

National Association of Alienated Parents

THE REPORT

“Parental Alienation in the UK”

Welcome from Peter Davies, Director of NAAP

Dear Reader

Forming NAAP has been a roller coaster ride. On the journey so far, some things we expected but others came as surprises, or even as shocks. We have gained valuable insights into the functioning of the family court system in the darker areas - far removed from the realms of the higher courts and sanitised published judgments - that seldom normally get exposed to daylight. It has sometimes been harrowing but nonetheless it has been a privilege to have members share their personal stories with us. It has also been immensely gratifying to be able to offer support and even a little hope.

The feelings of despair, helplessness, hopelessness, intense frustration and isolation which anyone that has been touched by PA soon gets acquainted with are magnified in a system that often fails to empathise with the trauma experienced by those that have no remaining choice other than to turn to the family justice system out of sheer desperation and as a last resort. It is this system that often represents the last and only remaining legal means of restoring a relationship with one's children. Sir James Munby once stated that:

'...it must never be forgotten that, with the State's abandonment of the right to impose capital sentences, orders of the kind which judges of this Division are typically invited to

make in public law proceedings are amongst the most drastic that any judge in any jurisdiction is ever empowered to make.'

Sir James was referring to the severance of a parent / child relationship by the state but the impact of such a draconian act is no less devastating when the relationship is severed unilaterally and for no good reason by an aligned parent. Other than taking someone's life, severing a parent child relationship for no good reason is amongst the most drastic and damaging things that a person can do to another human being. Yet for some it is used as currency.

This report is intended to promote this kind of deeper awareness and an appreciation of the context in which these decisions are made in people's lives. It is essential that we never lose sight of the significance of the issues we are dealing with and the potential impact of them that reverberate for entire lifetimes and beyond.

Education and awareness are the first stages involved in pulling back the curtains and allowing daylight to shine on the systems we rely upon. This report is the first step, but it is by no means the last.

Please read the report, share it, discuss it, debate it, even criticise it but above all learn from it.

Thank you for reading this message. Please join us and support us on rest of our journey.

Cofion cynnes (Kind regards)
Peter A Davies LLB (Hons),

Director of NAAP

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Introducing NAAP Co-founder- Andrew John Teague

Over a year on and the idea has become a reality and I am honoured at the people who have participated in making this report become a reality. Over 2 years ago, having gone to a meeting for a group that has been in existence over 25 years, it seemed to be very, very little about the children, so I made a vow to go out and be the voice for the children.

During that period, whilst opening the support group D.A.D.S, I have worked with hundreds of parents who explained the true horrors of being in family court.

I have met some amazing people but one who was very inspirational to me was Liz Archer, who after meeting for a coffee, has kept in close contact since and indeed has also put into the report with many others such as Karen Woodall, Sue Whitcombe, Ruth Nicholls, a Social Worker, A McKenzie Friend, and others who will be credited when the report comes out.

We set up NAAP to have the level to challenge the system on some identified problems therein and will work for a happier brighter future for children.

Again, a big massive thank you to everyone who has helped to bring this report to fruition and bring awareness out there. Watch also for our educational DVD in the near future.

No-one is immune to what goes on behind family court doors and it is only right that we bring awareness on what to expect. The small changes that are needed in family courts would make a massive difference. Until then we will keep supporting the many healthy parents that are brought to their knees, and the true feelings and wishes of the children and bring their voices out through us.

Andrew John Teague. Co-founder of NAAP

Introducing NAAP Co-founder- Linda Turner

A long time alienated mother, Linda has been a core contributor through her blog <http://parentalalienation-pas.com> and <http://emotional-healing-retreat.com>. Linda's long-standing contribution makes her a veteran of the parental alienation community.

None of us at NAAP have met Linda as she lives in France. That speaks volumes, as distance has been no barrier in bringing NAAP to life.

Best wishes from France
Linda Turner

Parental Alienation is not a psychiatric syndrome **Frankly, as**

HHJ Wildblood recently observed, 'Who Cares?'¹

This silly argument is a red herring that has wasted far too much time, money and effort for many years and it's still being wheeled out by those with a vested interest in travelling but never arriving. In the trade, the syndrome proposition is known as a straw man argument. That is, a proposition which is mischaracterised in order to make it easier to attack. We can argue about how we characterise things that judges have made findings of fact upon until the cows come home but this will not alter judicial findings of fact. It is a distraction from the fact that vulnerable children are being emotionally abused and there is now a burgeoning body of case law to prove beyond any measure of doubt that the phenomenon of Parental Alienation is a reality. The same argument applies to defining PA. What is the point in redefining something that the case law already states? These spurious arguments are of little relevance to the children and families affected by PA. They are mere diversions which delay and impede the real business of educating practitioners, building public awareness, protecting children from emotional abuse besides reuniting children with well adjusted parents and positive role models.

Parental Alienation is no more than a theory that has been made up by abusive fathers to blame innocent mothers and it does not exist

This is a popular slogan amongst various groups who dislike the notion of PA based upon ideologies but ignoring evidence. PA behaviours have been findings of fact and acknowledged in published judgments for at least 34 years, since Latey J first coined the phrase 'Implacable hostility' to describe alienating behaviours.² In a frequently cited judgment from 2003 Wall J described Parental Alienation as '...a well recognised phenomenon'.³ This case also confirmed that PA was emotionally harmful because the case changed to a public law case and the child was removed from the mother after the court had found the threshold of harm to been crossed owing to the mothers unabated emotional abuse.

In 2010 HHJ Bellamy described Parental Alienation as '...a feature of some high conflict parental disputes [that] may today be regarded as mainstream.'⁴ This means that it is thoroughly misleading to label it as a 'concept' or a 'theory' or some other

term intended to be pejorative and minimise its credence. Furthermore, it has been a finding of fact and a mainstream phenomenon with increasing frequency now for over three decades.

¹Fnf Parental Alienation conference, <https://www.youtube.com/watch?v=xfEpZhfuQec>, Accessed 13th November 2017 ²Re B (A Minor) (Access) [1984] FLR 648 ³ Re O (A child) (Contact: withdrawal of application) [2003] EWHC 303, para 91. ⁴ Re S (A Child) [2010] EWCA Civ 325

Some Parental Alienation Myths Dispelled

Parental Alienation is all about two warring parents that refuse to grow up, be civilised and agree arrangements for their children

This is another urban myth that lacks a foundation in reality. Of course, there are conflicted cases where parents conform with this stereotype but in PA cases a parent will often resort to the courts, out of exhaustion or from sheer desperation, after all attempts to maintain a relationship with their children and repeated attempts at mediation have failed. The system does not appear to recognise the intense grief, desperation and frustration facing alienated parents. In other aspects of family law, when victims are blamed for their plight it is regarded as abusive and controlling. Why are the victim parents of PA discriminated against in this way?

Why isn't Parental Alienation a criminal offence?

The fact is that the emotional abuse of children IS now a criminal offence. The introduction of Section 76 of the Serious Crimes Act 2015, making coercive control a criminal offence, was widely publicised. Section 66 of the Serious Crimes Act 2015 extended the ambit of Section 1 of the Children and Young Persons Act 1933 (cruelty to persons under 16), to include ill treatment which is other than physical.⁵ This received considerably less media coverage and public attention. The question should therefore be, why have there not been any prosecutions of cases where there has clearly been emotional abuse?

Why isn't Parental Alienation ranked alongside other forms of domestic violence or coercive control?

