

Managing Grandparent Alienation

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**Presentation to Parental Alienation/Equal
Shared Parenting Symposium**

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WHAT IS UNIQUE AND COMMON ABOUT GRANDPARENT ALIENATION

- **Starts during their children's marriage (common)**
 - ❖ Enmeshment/intrusive parenting
 - ❖ Gatekeeping behaviours
 - ❖ Boundary violations
 - ❖ Exclusion in favour of AP's extended family
- **Fate tied to that of their children (common)**
- **Presentation of the (grand)children (common)**
 - ❖ Angry/disrespectful/lack of empathy
- **Legal Remedies (unique)**
 - ❖ Lesser and much less jurisprudence
- **Time to Recover (unique)**
 - ❖ Aspirational Court/therapist statement less persuasive and non-evidence based

COMMON THEMES

- **Why is this process so difficult and yet so important**
 - ❖ Its complicated
 - ❖ It's not well understood
 - ❖ Cognitive biases and disinformation/political pushback
 - ❖ No early identification/intervention
 - ❖ Misunderstanding therapy
 - ❖ Poor execution by therapists and others
 - ❖ Lack of consistency
 - ❖ No centralized mgt of all non-parties
 - ❖ Lack of strategic focus by counsel
 - ❖ Need client buy in to the strategy – clients often waffle
 - ❖ Prohibited narratives

IS THERE A LEGAL REMEDY

▪ **Historical non-parent access litigation**

- ❖ Permitted by Canadian federal and provincial legislation
- ❖ Possible however inconsistent results unless previously a primary caretaker of the grandchildren
- ❖ Best interests standard
- ❖ Reticent to Order access to someone in conflict with the parent(s) or if interferes with parent repartnering

▪ **The Updated Legislation**

- ❖ Specifically mentions grandparents however the amendments create no new rights or presumptions
- ❖ Grandparents cases (as opposed to other non-parties) have Courts looking behind conflict to necessity to maintain relationships
- ❖ Still subject to the best interests standard

HELPFUL FACTORS

- **History of bonding/caregiving/nurturing/positive contribution**
- **History of child living with grandparents**
- **History of grandparent day care so parents can work**
- **Arbitrary cut-off – Courts will look beneath conflict for grandparents to a greater extent than other non-parent applicants**
- **Grandparent disposition child-focused, informed, soft, respectful of boundaries**

UNHELPFUL FACTORS

- Reasonable acts of parent to create boundaries
- GP destructive/intrusive/domineering/controlling behaviour
- Unreasonable access demands
 - ❖ Local: 1 weekend every 3-4 weekends for several hours; occasional overnight; plus telephone/Skype and summer/school break extended access
 - ❖ Distance: less frequent but longer duration
- Parent decisions on morality if GP outside norm
- False accusations about the parent
- Going public on the internet or too visible advocacy

UNHELPFUL FACTORS - 2

- Breaching supervisory order by allowing their son/daughter to be present
- Interference with parenting choices – *“The Court will not permit interference under the guise of love”*
- Intractable conflict

Special Situations

- **Intact families**

- ❖ Canadian provincial legislation still allows legal case to pursue access

- **Deceased Child**

- ❖ Possibly easier case to make as child needs to have contact with heritage on both sides

- **Terms and Conditions Imposed Instead of All-Or-Nothing**

- ❖ Prohibited narratives; rules; mode of access

- **Grandparenting Capacity Assessments**

Court Criteria

- **Psychological stability and safety of the child**
- **Ability and willingness of GP to meet the child's needs**
- **Age and stage of development**
- **History of care**
- **Cultural, linguistic, spiritual, ethnic heritage**
- **Child's views and preferences if they can be reliably ascertained**
- **Plans for care and upbringing**
- **Family violence**
- **Ability to communicate and cooperate with parents**
- **Benefits to the children of fostering the relationships**

TOUGH CHOICES

- **What if the alienating parent is (whether merely for show nor not) proposing to maintain some contact with the grandparents, however zero contact for the mother/father involved**
 - ❖ Do you stand firm and united because otherwise you are enabling abuse and disrespect of your won child
 - ❖ Do you try to maintain some connection with the extended family as a foundation/wedge?
 - ❖ Do you use the opportunity to softly urge reconciliation?
- **Do the grandparents start their own case in parallel with the child's case?**
- **What is the alienated parent has supervised access – grandparents can attend, but should they start their own case for unsupervised access?**

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