

## [Susan Heitler Ph.D. Resolution, Not Conflict](#)

**Two Classic Cases of Courts Failing Alienated Parents** When lawyers and judges are uninformed, the results can be harmful. Posted Oct 01, 2018

What do the courts need to learn to better serve kids when one parent blocks them from connecting with the other?

Source: (gotostockstudio/fortosearch. Usually in my Psychology Today articles I address my specialties--[marriage education](#) and [self-help for negative emotions](#). At the same time, I recently have had a number of clients in my clinical practice who face parental alienation situations. Their challenges totally tear at my heartstrings, motivating me to write on this subject. The difficulty is that attorneys, judges, and the mental [health](#) professionals who advise them on cases of parental alienation too often lack enough understanding of the phenomenon of alienation to create appropriate outcomes.

What is parental alienation?

Psychologist Amy Baker, PhD, also a PT blogger, offers this succinct explanation: [Children who reject one parent to please the other parent are referred to as alienated or as having the parental alienation syndrome](#). Another PT blogger, Edward Kruk, PhD, expands on this core idea, emphasizing that alienating a child from the other parent constitutes [parental maltreatment of a child](#).

I've written two earlier posts about alienation on this blog: [Parental Alienation Syndrome: What Is It, and Who Does It?](#) and [Parental Alienation: What Can an Alienated Parent Do?](#) This current article adds to those initial posts. The more I learn about alienation, the more motivated I become to share this information with my PT readers. The phenomenon can have tragic impacts.

**Poignant Letters To Me From An Alienated Mother and An Alienated Father** In the remainder of this post I reprint letters sent to me from two parents who contacted me by email after reading my earlier posts on alienation. Both of these parents have given me permission to reprint their letters, plus the responses I wrote to each of them. The letters express the typical struggles faced by alienated parents who try to use the court system to rectify the situation. Their concerns:

- 1) To regain their legal rights to participate in [parenting](#) their children.

2) To save their children from the serious negative impacts of alienation.

3) To cope with extreme legal costs, long drawn-out, and often ineffective legal proceedings.

article continues after advertisement Fortunately, I have seen cases where lawyers, psychological evaluators, and judges have acted appropriately and effectively. The failures of the system in the situations described below, however, are, alas, typical of most of the cases I am currently working with.

Do all parents deserve to share in parenting their children? I have found in most of my alienation cases both parents have capacity to do at least some good parenting and merit continuation of at least some contact with their offspring. The psychological literature also suggests that children do best if they can enjoy even a limited if positive relationship with both of their parents.

At the same time, that there are situations in which, temporarily at least, withholding parental contact can be in the best interests of children.

1) Cases of physical abuse. The child must of course be protected from physical abuse.

The courts and their advisors must however become radically more sophisticated in distinguishing physical abuse from alienation. False accusations of physical abuse are one of the main ways that alienating parents trick the court system into sustaining an alienating situation.

2) Cases in which the alienating parent continues to denigrate the ex-spouse.

Some alienating spouses continue to inculcate [fear](#) and dislike of the other parent even after contact with the alienated parent has been restored.

article continues after advertisement 3) Cases in which the impacts of the alienation are so extreme. In these cases, the child is likely to need a significant period of time, and most likely [therapy](#) as well, to break through the distorted [belief](#) system that has been inculcated.

4) The alienating parent becomes verbally abusive to the child(ren). Verbal abuse toward the child can include mean criticism, raging [anger](#), inappropriate blaming, false accusations and also subtle negative innuendos that harm a child's mental health. This abuse can occur if the child switches from being the alienating

parent's foot soldier to someone who the alienating parent now regards as siding with the enemy.

In these four situations the courts may need to remove the children, at least for a period of time, from contact with the alienating parent.

Note, too, that [alienation itself is increasingly being considered an additional form of child abuse](#). Do check out this link to a blog post by Dr. Edward Kruk, and also the posts on this website by Dr. Amy Baker, for more explanation of alienation as abuse.

In sum, I am publishing this post because I deeply believe the saying that 'if people knew better, they would do better.' The information that follows hopefully will enable more legal and mental health professionals to recognize parental alienation, to respond with increased rapidity, and to rectify it.