PA was been classed by the courts alongside and literally in the same breath as domestic violence in Re L and the Sturge and Glaser report on Domestic Violence in 2000.⁶ However, in drafting their operating frameworks (2004) Cafcass, unilaterally and independent of court judgments, decided to separate the two topics.⁷ Consequently they have developed training and frameworks for DV but have steadfastly avoided treating PA and the emotional abuse of children with anything

like the same degree of priority or urgency.⁸ The CEO of CAF/CASS, Anthony Douglas, has finally acknowledged that PA exists and that it is a form of emotional abuse. The question we should be asking is, Why have they ignored it? The question is even more pointed because Douglas claims to have personal childhood experience of PA.⁹ In spite of numerous findings of fact that children have been alienated Caf/CASS training in PA is optional, minimal and very poorly designed.¹⁰ Children have been systematically failed by a public body with a statutory responsibility to protect them.¹¹

Caf/CASS are experts in Parental Alienation

Caf/CASS are widely regarded as 'expert witnesses'. However, unlike other expert witnesses they frequently pronounce upon and make recommendations on PA in spite of having received little, if any, training on the subject and their opinions are frequently regarded unquestioningly and afforded an undeserved amount of credence by judges. There is plenty of case law where so called experts have had their evidence disregarded because the expert has lacked the training and experience to justify expert status. Caf/CASS often escape scrutiny in this regard and the courts appear to discriminate in their favour by treating them differently to other expert witnesses but to the detriment and risk to the well being of children and their families.¹²

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⁵ Serious Crimes Act 2015, <http://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>, Accessed 13th November 2017. ⁶ Re L (A Child), Re V (A Child), Re H (A Child) (Contact: Domestic Violence) [2001] Fam 260 <http://www.bailii.org/ew/cases/EWCA/Civ/2000/194.html> ⁷

https://en.wikipedia.org/wiki/Children_and_Family_Court_Advisory_and_Support_Service. Accessed 13th November 2017. ⁸<https://www.cafcass.gov.uk> and <http://cafcass.gov.wales/?lang=en>, Accessed 13th

November 2017. ⁹ <https://voiceofthechild.org.uk/cafcass-douglas-and-the-high-conflict-pathway/>, Accessed

13th November 2017 ¹⁰<https://voiceofthechild.org.uk>, Accessed 13th November 2017. ¹¹ S 12 (1) Criminal Justice and Court Services Act 2000. Accessed 13th November 2017.

PA is rare

The case law and judicial statements regarding the frequency with which senior judges routinely encounter PA in their courtrooms illustrate that this opinion is groundless. To the end of October in this year alone there had been 12 published judgments where PA behaviours were dominant features. Reported cases in family law usually rank amongst the most difficult contested cases that reach the higher courts. They represent the very tip of the iceberg and the total numbers will obviously be far greater. In a recent survey of over 600 children by the solicitor's family law organisation 'Resolution' it was found that over 30% of the children wished their parents did not 'bad mouth' the other parent.¹³ The survey encompassed a broad cross section of children ranging from children who were the subject of relatively amicable arrangements to children who were the subjects of some of the most conflicted cases. Clearly, PA is an all too frequent aspect of childhood for far too many children.

Teenagers can choose which parent they want to live with

Although older children can vote with their feet this assumption is wrong. In PA cases the law is drafted and the case law has developed to give Children 'a voice but not a choice'.

¹⁴¹⁵ Although some court professionals are inclined to accept children's wishes and feelings at face value they do so against the requirements of the statute law and the guidance contained in the common law. There is growing recognition of the fact that the views of alienated children can be highly unreliable.¹⁶ The courts also recognise that burdening children with the responsibility of making adult decisions, which they are simply not developmentally ready for makes them vulnerable to targeting and undue influence by unscrupulous, manipulative and emotionally abusive family members.¹⁷ Consequently, the wishes and feelings of children are unlikely to carry as much weight in alienation cases as in cases where other forms of emotional abuse such as witnessing DV are features.¹⁸

Peter A Davies LLB (Hons)

¹²<https://voiceofthechild.org.uk>, Accessed 13th November 2017. ¹³

http://www.resolution.org.uk/news-list.asp?page_id=228&page=1&n_id=298&n_year=2015,

Accessed 13th November 2017. ¹⁴ N Bala, B J Fidler, M A Saini, *Children Who Resist Post separation*

Parental Contact: A Differential Approach for Legal and Mental Health Professionals (1st edn, American

Psychology-Law Society 2012). p 176 ¹⁵ See s 1 Children Act 1989. ¹⁶ Re S (Transfer of Residence) [2010] 1

Hello, my name is Andrew John Teague. I am an alienated parent, I am also the co-founder of NAAP -National Association of Alienated Parents- Honorary Parent Adviser and Children's Advocate of EAPAP, co-founder of Dads Against Double Standards, D.A.D.S./C.A.P.A. and D.A.D.S Global Support Group.

Over the last 18 months I have been educating myself and gathering information on and off the groups about the devastating impact Parental Alienation is having worldwide.

I have also taken the time to get the right people involved in this public report who have an accumulated wealth of knowledge on this subject. We are also planning our educational DVD which we hope will help to educate Schools, Contact Centers, Local Authorities and the Judges that ultimately have the final say in so many cases. There is a massive need for change and small changes can make a big difference. We have already identified problems, and would be very interested in discussing ways for solutions with multi-agencies. In February of 2017, the CEO of CAFCASS Anthony Douglas issued a statement (attached later in the report), which identified Parental Alienation as abuse.

Here we are identifying some of the following:

- False Allegations
- Failure Of Mediation
- Fabrications
- Parental Alienation
- Parents Feeling Bullied and Terrorised
- Depression
- Anxiety
- Children Don't Choose To Lose A Parent
- CASCAFF Failures
- Social Services Protocol Probability
- Family Court Bias between Resident and Non-resident Parents
- The core problem in Family Courts Is The Inability To Identify and Follow-up Due To Lack Of Education.

Research has shown that the government have stated CASCAFF failures which has been a big lead

in biased reports as they regurgitate what local authorities and Social Services say. The Government have already said that CASCAFF aren't fit for purpose and hundreds and thousands of parents out there feel the same.

Hundreds and thousands of parents have also contacted their local MP's to no avail. Parents feel a total distrust of family courts and frustrations do understandably run high through the family court process. Controlling parents are simply just doing that -coercively controlling the children and in turn coercively controlling the target parents.

This is a finding I am well aware of, having spoken to thousands of members over the last 18 months.

Many parents are in the fearfulness stage, whilst going through long lengthy court proceedings and directions hearings and many feel frustrated and angry, that during case after case, allegations turns to fabrications. Judge Munby has stated the difficulty that judges face in family court, even stating that it is second to the death penalty which was abolished, taking the child from one parent or another or both.

This is not high conflict, this is simply parents whose emotions are uncontrolled because of the court process.

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As the founder of DADS, we have identified this problem on numerous members who have been at the point of suicide, and indeed a number who have attempted, on which we have had to instigate a welfare check. Myself, has dealt with over 70 members over this time and other admins have dealt with countless more.

Again, no child chooses to lose a parent, not through suicide and certainly not through family courts where prior to family courts children had both parents, we then hear a continuous statement CASCAFF have made which is that the child or children 'don't want to see you anymore,there is nothing we can do'. The question we need to ask ourselves is why? This needs to be explored.

I fully understand the difficulties that family courts have but at what cost to the children.

1. Parental Alienation
2. Indoctrination
3. Denigration
4. Brainwashing
5. Coercive Control

And many more, this should clearly be explored to protect the child's mental health and wellbeing. Many parents, professionals and experts believe that early intervention is the way forward. This would certainly free up family courts, free up social services, and also free up CASCAFF resources. There has been a lot of criticism of CASCAFF and indeed at this point in time, whether the CEO Anthony Douglas is indeed a hero or a villain.

