995).

Iowa

- In re Marriage of Rosenfeld, 524 NW 2d 212, 214 (Iowa app, 1994).

Louisiana

- Wilkins v Wilkins, Family Court, Parish of East Baton Rouge, La., Civ. No. 90792. Nov. 2, 2000.

Michigan

- Spencley v. Spencley, 2000 WL 33519710 (Mich App).

Nevada

- Truax v. Truax, 110 Nev. 437, 874 P. 2d 10 (Nev., May 19, 1994).

New Hampshire

- Lubkin v. Lubkin, 92-M-46LD Hillsborough County, NH. (Southern District, Sept. 5, 1996).

New Jersey

- Lemarie v. Oliphant, Docket No. FM-15-397-94, (Sup Crt NJ, Ocean Cty:Fam Part-Chancery Div) Dec. 11, 2002.

New York

- Rosen v. Edwards (1990) Tolbert, J. (1990), AR v. SE. New York Law Journal, December 11:27-28. The December 11, 1990 issue of *The New York Law Journal* [pages 27-28] reprinted, in toto, the ruling of Hon. J. Tolbert of the Westchester Family Court in Westchester Co.
- Karen B v. Clyde M., Family Court of New York, Fulton County, 151 Misc. 2d 794; 574 N.Y. 2d 267, 1991.
- Krebsbach v. Gallagher, Supreme Court, App. Div., 181 A.D.2d 363; 587 N.Y.S. 2d 346, (1992).
- Karen PP. v. Clyde QC. Sup Ct of NY, App Div, 3rd Dept. 197 A.D. 2d 753; 602 N.Y.s. 2d 709; 1993 N.Y. App. Div. LEXIS 9845.

- In the matter of J.F. v. L.F., Fam. Ct. of NY, Westchester Cty, 181 Misc 2d 722; 694 N.Y.S. 2d 592; 1999 N.Y. Misc. LEXIS 357.
- Oliver V. v. Kelly V., NY Sup. Ct. Part 12. New York Law Journal Nov. 27, 2000.
- Sidman v. Zager, Family Court, Tompkins County, NY: V-1467-8-9-94.

Ohio

- Sims v. Hornsby, 1992 WL 193682 (Ohio App. 12 Dist., Butler County, Aug 10 1992).
- Zigmont v. Toto, 1992 WL 6034 (Ohio App. 8 Dist Cuyahoga County, Jan 16, 1992).
- Pisani v. Pisani, Court of Appeals of Ohio, 8th App. Dist. Cuyahoga Cty. 1998 Ohio App. Lexis 4421 (1998).
- Pathan v. Pathan, Case No. 96-OS-1. Common Pleas Court of Montgomery County, OH, Div. of Dom Rel.
 - Pathan v. Pathan, C.A. Case No. 17729. Ct. of App. of OH, 2d Dist., Montgomery County; 2000 Ohio App. Lexis 119. Jan. 21, 2000
- Conner v. Renz, 1995 WL 23365 (Ohio App. 4 Dist., Athens County, Jan 19, 1995).
- State v. Koelling, 1995 WL 125933 (Ohio App. 10 Dist., Franklin County, Mar 21, 1995).

Pennsylvania

- Popovice v. Popovice, Court of Common Pleas, Northampton Cty, PA. Aug 11, 1999, No. 1996-C-2009.

Texas

- Ochs et al. v. Myers, App. No. 04-89-00007-CV. Ct. of App. of TX, 4th Dist., San Antonio; 789 S.W. 2d 949; 1990 Tex App. Lexis 1652, May 16, 1990.

Virginia

- Ange, Court of Appeals of Virginia, 1998 Va. App. Lexis 59 (1998).
- Waldrop v. Waldrop, in Chancery No. 138517. Fairfax County Circuit Court,(Va., April 26, 1999).

Washington

- Rich v. Rich, Sup Ct, 5th Dist. Case No. 91-3-00074-4 (Douglas County) June 11, 1993.

Wisconsin

- Janelle S. v. J.R.S., Court of Appeals of Wisconsin, District 4. 1997 Wisc. App. LEXIS 1124 (1997).
- Fischer v. Fischer, Ct. of App. of WI, Dist. Two, No. 97-2067; 221 Wis. 2d 221; 584 N.W.2d 233; 1998 Wisc. App. Lexis 1534.

Wyoming

- In re Marriage of Rosenfeld, 524 N.W. 2d 212 (Iowa App., Aug 25 1994) McCoy v. State 886 P.2d 252 (Wyo.,Nov 30, 1994).
- McCoy v State of Wyoming, 886 P.2d 252, 1994.
-

CANADA (7 Provinces)

Quebec

- Stuart-Mills, P. v. Cher, A.J., Sup. Ct. Quebec, Dist. of Montreal, No. 500-12-

184613-895 (1991).

- V. (L.) C. H. (E.), 1992 CarswellQue 169; 45 Q.A.C. 100; 1992 R.J.Q. 855; 1992 R.D.F. 316 Cour d'appel du Quebec, Feb 26, 1992.
- R.M c. B.R., [1994] A.Q. no 947. DRS 95-09809 No 200-09-000440-948 (200-12-042928-904 C.S.Q.) (Quebec, decision in french only) Oct. 28, 1994
- R.F. v. S.P., [2000] Q.J. Np. 3412 No. 500-12-250739-004 Quebec Superior Court (Montreal) Oct. 13, 2000.