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Letter #1: From an alienated mother whom the legal system has failed. Dear Dr. Heitler,

I just read your two articles, [Parental Alienation Syndrome: What Is It, and Who Does It](#) and [What Can An Alienated Parent Do?](#) I am in need of advice and suggestions to get judges and attorneys to understand the damage my ex-husband is doing and has done to our two daughters for the past *nine* years since our separation and [divorce](#). My 17-year-old now has severe drug problems. I want to prevent this from happening also with our 11-year-old.

Everything my ex-husband does or says to me and to the kids, he turns it around. He lies to everyone, saying I do it to him, when I don't. He says I turn them against him when in reality he is so mean to them. They truly have issues with him.

My husband has been abusive to me for 18 years since I first married him. He tried to alienate the children from me even during our [marriage](#). I think he does it so that he can distract everyone from what *he* is really doing.

I could die tomorrow, and my ex would still want to make the kids hate me. He is an extremely [religious](#) person who needs to justify the divorce by "proving" I'm the problem.

My attorneys see the proof of him turning the kids against me and exaggerating facts about me so he can paint a picture in their minds. However, they feel powerless to get anything in the court to get him to stop.

In our county, judges are laid back when it comes to dealing with this problem. I think if judges cracked down on this damage to kids and held parents accountable for how they treat the other parent, we would eventually see most parents 'walking the line.'

In our "Indiana Parenting Time Guidelines," the courts specify that it is wrong to denigrate or block contact with the other parent. In my divorce decree, we specifically state it is forbidden to alienate, talk bad, etc about the other parent. But for some reason, that is as far as it goes. Which as we know, rules that are not enforced, are usually ignored. I truly believe that if the courts held my ex accountable, he would give up the war and just co-parent.

I asked a few counselors in our city. They don't think I can get anything to change in the legal system and that I must just watch my kids suffer.

I have continued to keep logs over the past nine years, but the information did not seem to matter my attorney, so I just switched attorneys.

My new attorney was very on board at first when I hired her, but then she switched gears when my ex-husband's attorney talked her into taking a less aggressive approach. So, that is why I am reaching out. My attorney has told me that the judges deeply respect and listen to the "professionals" now more than ever. I am asking you to maybe write a letter or a *Psychology Today* article explaining more about how the judges and attorneys need to learn more about parental alienation. I have spent thousands of dollars on attorneys and have gotten nowhere after nine years.

Thank you for your consideration and time!

JP

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Dr. Heitler's response about helping the court system to judge parental alienation Thank you, JP, for contacting me, explaining your dilemma, and for your encouragement that I respond to you in the form of an open letter via a PT post.

1. False accusations such as you describe tend to be the main tools by which alienating parents win in the courts. The courts, and therapists who advise them, need to become more sophisticated about how to distinguish between false accusations and real problems.

2. Understanding of the phenomenon of projection can clarify who is doing what to whom. Legal and mental-health professionals can

counter false accusations by understanding that most of them, as in this case, prove to be projection of what the alienating parent him or herself is doing.

To flip projection to clarifying data, look for what the accusation may say about what the alienating parent is doing. The accusation then becomes an information source for better understanding of what is going on.

3. Educate your legal professional. Fortunately, there are increasingly helpful resources explaining the nature of parental alienation. Internet searches can uncover many. Do check the resources list toward the end of one of my [other blog posts](#) on alienation. View [this video](#) about assessment and treatment of severe alienation, that is, when the child refuses to see the targeted parent. And, as I mentioned earlier, the blogposts on this website by Amy Baker and by Edward Kruk offer excellent information. Dr. Baker's articles and books are listed [here](#).

Professionals can be encouraged to join the highly responsible and informative group that keeps its members and the general public updated on both legal and psychological developments on this topic. The Parental Alienation Study Group (PASG) includes more than 440 individuals from 47 countries. Most of them are mental health and legal professionals, but some are simply individuals with a strong interest in this topic, including alienated parents and grandparents. Here's [a link](#) to find out more about this group.

In handling the legal case, it may be a good idea to advise your legal counsel to stay clear of the term "parental alienation syndrome." Advocates for alienating parents rail against it. At least in some cases, it may be more effective to focus the court case on the particular illegal behaviors, such as blocking visitation arrangements that have been specified in a custody agreement or court order, or withholding information from the other parent.