The purity, innocence, freedom of mind, wellbeing and safeguarding of the future development of our children should be paramount so all these areas should certainly be explored. The educational DVD which will be launched at the beginning of 2018 and will be widely available for schools. Contact centers, Derbyshire Play Project Centers, Local Authorities and Judges. This will be launched through our association NAAP, formed by myself, Andrew John Teague, Elizabeth Archer, and Peter Davies.

NAAP is National Association Of Alienated Parents, so further to the Educational DVD, we would look to expand on that with a seminar which would be available for download.

Our aim is to having identified the problem with many non-residents is to guide and help them through the family court process, identifying the same problem, family courts, the process, for the family courts to meet halfway with the possibility of working with parents, and children together rather than continually pushing apart. Indirect is clearly something that is not working on the scale that it should. Contact centers are used more by the controlling and dictating parent and the real reason it should be used for is early intervention and common ground would certainly lessen the impact through the children's life.

Research by experts has shown that numerous failures throughout children's lives to inevitably impact on their adulthood, and the children that come from homes with that have had difficulties with family court lose any kind of faith in the system. It is the belief of many that there should be a level of transparency in family courts, to protect not just the target parents, but the targeted child/children.

Parental Alienation has been characterised as abuse with the risk of emotional and psychological harm, therefore, it should be treated as so under the children mental health and wellbeing act and trained expert intervention.

Below are a selection of polls carried out over the past 18 months on D.A.D.S. which gives a general snapshot of just how people are feeling.

Depression 288 Anxiety 79 Insomnia 46 Lack Of Faith In The Judicial System 43
Disruption To Sleeping Patterns 42 Mental Health 41 Low Self Esteem 35 Isolation
From Society 34 Inability To Trust Others 33 Feeling Worthless 33

False

Allegations 97 Tactical Poisoning And Parental Alienation 74 CAFCASS Not Taking
Notice Action After Noticing Facts 36 New Partners 18 Narcissistic Ex 13
Ex Refuses To Attend 76 Ex Lies and Commits Perjury On Affidavit, Also
Have Been Slandered And Victim Of Character Defamation

Why

Aren't The Children's Rights To Have Both Parents In Their Life Taken Into Account? 97
Ex, How Can You Abuse Our Child/Children? 72 Court, Why Won't You Promote
Change? 69 Social Services, Why Do You Ignore Non-Resident Parents? 27 26
Non Starter 16

Yes 207 No 4

All Of The

Other Options 93 Bias 87 Silenced 42 Ignored 36 Tortured 27 Erased 14 Demonised 12

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Perpetrators (Parents) 98 CASCAFF 89 Social Services 65
Judges 47

Yes 561 No 0

System Process Methodology- Court System/Social
Services/CAFCASS 89 Court System As A Whole 64 Cost 54 Structural Feminazism 42
System Process Methodology -Social Services/CAFCASS 41 Ex Playing
Games/System Not Helping In Any Way 38 Mentally Unstable Resident Parent With No
Conscience 35 Sexism: Dads Aren't Considered As Good As Mums 33 No Finding Of
Fact, No Risk Assessment, Demonstrative Lies, No Evidence On Baseless False
Allegations

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The overall feelings from non-resident parents have been gathered in the statistics
listed above but to break it down, this is what parents are feeling.

What Parents Feel:

- Distrust
- Frustrated
- Anxious
- Suicidal
- Dis-Empowered
- Alienated

- Ostracised
- Lonely
- Helpless
- Fear
- Bullied

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Many feel there is a bias in the judicial system against non-resident parents by uneducated professionals and family court, but the unknown effect it has on children is a huge worry especially when they have to experience feelings such as those listed below.

The Impact On Children:

- Withdrawn
- Neglected
- Heartache
- Sadness
- Guilt
- Bewilderment
- Lack Of Trust
- Anxiety
- Fear
- Indoctrinated
- Denigrated
- Lack Of Support
- Stress
- Hurt
- Pain
- Suffering
- Silence

As the founder of DADS, I have spoken to many members, Dads, Mums, Grandparents, and extended family, and I have certainly identified a lot of the problems of the process, and the feelings of isolation and rejection, and the bias behind family court doors, more often than not by CAFCASS, when the perpetrating parents continue to barrage, many target parents with firstly false allegations, and as the process draws on and many feel the need to isolate themselves from the perpetrating parent, this is where fabrications are then brought forward. This is normally identified as the perpetrating parent use the child/children to echo the fabrications through the indoctrination and denigration the children are suppressed with. This causes the child/children to be parentised (adultification) forcing the choice between perpetrating parent and targeted parent. There have been many years of research into Parental Alienation and the effects it has on children and this is why with grave concern we have had this public report formulated by various professionals and experts. Over the months that I have been involved with many we have gathered pace and indeed researched much. This has led us to the position now that we have set up NAAP (National Association of Alienated Parents) so

that we can bring more awareness and indeed education out there to the many including Schools, contact centers, local authorities, Social Services, CAFCASS, judge, police, health authorities etc.

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False Allegations in Custody and Divorce

Ruth A. S. Nichols, M.A., M.A., CFLE p

December 2017

Quote: *False character and criminal allegations against a parent deprive affected children of at least one parent, usually, the better of the two. For the accused, the wrongful allegations also cause loss of extended family, home, health, wealth, career, freedom and even lost life hopelessly given over to suicide. NCFM²*

Fact: *“A study showed the falsely accusing parents were more likely to have a personality disorder such as histrionic, borderline, passive-aggressive, or paranoid as compared the other two group in the*

study.³⁶

False allegations of sexual abuse in divorce have become prevalent and given the name: S.A.I.D. Syndrome – Sexual Allegations in Divorce.¹ In a significantly large number of high conflict divorces, false allegations of domestic violence as well as child abuse or sexual abuse are common. The abuse of the restraining order system is quite common when false allegations of some type are levied. Of those making false allegations, usually one of the parents will abuse the restraining order process in order to gain a tactical advantage in divorce proceedings for a variety of reasons, including child custody arrangements.

Exploitation and unconstitutionality of Restraining Orders have been discussed in the legal arena for years. Elain Epstein, previous member of the Massachusetts Bar Association, admitted restraining orders are granted to all who apply⁴ and Arnold Rutkin, a Connecticut attorney, commented how judges signing Restraining Orders as a “rubber-stamping exercise” and subsequent hearings “are usually a sham.”³ An example of how damaging a false-temporary restraining order may be is revealed in a hypothetical scenario: A husband who lives a normal life with a wife, children and a home becomes alone, homeless, poor and a social pariah living in a nightmare.

The State Bar in California expresses concern that protective orders are “almost routinely issued by the court in family law proceedings even when there is relatively meagre evidence and usually without notice to the restrained person ... it is troubling that they appear to be sought more and more frequently for retaliation and litigation purposes.”⁵

Restraining Orders threaten the accused with arrest, ascribing them to criminal motive and deviancy, deterring access to their home, belongings and children. This is initiated based on a quick interview between an applicant and judge. Verdicts result from mere implications. In essence, accusation is synonymous with fault.