Alberta

- Elliott v. Elliott, A.J. No. 74 DRS 96-05285 Action No. 4806-10272 Alberta Crt of Queen's Bench, Jud. Dist. of Lethbridge/Macleod, Jan 25, 1996.
 - Elliott v. Elliott, 1996 CarswellAlta 95, 193 A.R. 177, 135 W.A.C. 177, 27 R.F.L. (4th) 23 Alberta Court of Appeals. Nov 7, 1996 (Affirmed--Appeal Dismissed)
- Johnson v. Johnson, No. 4806-11508a, Jud Dist. of Lethbridge/Macleod, Oct. 09, 1997

Ontario

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APPENDIX D: LETTER FROM A DAUGHTER IN CANADA

Archived at http://www.glennsacks.com/darrin_whites_14.htm

July 2, 2000

[REDACTED]
[REDACTED]
[REDACTED]

Prime Minister Jean Chretien
House of Commons
Parliament Hill
Ottawa, Ont.

Dear Mr. Prime Minister

**RE: THE DEATH OF MY FATHER AS A RESULT OF CANADA'S BIASED AND
ANTI-FAMILY COURT SYSTEM**

I am the 14-year-old daughter of Darrin White, the father who recently took his life in British Columbia as a result of the frustration and hopelessness caused in dealing with Canada's family justice system. Although the justice system was not 100 percent the cause of his death, based on what I and members of my family have seen, it was the biggest factor. My father took his life mostly in part because of the injustices being perpetrated against him by what many Canadians say is a biased and morally corrupt Canadian family justice system. Our family justice system seems to allow good fathers to be destroyed while it allows vindictive and revengeful mothers to rule over the courts.

Prior to my father's death, he told me of the anguish he was going through trying to see his children. He told me of the abuse that his wife subjected him to. She did not want him to have a relationship even with me, his own daughter, because she was jealous. He told me of the frustration in dealing with the courts and the lawyers. He told me how the court did nothing except put further barriers to him seeing his children.

Now, I too, am being blocked by my step mother from making contact with my own brothers and sisters who live with my father's second wife. I am up against the same barrier that my father faced when he tried to contact his own children before his death. It is very upsetting to be denied access to members of your own family.

Keeping children from seeing their parent and other family members is child abuse. It is criminal and it should not be tolerated. Yet, it seems our justice system seems all too tolerant of mothers who do this everyday. While parents are forced to go to courts just to see their children, the lawyers get rich off the misery of the children and families whose lives they destroy in family court. Maybe if our courts showed some backbone and stood up against these mothers who are abusing their children that maybe the problem would begin to correct itself.

As a young Canadian I can only say that I am utterly ashamed to see how the country I call Canada treats fathers in its courts. It is a disgrace! I know my father was a good man and a good father. He did not deserve to be pushed over the edge as he was. He did not deserve to be kept from seeing his children. He obviously reached a point where he could see that justice was beyond his reach and for reasons that only God will know, decided that taking his life was the only way to end his suffering.

From what I have learned about the family justice system in this country, Canada is not the home of the proud and the free. In my view, Canada has become a safe haven for corrupt lawyers and biased judges who think nothing about the lives of the children and parents they destroy every day in our family courts.

I have learned that Canada's Justice Minister, Anne McLellan, has been stalling legislation about shared parenting which is intended to prevent the kind of tragedy that has been forced upon my family. I understand that a special committee recommended that the justice department should promote a concept called shared parenting. If shared parenting had been in place before my father took his life and if our system of justice guaranteed the rights of children to see their parents, I have no doubt in my mind that my loving father would be alive today. All he wanted was to see his children, but it seems that our justice system would not give him that.

For this, the Justice Minister should resign. Maybe someone with children and with some knowledge of the problems facing families in our courts today would make a better Minister. What kind of justice can families expect from a Ministry headed by a person without children and in addition, a lawyer? Without children, how can the Justice Minister even begin to understand what it is like to love children and to appreciate the importance that parents play in the lives of their children.

It's time for this country to start waking up to what's going on in our family courts and its time that something get done about it.

Although I am only 14 years of age, I too will join the ranks of those who are fighting this evil system of justice. This is not the kind of Canada I or other Canadians want to see. This country's justice system has robbed me of one of the most precious gifts in my life, my father. I will not let his death be in vain.

Things need to change for it seems that all fathers in family courts are being put through this same thing. We need to change things now. Too many kids are going without a father because of the injustice in our family courts. Too many kids are being hurt. I may be 14, but I know what is right and wrong. There are good and bad mothers and fathers but it seems that most fathers are considered bad by our family court system and this is wrong. Please don't let my Dad's death be in vain. Children have the right to the love of BOTH of their parents, both moms and dads. The ONLY reason why a child should not be able to see a parent is when there is PROVEN abuse, not allegations.

I would very much like to hear what your perspective as a Member of Parliament is on this problem. I would like you to tell me what you intend to do to fix this problem. One thing you can do for me is to ask that the Minister of Justice resign. As the Minister of Justice, she should be held accountable for the dismal failure of our family justice system and its destruction of children and their families.

In memory of my loving father,

/Signed/