Fortunately, some judges do understand alienation. A recent landmark Minnesota case, for instance, as explained to a group of legal and mental health professionals by PASG member Mark Redman, made [the following ruling](#):

*The Minnesota Court of Appeals recently issued an opinion (Amarreh v. Amarreh, 2018 Minn. App. LEXIS 368) that may point toward a legal solution of parental alienation.*

*"Interference with a parent-child relationship, or parental alienation, is sometimes referred to as 'psychological kidnapping,' and means 'any*

*constellation of behaviors by a parent, whether conscious or **unconscious**, that could evoke a disturbance in the relationship between a child and the targeted parent.' Sandi S. Varnado, Inappropriate Parental Influence: A New App for Tort Law and Upgraded Relief for Alienated Parents, 61 DePaul L. Rev. 113, 120-21 (Fall 2011) ....*

*"The behaviors listed included '**cutting** [\*9] off the other parent's access to information about the child[ren], . . . denying him or her information about the children's activities, or access to the child's medical or **school**records,' and limiting 'the other parent's contact with the child by refusing to allow telephone conversations or visits.' "When a district court finds a 'denial of, or interference with, a duly established parenting time schedule,' the court may modify custody. Minn. Stat. § 518.18(d) (2016). Minnesota law recognizes the importance of the parent-child relationship and the need to protect it against interference from other parties. See *SooHoo v. Johnson*, 731 N.W.2d 815, 820 (Minn. 2007) ('A parent's right to make decisions concerning the care, custody, and control of his or her children is a protected fundamental right. '); *In re C.D.G.D.*, 800 N.W.2d 652, 656 (Minn. App. 2011) (stating that grandparent seeking visitation rights 'must prove by clear and convincing evidence that visitation would not interfere with the parent-child relationship,' review denied (Minn. Aug. 24, 2011))."*

I highly recommend reading the entire case.

This case suggests that a court is capable of concluding that interference with custody is a form of child endangerment and suggests a public policy solution for parental alienation. Rather than requiring significant psychological proofs and run the gauntlet of psychological evaluations, Daubert challenges, etc., a targeted parent could simply rely on the fact that interfering with custodial time is a form of child endangerment that should result in some form of custody modification.

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Letter #2: From an Alienated Dad: "My Ex Blocks Our Son From All Contact With Me. I'm Desperate." Dear Dr. Heitler, Can you please help guide me? My ex-wife left me four years ago. It spun me into a depressive episode. I have always had an excellent relationship with my children and was always there for them while my ex-wife worked countless hours a day in her accounting firm.

I was just starting to get my life back on track after the bout of [depression](#) and even though we have a court order for joint custody, my ex-wife has taken them from me. Since 8 months ago I have had very little contact with my children, who are 9 and 11, despite my daily efforts to maintain contact with them.

On the rare chance she “allows” me one ONE-hour visitation in a two week period, there are stipulations like “there must be another adult around.”

The kids clearly demonstrate love and [happiness](#) with me when we are together. They express enthusiastic interest in seeing me again. Then the next day, at home with their mother, the tone of the children changes from loving to cold. They tell me then manipulated excuses as to

why they can't see me.

This is a clear case of parental alienation. It is so very hurtful and causing me severe mental anguish.

All I want is to see my kids and be their Dad again. I don't understand why she gets away with keeping them from me and making them believe I am a bad parent when I have always been there for them. I have been a good dad and have been praised in public for being a good

hockey coach, yet my wife insists I am an unfit due to my bout of depression. She is using mental illness to keep the children away from me.

I have read that medical evidence suggests that having both parents raise a child is in their best interest. I am trying so very hard.

Now I am at a dead end. I need help and advice. I don't know where to turn.

I just want the children to be saved from psychological damage and to live my life without being alienated, manipulated, and suffering constant mental anguish. But I've never used a lawyer before, and I'm worried about how much it will cost. I don't have a lot of money.

I'm also worried about how long legal remedies will take. Will my kids be all grown before a court takes action?

Would it be worth my while even to try to get the legal system to help me be my children's father again? I've talked to other alienated parents who have said the legal system didn't help them at all.