StatisticsCase scenario, United Kingdom

A mom who shared custody with their son was preparing for a mum/son trip while their 4 year-old spent the weekend with dad. Her ex called stating she would never see their son again. The father made serious allegations against her. Mum stated, “I’m just a normal mum and out of nowhere, I was being accused of false and fabricated allegations of a

sexual nature against my son that were absolutely harrowing.” She said. “It was horrendous.” This parent is not hopeful she will have a meaningful relationship with her son again. While the criminal court dismissed the sexual assault allegations she has had no contact with her son for 592 days. She expresses concern as her son will now see her every six weeks at a supervised contact centre. This mom is aware her son is severely manipulated by his father and has prepared letters and videos with her Will in

Quote: *"Few lives, if any, have been saved, but much harm, and possibly loss of lives, has come from the issuance of restraining orders". The late Massachusetts District Court Judge Milton H. Raphaelson released this statement upon his retirement.*⁴

Fact: *A study on false allegations found out of a pool of 54 erased parents: "Thirty-six participants reported that they had been subject to false allegations of domestic violence against their ex-partner and 44 reported false allegations of physical, sexual, emotional abuse or neglect against their child. In private family law proceedings in England and Wales, a child's welfare is paramount. Allegations of abuse or neglect usually result in the immediate cessation of direct contact while fact finding, safeguarding and assessments are undertaken. Unable to see their child, parents experience a presumption of guilt and a need to prove their innocence."*⁷

Research regarding sexual allegations in divorce vary. Statistics indicate up to 70% of the domestic violence allegations within child custody disputes are considered false.^{1,19} Literature purports the prevalence of false allegations may be up to 85%.¹ Based upon the lower figure of 70%, this indicates over two-thirds of the accusations are fabricated. Notably, approximately 85% of false charges are issued against men and 15% against women.¹ Stop Abusive and Violent Environments (SAVE), report estimates that over 700,000 persons are wrongfully arrested for domestic violence each year in the US.¹ In the US, 50% of all restraining order filings omit a reference to physical assault.⁶

The UK reported an increase in allegations of domestic violence since removing taxpayer funding for divorce except in cases with physical or verbal abuse.⁸ The Ministry of Justice in the UK revealed a 92% increase in false domestic violence allegations in the Midlands area from 2014 to 2016 as some solicitors (attorneys) are encouraging clients to make claims of abuse.⁸ In England and Wales, police reported a 31% increase in claims of domestic violence and abuse-related crimes between the years of 2013 and 2015.

Similar patterns have been observed in the U.S. where it is common for divorce attorneys, representing new female clients, to encourage them to obtain a restraining order almost immediately upon the initial filing of a divorce. In most cases, this is not done as a result of any actual interpersonal violence in the marriage, but rather to obtain a tactical advantage in a divorce.

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One three-year study is looking at thousands of cases involving abuse, custody and alienation. A preliminary examination of 238 cases indicates that fathers accused of abuse (adult or child), who in turn accused the mother of alienation, won their cases 72 percent of the time. They won 69 percent of the time when child abuse was alleged and 81 percent of the time when child sexual abuse was alleged. In the seven cases where judges credited both abuse and alienation in the ruling, the father won every time. When the court credited abuse but not alienation, fathers only won 16 percent. The researchers defined winning as any time the litigants received some or all of what they requested, ranging from more visits to full custody.⁴⁷

In a 2011 OpEd in the Huffington Post, family law attorney Liz Mandarano, opined that one of the most despicable things a woman can do in a divorce is to abuse the restraining order system by making false allegations of abuse. The emotional and financial consequences are devastating to those falsely accused.⁹

There are numerous parents who abuse judicial process and many parents who want to hurt their ex by filing a restraining order. Part of the issue is judges believe the lies when no evidence is present. Judges have the responsibility to adhere to evidence guidelines and laws. Having no proof to substantiate the allegation is not problem in many courts which creates emotional and financial havoc for the accused parent.

Case scenario: U.S.A.

A father seeking custody of their pre-teen daughter: Harassed by regular appointments in court, unfounded emergency motions for modification of custody, multiple cps calls coming up with nothing to report but now there's a "file," taking away all phones and other communication devices from daughter as "grounding" for various infractions which leaves her unable to contact her father, etc. etc. He's now stripped of joint custody because of the "record" and other "facts" based on biased psychologist who had a previous professional relationship with his ex.... etc!³⁴

False allegations

Quote: *“The abuse of the restraining order process has morphed to include its misapplication in many other areas, such as business disputes and a variety of civil actions. Recent surveys reveal that restraining orders are used in over half of all divorce cases with nearly 90% involving no actual intimate partner violence or threat of violence, but are obtained for convenience purposes, and to gain control of assets, homes, and to obtain sole custody of children in contentious divorces.”*¹¹ M. Conzachi

Fact: *Top 3 words parents use to describe their experience in Family Court:*

Biased 22.14% Corrupt 16.79% Unfair 14.64 (280 of 291

*participants responded to this question)*²²

A rising problem in criminal cases involving false allegations of domestic violence is that the arrest and prosecution policies are inherently discriminatory in nature and geared toward arrest policies of

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the predominate aggressor in any type of complaint of Domestic Violence which is usually the male.

Making false allegations against a parent is an extreme form of domestic violence. While false allegations under oath are considered felonies in some areas, in Family Court there is no recourse against the accusing parent. Even if the accusing parent admits the accusations are false there is either minimal or no recourse for the accused parent. The accused may spend years rebuilding their reputation due to the monumental damage of the false accusation.

The power of false allegations of abuse in Family Court is undeniable. The restraining order process has been abused, misused and manipulated and does not resemble anything close to the original intent.¹¹ One of the most heart-breaking facets of restraining order abuse is the emotional and psychological impact the abuse has on the accused parent and the child. There is a direct connection between those who obtain false restraining orders, and those who engage in psychological child

abuse (at some level) in efforts to undermine the accused parent-child relationship.¹¹

The United States of America's judicial system was founded on the principle of 'innocent until proven guilty'. False allegations have changed the law to 'guilty until proven innocent'; however, there is no declaration of 'innocent'. A blatant problem of false allegations within the justice system is how the individual is presumed guilty, and the determination will result in one of two categories: 1) Unfounded: Lack of credible evidence to support the allegations. 2) Fraudulent: Guilty of charges. Note, there is no 'innocent' or 'not guilty'.

In many cases, the falsely accused parent will take some sort of plea deal in order to minimize any jail time or other sanctions in order to return a semblance of a normal life. This may or may not include spending time with their child. When the courts do present a determination, the parent has already suffered immense grief emotionally, psychologically, and physiologically. Some may have lost jobs, certification/license and ancillary family relationships. Tragically, regardless of reconciling with family and re-establishing jobs, reinstatement of certificate/license and friendships, the damage becomes a part of the life of the accused. "Because with one simple, fraudulent allegation, your divorce opponent can not only inflict massive damage to your relationship with your children but can completely destroy your life as well."³⁰ A shrewd assessment is the targeted parent's life is forever broken down into two-time frames; before the wretched event and after the event.¹⁸ Case scenario, US

February 2016, a man in the US, convicted of sexually abusing his child was released from prison after his daughter, recanted the testimony she gave when she was 10 years old. The father spent 18 years behind bars. A judge set him free after his daughter told Lake County District Attorney's Office investigators she had lied at the behest of her mother, who at the time was battling the father over custody of their daughter.

The state awarded Jones \$936,880 for wrongful imprisonment. The largest known compensation payment ever made to someone cleared of a crime after being incarcerated in California's state prison system — if he lives long enough to collect. Luther Jones, 71, slipped into a coma Thursday, the third one since he was released from prison in February. Luther Jones has diabetes, kidney and liver failure and Hepatitis C.³¹

Detrimental effect of false allegations

The idea of a parent walking away from a custody battle is as complex and difficult to understand as the idea of a parent deliberately sabotaging a loving parent-child relationship. A toxic parent frustrates all contact of the accused parent with their child by going to the extreme of filing false charges to destroying the immediate relationship between the parent and child, and, in actuality, the entire life of the potential

relationship between the accused parent and child. Each imparts disastrous consequences resulting in what is the ultimately devastating betrayal of the child. Respectfully, this is not a decision the accused parent makes lightly. Whether an emotional or financial decision, the accused parent comes to the realization that the ex will continue to raise the bar of deception and grief until the parent breaks. Or, the accused parent may choose to stop fighting for financial reasons.

In extreme high conflict cases a parent will be forced to relinquish parental rights especially when the fight is endless. When all emotional and financial resources are exhausted a parent may choose preservation of sanity over continuing an endlessly bitter battle. For some parents the horror is too much. This is revealed in the high suicide rate among parents within the family court system.³⁷

Suicide is prevalent among parents of family court. Sixty thousand Canadian fathers committed suicide in the last 40 years because of family court.²⁴ North American divorced men are 10 times more likely to commit suicide than women.¹⁶ The criminalization of the divorce, demotion to a part time dad, disgrace of allegations, and financial ruin contribute to the higher suicide rate among divorced fathers.

Australia Bureau of Statistics claims a 13% increase in male suicide in 2014 as compared to the previous year.²³ While the article does not differentiate whether or not this is due to divorce there is reference to issues within family court, child support agencies, family violence and child protective services. The author outlines financial ruin and helplessness as contributing factors due to everything being taken from them.

Case scenario, British Columbia

*A father, and victim of family court for two subsequent divorce cases sent this note to his lawyer two days before he committed suicide: "I'm tired...Not only have I lost my children which by itself has ton me into two, but I have lost all my assets in life...The level of cruelty brought on by what could have been a simple divorce was and still is mind blowing and I'm simply not the same person I was, and I expect I'll never see that person again."*³²

Contributing factor #1: Untruths

The reality is that sometimes the case presented to the judge is an untruth. Facts are confabulated for the sole intent of harming the co-parent. One parent may present a total lie in a court of law under the auspice of 'a parent protecting their child'. Children and Family Court Advisory and Support Service,

CAFCASS, becomes involved and issue a domestic violence protection notice (DVPN)/ domestic violence protection order (DVPO).¹⁷ Or, the US equivalent: Department of Children and Family Services, DCFS, issuing a Temporary Restraining Order, TRO or Restraining Order, RO.

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A magistrates' court (in the US, a Judge) possesses the power to make the ultimate call.¹⁷ Signing the DVPN/DVPO (US: TRO, RO) results in the physical dismissal of one parent. While officials may overlook signs of abuse or not believe a parent because of previous court interactions the Magistrate or Judge may reject information not presented accurately, choosing to delay the matter until something else happens.

Rulings may be based on well-meaning intentions leading to responses that are based on a policy of 'play it safe' or 'err on the side of caution'.³¹ In the US, judges have the ability to ignore traditional due process all together and make rulings that are for or against a parent's claim of abuse. Judges are in control of the process.

Often this becomes a 'he said-she said' argument and the judge's ruling leads to the domino effect of utter annihilation of one parent. With one fraudulent allegation, a divorce partner may completely destroy their divorce opponent's life. With a stroke of the pen, the accuser gains immediate advantages; granted full custody and a 'no contact' order removing one parent from the home thus giving the accusing parent complete and total access to the child.

Adding to the problem are the ingrained institutional biases that seem to be systemic. In 1994, a US judicial conference was published in the New England Journal of Law; a New Jersey municipal court judge, Richard Russell, was recorded as actually urging his colleagues to violate basic constitutional protections and due process when he stated:

"Your job is not to become concerned about the constitutional rights of the man that you're violating as you grant a restraining order, throw him out on the street, give him the clothes on his back and tell him, see ya around..... we don't have to worry about the rights."⁴

Seemingly, Judge Russell indicates the 'err on the side of caution' has been replaced with 'protecting one's own career'.

Case scenario, Australia

I have not seen my daughter since she was 4, and she will soon be 17. This is the work of a malicious ex-wife and a horribly biased Judge. I was never accused of anything – they just did what they wanted and trampled on my rights, and more importantly, my daughter's rights. I cannot recover the lost years and experiences that my daughter and I were deprived of. I know now that I will never see my daughter again. If she had died, there would have been an ending to the loneliness and anger eventually. The fact that she is still alive yet unreachable through the machinations of others is like an open wound that never heals and never stops hurting.³⁴

Contributing factor #2: Bias, corruption and misrepresentations in family court

Leading Women for Shared Parenting (LW4SP) conducted an analysis in North Dakota of custody cases in several counties reveals contradictory statistics reported by the state. North Dakota Child Custody Summary, released August 2017^{25,26}, indicates court-ordered custody to the father decreased from 2011-2017 with fathers receiving shared parenting 10.5% in 2017, as compared to 16% in 2011. Reports reveal 70% of court-determined cases award custody to the mother.

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Statistics in report show the rate of joint custody varied from 2-3 times; with one district indicating 8.5% and another district stating 23.8%. Notably, of the 90 judges in the state, six judges ordered 32% of all shared parenting orders. One judge awarded custody to the mother 32.2%, to the father 15.7% and shared parenting 41.7%. Another judge awarded custody to the wife 62.5%, 9.4% to the husband and joint custody, zero times.

In Texas, US, The Texas Family Law Foundation, (TFLF) informed legislatures that parenting time was equal. Parents disagreed and discovered TFLF description of parenting time was based on hours the child was awake as opposed to a 24-hour day. The Texas Fathers Rights Movement conducted an investigation in Brazoria, Texas, US, evaluating 399 cases, revealing 93% of the parents given primary custody were women. A 50-50 visitation schedule was ordered in 5% of cases. Of 248 cases only 13 cases awarded the male as the primary parent. Although 23% of male petitioners had attorneys, only 5% of males were awarded primary custody. In comparison, to 21% of the female petitioners with attorneys and 81% of females were awarded primary custody.²⁶

Along the lines of making progress with parenting time the Census Bureau report, in the US for

years 2013-2014 reveals similar statistics from 1994 to 2014 with mothers at 82.5% of custodial parents and fathers at 17.5%. Essentially, after twenty years of family court reform and scientific findings showing the importance of a child needing the involvement of both parents' custody rulings have not changed.⁵ Case scenario, Canada

*Parents may use their professional power to slant the judge's ruling regarding custody in their favor. An attorney in Canada was in a custody battle with his ex-wife for partiality in the custody decision regarding their pre-pubescent son. Parents were granted equal legal and physical custody; however, the ex-husband attorney, was able to stave off court orders for a couple of years. The mother states that she engaged in "typical alienated parent" behaviors attempting to participate in his life; attending places she knew her son may be in hopes of obtaining a glimpse of him, sending letters and packages, leaving cookies and presents on the doorstep. Despite court appearances and rulings in her favor, this mother saw her son four times in two years. This child was unable to accept the continual discord and alienation from his mother. Sadly, he jumped off a bridge, committing suicide forever ruining the opportunity of her reuniting with her precious son.*²⁷

Contributing factor #3: Personality disorders

Judges, Commissioners and Solicitors are focused on moving through a docket loaded important matters for parents and children. In reviewing many cases involving false allegations of domestic violence, child abuse or child sexual abuse, there are usually indicators that the falsely accusing parent has demonstrated behaviours consistent with Type B Personality Disorders as defined by the Diagnostic Statistical Manual of Mental Health (DSM-5) which include, High Conflict Personality Disorder, Borderline Personality Disorder, Histrionic Personality Disorder, Narcissistic Personality Disorder, Paranoid Personality Disorder and examples of Munchhausen and Munchhausen by Proxy.

If a falsely accusing parent displays or exhibits behaviours consistent with any form of Munchhausen Munchhausen or Munchhausen by Proxy, this can be very dangerous for a child. If the initial physical injuries to a child are not recognized as Munchhausen in combination with the recognition of other personality disorders on the part of the falsely accusing parent, the falsely accusing parent may very well then increase or escalate the abuse and injuries to a child in order to attempt to gain sympathy or credibility.