Please help. Thank you for your time. I appreciate you must be very busy. I live in Manitoba, Canada. I am hoping you can guide me on next steps.

I am truly appreciative for anything you can help me with.  
Thank you,  
DC

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**Response to DC from Dr. Heitler** Thank you, DC, for writing to me. I appreciate, too, your permission in a subsequent email to post what you wrote to me, and my thoughts to you in return, for others to read. Here goes:

**1. Do find a lawyer.**

Look carefully, though, to be sure you find one who is knowledgeable about parental alienation.

Preferably, find one who has won these cases before. Do an internet search for lawyers in your area who specialize in this.

Or, find a lawyer who is willing to read up on the issue, even if you need to be the one to give him/her articles.

If you do give the lawyer articles to read, discuss them together later to be sure the lawyer has done the reading.

The bottom line is that you are highly likely to need the help of the legal system to get your children back.

**2. Get past feeling defensive.** "I don't understand why she gets away from keeping them from me and making them believe I am a bad parent when I have always been there for them. I have been a good dad and have been praised in public for being a good hockey coach, yet my wife seems to think I am an unfit latent due to my bout of depression."

Become super-knowledgeable about parental alienation. Surf the web. Print out the best articles. Get books on the topic. Underline key points so you can find them again as needed.

Knowledge about the phenomenon helps you understand that the problem is the alienating parent, not you—and inadequacies of the legal system in responding. Knowledge about the problem lessens the upset and shock that can beset you with each new alienating behavior that you face. Knowledge helps you respond to the situation with calm determination to fix it without wasting your energies on defensive thoughts like, "How could she do this to me?!"

**3. Keep reminding yourself that the problem is your ex-spouse's alienating behaviors, not you.** "She is using mental illness and her self-service to keep the children away from me."

This ploy, using a bad but transient emotional state like depression or a single fit of anger, to make their case against you should signal to a

knowledgeable professional that they need to look into possible alienation. It generally deserves zero credence.

Kids deserve what both parents have to give them.

4. Settle in for the long haul, fighting in the courts until you win. Whatever your normal temperament, you will have to become a fighter.

Passivity, waiting for your ex to change, will get you nowhere. Talking nicely to your ex may be appropriate, so long as the contact is brief, but also is likely to get you nowhere.

Getting mad also is likely to be a mistake. It siphons off your energies, energies that would be better used for problem-solving. Anger outbreaks also can further convince your ex that you are unsuitable for parenting. Don't go there either.

Rather, fight smart. Be civil, and at the same time be strong in using the courts to fight for your and your children's rights. Prosecute your wife for every violation of the parenting agreement or defiance of court-ordered visitation.

5. Stay in contact with [family access](#).

Listen to their informative monthly Sunday phone calls to stay updated on parental alienation developments.

6. Become knowledgeable about [borderline personality disorder](#) and also about [narcissism](#). Virtually all alienating parents manifest these two syndromes. Read up so that you understand what you are dealing with.

7. Use whatever time that you do get with your children lovingly. Verbalize how much you love them. Appreciate specific things they say and do. Think ahead about how to enjoy the time with them—what games and activities you and they can enjoy together, what you want to talk about with regard to what's going on in their lives.

Even if the children are old enough to understand (e.g., mature [teenagers](#)), do not show your distress. You do not want to turn them into having to parent you. Explain the situation in a calm discussion if that looks like it may be helpful to them, but with the underlying message that you are taking care of it.

Smile, joke, and share your most playful side with them. Show and tell them how much you enjoy seeing them. If your children are eager for more time with you, even with limited parenting time your relationship bond is most likely to stay strong.

Wishing you, and all other moms and dads who find themselves facing similar challenges, all the very best,  
Dr. Heitler

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In conclusion, to alienated parents and to legal/mental-health professionals reading this article:I invite you to share your experience with parental alienation, the court system, and how the court system might better respond to reconnect alienated children with their alienated parent. To contribute your suggestions, click the *Comments* bar below. Thank you.

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[Susan Heitler, Ph.D., is the author of many books, including \*From Conflict to Resolution\* and \*The Power of Two\*. She is a graduate of Harvard University and New York University.](#)