Understandably, Family Court and legal professionals are ill equipped to accommodate parents with a personality disorder. “The adversarial court process has a similar structure to their disorders, combined with increased media exposure of courtroom procedures and dramas during this same time period.”⁴⁹ While one parent may be seeking a remedy that is fair and equitable, a parent with pathological tendencies maybe attracted to the process and seeking “my day in court.”

Case scenario, Canada

*A case in Canada demonstrates severe parental alienation and pathology with one parent resorting to horrific behaviors. The alienating parent arranged for the stepfather to beat the child causing physical injury. This was done to provoke anger in the targeted father who called the police for help. When the police arrived, the father was arrested for disturbing the peace thus compromising his character in future assessments. Notably, laws in another country may have led to a different conclusion. There is no date on the article; however, this speaks to the lengths some parents will go to keep the other parent out.*²⁸

Perjury in family court

Quote: “We support strongly the idea that there is much apparent perjury in family court.”⁴⁵

Fact: *Perjury is a criminal offense, punishable by fine or jail time, but must be prosecuted by the District Attorney who does not have the time and Family Court judges have the ability to sanction (fine) parties, but no time to truly determine that one party is lying.*⁴⁶

Untruths in child abuse custody cases are devastating to the accused parent and the child. From a broader perspective there is systemic damage suffered by the parent making truthful claims and for their children abused within the system. In the midst of fighting the allegations and battling in family court, many cases end without justice for the parent or protection for the innocent victims.³⁹ Some attorneys say if the client continues the fight in family court, the false allegations may be proven false.³⁹

A reasonable question is how long should a parent fight for the right to parent their child? How much money must a parent pay to an attorney or to the courts? How much effort, energy and time will satisfy the courts? Will the accusing parent derive satisfaction from causing emotional devastation, and financial

destruction to the parent of their child? What dollar limit does the parent need to pay for legal and mental health experts, professional services and supervised visits? How much is enough?

Realistically, even if the accusations are proven erroneous how often will the accused parent obtain full custody or shared custody? How will the parent-child relationship progress with deeply scarring wounds stemming from the false allegations, inquisitions demanding the child share the truth about events that never occurred? This is while being separated from a parent they enjoyed in a caring,

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close and loving relationship on a daily basis. Research is consistent, the process of false allegations is traumatic for the child. A high conflict divorce puts the child at risk for drinking, drugging, sexing and delinquent behaviours. There is a higher possibility of the child developing academic problems, emotional issues and social difficulties.

The consistent and recurring theme of concern should remain upon the child and the accused parent. Parents are losing custody of their children, losing decision making abilities, losing the right to access records based on fabrications.³⁹ Many parents will not gain full or joint custody and will be left with a potentially un-salvageable relationship. Any semblance of the parent-child bond is tainted because of emotionally devastation. Relationships between the accused parent and child will be changed forever.

Case scenario, United States

When I was still in family court, my children brazenly told me exactly what they were doing. My daughter, who really did NOT want to be breaking the law, confessed to me that she “had to lie in court” because if she didn’t, “dad would go to jail.” In addition, my son explained if he didn’t reject me and treat me bad, “his father would abandon him.” Falsely accusing a parent of abuse may be called the silver Bullet, but it is deadly when a child pulls the trigger. The supposed children’s “voice” is what ultimately sways Family Court Judges to leave or place the children with the abusive parent.⁴²

Overview of the process of false allegations resulting in emotional, financial and legal demise of the parent.

Flow chart created for section: False Allegations in Custody and divorce © Chart may be reprinted with proper acknowledgement and credit to this report and author.

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Overall impact and perception of parent after false accusations

Quote: *"The restraining order law is one of the most unconstitutional acts ever passed, a court can issue an order that boots you out of your house, never lets you see your children again, and takes your money, all without you even knowing that a hearing took place."* By, Massachusetts attorney Gregory Hession, who filed a federal suit on constitutional grounds.⁴

#Fact: *False allegations with unsubstantiated findings negatively impact the reputation and self-concept with the accused experiencing the long-term stigma of the accusations including: personality changes, paranoia and anxiety, hypervigilance and self-blame.*¹³

Perception of the accused parent by family and friends, changes even when the incidence is not proven true. The devastation caused by false accusations is long-term and pervasive, resulting in trauma in personal health, family breakdown, and loss of jobs. Notably, the pernicious behavioural outcome and understanding of the devastation of false allegations is consistent over the years.

A study conducted in 1989¹³ involved 100 family members falsely charged with sexual allegations. While the number of parents in the midst of divorce were not referenced in this study this speaks to the impact that false allegations present to the accused individual. Each subject indicated experiencing trauma and family breakdown. Varying degrees of depression, nausea, sleep issues and weight loss were reported. How the parent is perceived after the case is declared unsubstantiated contributes to perpetuating the shame and stigma as indicated in the following study.

To assess the interpretation of a false allegation a research study was conducted.⁵ A child custody survey was administered to an equal number of male and female subjects. Each subject was presented with two scenarios about a divorcing couple contesting custody of their children.

Scenario 1: Both parents were deemed fit and proper. The question posed regarding what custody arrangement would be in the best interest of the child. A vast 94% of respondents indicated joint legal and physical custody would be in the best interest of the child with 78% indicating 50-50 time sharing was acceptable.

Scenario 2: In this scenario, mother accused the father of sexual abuse with their daughter. Department of Social Services and the police conducted an investigation concluding insufficient evidence to making a determination if the father was guilty. The same question is asked. This time 79% of respondents indicated the mother should be granted sole legal and physical custody. Only 15% of respondents stated the father should receive a minimum of 50% visitation.

Final question posed: A final question asked respondents about their opinion on child sexual abuse; 42% of respondents indicated they should be “locked away for life”, with 48% responding they should “burn in hell”.⁵

This study revealed the utter devastation the accusation has on a parent. The besmirchment

continues regardless, negatively impacting the daily life of a parent with long-term consequences.

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Case scenario, United Kingdom

In 2006, a father was publically accused by his ex of sexually abusing their young daughter. For five years he endured accusations of vicious acts with each investigation concluding there is no case. Three judges exonerated him and the Family Division of the High Court stated his ex-wife manufactured the allegations in order to ruin his name. His ex-wife lost custody and he has full custody of their daughter. He was given the right to “tell the world” what his ex did yet, he is distraught and traumatized. The accusations loom over his head permeating his family and personal life.

Solidifying the stigma, during the interview, the father asks the reporter if she would allow her daughter to be alone with him of which, the reporter responded “Sorry, no, I wouldn’t. It may fly in the face of fairness and justice, but no.” His daughter is at the age of sleep-overs and this father concedes no parent should allow their girl to stay over. He acknowledges he would not take the risk either. In essence, once the idea of an allegation is made regardless if the claims are ‘unfounded’, the stigma remains. Bewilderingly, the father says, “This is why what she (ex) has done is so outrageous.”¹⁴

Impact on the parent, the child and parent-child relationship

Quote: “A relationship with both parents is a child’s right; not a parental decision.” R. Nichols

Fact: “Stressful situations such as parental conflict may cause undue stress or turmoil for your child.”⁵⁰

Immediate impact

Child Accused Parent Confusion with changes in their world • No free access to their child

- Undergoes questioning • No parental rights during investigation
- One parent moves out • Seek legal support
- Evasive physical exam • Emotional turmoil due to events
 - Psychological testing • Immense concern for impact on child *Parent-child relationship*

• Parent-child bond enjoyed by both is suddenly on hold

• Parent has full access to child

• Accusing parent maintains power and justify talking poorly about accused parent **Short-term impact** *Child Accused Parent*

• Negative comments by accusing parent • Child support based on time with child portray image something is wrong • Supervised visits are minimal and at a

cost to accused parent

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Inadequate •

time may impact Supervised visits present accused parent • child as a threat

•

support and custody rights after divorce

• Moral development impacted if asked to Less time impacts court review of parent tell untruths to accused parent or police *Parent-child relationship*

• Supervised visits portray the accused parent is a threat supporting the agenda of the accusing parent and contributes to the demise of the accused parent-child relationship.

Long-term impact *Child Accused Parent*

• Emotional devastation • Emotional devastation

• Emotional damage is often irreparable • Financial destruction

• Experience alters emotional development • Cloud of suspicion never leaves

• Negatively impacted by false allegation • Negatively impacted by false allegation
Parent-child relationship

- Accusing parent, often, maintains full custody
- Parent-child relationship is forever altered due to the incident.
- Even if the allegations are proven false the relationship is damaged

Why do parents make false accusations in custody? Quote: *“This is about power, manipulation and control by a selfish often mentally unwell parent who hates their ex more than they love their own child. The mourning for the child and parent is a (sic) ongoing till the day the child is old enough to break free to love that parent. Sometimes the damage is irreversible where the child cannot bond because they have lived a life of conflicted thoughts and suppression.”*³⁴

Fact: *Alienation occurs in around 10% of its private law caseload, involving around 6,000 children a year.*⁴¹ A. Douglas, Cafcass chief executive

“When contact is re-established between the parent and the child, the damage is already done. Especially if the accusing parent has utilized alienating tactics, bringing the child into adult situations, planting false memories, or instilling fear toward the accused parent into the child.” The Fathers Right’s Movement

The reason parents file false allegations in custody cases is for the simple reason; they work. False allegations are made because one party possesses the deceptive belief this will give the accusing parent the upper hand based on the premise the accusations permanently damage the accused parent on an immediate and long-term basis.

One rationale why lying is rampant in family court is because differentiating a lie from the truth is difficult. In a custody battle, both parents may exchange mutual accusations about the other parent. *“Anger, bitterness and need to destroy the other becomes paramount.”*³⁹

There is rarely, if any, penalty to the accuser while the accused is unwillingly pushed into an oppressive life of nightmarish qualities. The Kafkaesque inspired existence is where the accused will struggle against their will using all assets, reserves and supplies within

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reach; however, the truth is that the accused does not stand a chance, continues fighting and full of hope even within the air of bleakness.

Case scenario, United Kingdom

She said her former partner made “false and fabricated allegations” against her in order to gain custody and “manipulate my son so deeply that he now has no memory of his loving childhood with me”. Now her contact with the 14-year-old is limited to Skype conversations

*and visits once a month. "If I had been sent to prison I would have been able to see my son more than I do now," she said. "My son is brainwashed - he is emotionally dependent on his father and behaves as if he were in a cult. My son has no idea what is going on, only that he feels angry at me."*²⁹

Changes required in the family court system **Quote:** *"Enacting legislation to provide civil and/or criminal sanctions to those who procure, solicit, encourage, or facilitate false restraining orders or who otherwise manipulate the system, such as delaying timely hearings. The evidence is staggering and overwhelming and has been for years that many areas of restraining order law are abuse not only by petitioners, but also by many family law attorneys as well."*¹¹

Fact: *An online survey reveals 76.3% of parents stated the Family Court has caused financial ruin and emotional devastation.*²² (291 of 293 respondents answered this question)

Why change is needed False allegations in family court are of epic proportions. The misuse of restraining orders is an unfortunate trend. The high number of false accusations and custody interference have caused emotional and financial damage to many parents and their children. Furthermore, false allegations and the restraining order process is unfair and a miscarriage of justice to the accused.

Parents within the throes of custody battle are fighting their co-parent unwilling to participate in shared parenting, fighting the social workers and fighting a system biased against one parent and "fighting the indifference their plight is met with by society."³⁷

Presumption of 50-50 custody Family lawyers/solicitors may be against shared parenting as equal parenting typically reduces conflict and removes the need for legal services. With shared parenting, each parent exits the divorce knowing they will see their child fifty percent of the time. Neither parent loses contact which removes the need to fight, hire an attorney and go to court. The presumption of 50-50 custody removes the element of a revolving door to the court house.

Movement for family court reform Family court reform has become a movement across the globe. Andrew John Teague, created Dad's Against Double Standards (D.A.D.S), a Facebook page created for parents who have lost contact with their children due to custody matters in divorce. "Changing laws doesn't

happen overnight, it takes time and sadly it's our children who suffer" said Teague.³⁸ Efforts of D.A.D.S. to change the system include numerous peaceful marches in the UK walking "to the doorsteps of power".³⁷

Creating awareness in educational and health facilities The intent of this report is creating awareness and demonstrating the need for change within the family court system. Across the globe parents are "fighting for their rights as parents and the rights of our children to be in a loving relationship with both the people who brought them into the world."³⁷ Educating the public about the atrocities occurring in family court is paramount and presenting options is necessary to the reform process.

Creating awareness among educational facilities on the dynamics of false allegations would alleviate frustration and grief for the accused parent. Currently, many non-custodial parents must make effort to gain access to school records of their children. Accusing parents may be manoeuvring behind the scenes to exclude the accused parent by misrepresenting the facts. By keeping in mind one parent may be telling untruths, the educational support staff may offer help and support for the accused parent rather than add to the already emotionally charged and exasperating task of trying to be a parent to their child within the school system.

Educating health providers on the characteristics of the accusing parent and the dynamics of false allegations including acknowledging the non-custodial parent or perhaps questioning the accusing parent. Requesting legal documentation indicating the legal rights issued by the court may reduce the frustration a parent faces when participating with the healthcare needs of their child.

Legal system and court schedules A parent files a motion with the intent to make a change. Part of the frustration within the family court system, across the globe, is waiting for a court date. Family court decisions may take months or years to resolve. Keep in mind, some requests are more urgent than others and the child may be experiencing emotional turmoil based on the current order. In Australia parents are waiting three years for a court hearing for an attempt toward resolution. This is detrimental as a child may outgrow the matter of concern. Even with a waiting time of six to eight weeks in California, USA or eight to twelve weeks in the UK, this is exasperating for a parent living with an impractical or unreasonable court order. Exacerbating the issue is this parent needs to watch their child endure the current order and

the parent must experience yet another birthday, holiday, month or year without their child.

Restraining orders Reform with restraining orders is needed. Changes would reduce the emotional devastation and turmoil parents are experiencing, the impact on the children of the parents and anyone jolted by a process with life altering consequences; an act that requires no evidence and offers no sanctions to those who abuse and manipulate this legal process.¹¹

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Michael Conzachi, Director of Legislative Activities & Advocacy International Support Network for Alienated Families, in a letter outlining the need for change states “One simple solution; enacting legislation to provide civil and/or criminal sanctions to those who procure, solicit, encourage, or facilitate false restraining orders or who otherwise manipulate the system, such as delaying timely hearings. The evidence is staggering and overwhelming, and has been for years that many areas of restraining order law are abused not only by petitioners, but also by many family law attorneys as well.”¹¹ Working toward the goal of fewer false abuse claims and interjecting consequences may curtail the destructive activity. Changing laws to reflect the needs of the child is paramount. Until laws and reform occur, innocent children will continue to be used as pawns in a senseless game of legal strategy.

Summary Awareness and knowledge Information in this report reveals:

- False allegations exist within the context of custody and divorce
- A large percentage of accusations within custody and divorce are false
- Literature exists showing the long-term, negative and pervasive impact of false allegations on the accused
- An accused parent is not found innocent regardless of the outcome
- Parents commit suicide or terminate parental rights due to the family court system
- A bias exists within the governing entities formulating data which is used in stalling the concept of shared parenting and legislation to help parents
- Despite consistent research for the past twenty years revealing a child does better when having a relationship with both parent, statistics have not changed and are still skewed toward mothers as compared to fathers

- Personality disorders, specifically B cluster lends to traits that proliferate a high conflict divorce creating a detrimental scenario for the accused parent and the child inhibiting a functional flow of the family court process
- The accused parent experiences emotional, financial and legal demise due to the guidelines and protocol of the restraining order process
- The accused parent becomes a societal pariah after allegations are made regardless if the accusations are unsubstantiated or unfounded
 - The parent and the child suffer immense emotional grief due to the nature of false allegations and the process thus giving full custody (and control) to the accusing parent including negative talk about a parent the child adores and loves
- False allegations are a power play against the accused parent with life-long negative repercussions of which there is no recovery
- Changes are needed in the family court system

“Our goal is to change a system that has not been updated to reflect the changing times and to bring hope to families in their agonizing journey to reunite with their loved ones.”²⁰ Please support legislation contributing to the expansion and utilization of shared parenting within

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the family court system. “Members of our group span various continents and have joined the campaign with one goal, and that goal is to make the voices of the children be heard.”²⁰

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Moderator at 2ParentsNotOne

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The Report: Parental Alienation in the UK

Part 2: Impact of Parental Conflict on the Child in Custody and Divorce

Coordinated by Andrew John Teague and
National Alliance of Alienated Parents

Ruth A. S. Nichols, M.A., M.A., CFLE p

April 25, 2018

The Report: Parental Alienation

Part 2: Impact of Parental Conflict on the Child in Custody and Divorce (Coincides with The Report: Parental Alienation in the UK)

This section offers education and research outlining the impact of parental conflict on the emotional and physical development of the child. Short-term and long-term implications are discussed.

Purpose of Part 2

- Create awareness for the impact parental conflict can have on the emotional and physical development of the child
- Demonstrate the long-term implications of parental conflict
- Highlight the need for changes within the family court system

The Report: Parental Alienation in the UK was initiated in July 2017 by Andrew John Teague of Dads Against Double Standards (D.A.D.S) and released December 28, 2017, to the Consumer Watch Foundation, a news service promoting the fight against parental alienation. National Alliance of Alienated Parents, created in December 2017, joined forces with D.A.D.S in March 2018.

I am honored and pleased to participate in this project to facilitate change for children, families, and parents globally. The need for reform in family court is worldwide, making this a pandemic issue. This report is being released on [Parental Alienation Day!](#) Thirty countries acknowledge this day on April 25.

Thank you, Andrew John Teague, for the invitation to partake in the efforts with the National Alliance for Alienated Parents (NAAP). The collective intention is creating awareness to what is happening in courtrooms and how this impacts the child, the parents, and the family unit. Shared parenting and the parent-child relationship is the cornerstone of my work. I appreciate the opportunity to present this vital information to parents, professionals, and anyone wanting to learn more about the impact of parental conflict on the child within the context of custody and divorce.

Ruth A. S. Nichols, M.A., M.A., CFLE p (Certified Family Life Education, provisional)

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Part 2: Impact of Parental Conflict on the Child in Custody and Divorce

Quote: *“The majority of children want contact with both parents on a regular basis, and the most common preference among children, and among adults looking back on their parents' divorce, is for parenting plans that more evenly balance their time between homes.”* [Dr. Richard Warshak](#)

Fact: *“Considerable constraints of traditional access relationships following divorce is strongly associated with contact loss, as 30% of the children have no contact with non-custodial parent.”¹⁰⁶* E. Kruk, Ph.D.

The implementation of shared parenting in custody and divorce is a societal imperative. The impact of

parental conflict on the child in custody and divorce is an increasingly recognized topic in the legal and mental health arenas. Family court reform and applying the concept of shared parenting is an issue with immediate and long-term ramifications on the emotional and physical development of the child. This is occurring at the state, national and international level.

Notably, the concept of family court reform has become a movement. Parents and professionals are joining this journey to create changes in custody and divorce. "People need to know that parental alienation doesn't have just one victim...everybody in the family suffers, from the perpetrator to the victim, the child, the grandparents, everybody. I know a few people have got the wrong end of the stick and said we're only fighting for fathers...we're not, we're fighting for ALL victims," said [Andrew John Teague](#), founding member of Dads Against Double Standards (D.A.D.S.) and coordinator of The Report: "Parental Alienation in the UK" and this section, Part 2: Impact of Parental Conflict on the Child in Divorce and Custody.

Efforts to create change have expanded. Parents and professionals seeking changes in family court are sharing this report with legal and legislative entities to raise awareness on how the existing laws and rules may impact the child. Educational, medical, and social entities are targeted to expand awareness and the need for change.

Quotes from children on divorce

Ages 4-7: *"I wish there was a law that judges could make so parents could get back together after they get over it. Can divorce ever get undone?"¹*

Ages 8-12: *"I'll promise to make dad chocolate chip cookies every week. They're his favorite. He'll come back then."³⁶* [Shared Parenting Confessional](#)

Ages 13-18: *"We had a family once. But then one day...it became a broken one."*
[Shared Parenting Confessional](#)

Facts and Statistics

Quote: "Quality relationships of parents with their children are the greatest antidote to the negative consequences from divorce." [John Chirban Ph.D., Th.D.](#)

Fact: "Research has shown that co-parenting is a vital family mechanism in predicting mental health in children and adolescents." [D Lamela](#)

Parenting Plan Shared parenting time arrangements allow the child to continue the relationship with both parents. Making changes in the family court system is about the rights of the children. "We need to educate people and we need to push for reform. It boils down to our rights as parents and the rights of our children to be in a loving relationship with both the people who brought them into this world. Changing laws doesn't happen overnight, it takes time and sadly it's our children who suffer", stated [Andrew John Teague](#) .

Residence of child

Reports for the United Kingdom and the United States show a breakdown of household parental status.

Data reported in 2017 for the calendar year 2016. Age range for children:

United Kingdom is 0-16, United States is 0-17

1 With dad No parent

Country Both parents

Married/Cohabiting

United Kingdom 64%/15% 18.48% 3.52% n/a United States 68.7% /4% 23.4% 4.1% 3.8%

Note: [Child Stats](#), Forum on Child and Family Statistics, a Federal Interagency Forum on Child and Family Statistics, presents statistics about children ages 0-17. United States Census Bureau reports similar statistics. [Data collection at the CDC](#) (US) was suspended in January 1996 due to budget cuts.

Quotes from children on divorce

Ages 4-7: *Tell mom and dad to marry someone else. Two divorced people should've married someone else from the beginning.*⁸¹

Ages 8-12: *"I'm afraid that my parents will forget about me when they start a new life."*⁸⁷

Ages 13-18: *"All me and my brother were thinking was: 'This is our fault. We've caused stress and stopped them spending time with each other.'"*⁸⁸

How a Child Perceives Divorce

Quote: *"Children who are being used as tools by their angry parents after a divorce always pay a terrible price."*¹⁰⁷ T. Berry Brazelton, M.D.

Fact: *"Marital dissolution does not dissolve the family."* Anonymous

Divorce is different for everyone Some individuals may think children do not understand divorce and what is happening to their world. The responses in "Quotes from a child of divorce" throughout this report indicate children have a keen sense of awareness of their surroundings and what is happening within and to their family. "To a child, divorce is much more than a legal matter; this is their entire world being ripped apart and thrown on the ground in pieces. Children of all ages are aware of the actions and events in their family especially when things are turned upside down. Each age group faces different challenges as indicated in their responses." [Ruth Nichols](#)

Key findings from research on Shared Parenting

- **Guidelines proposed for professionals working with children of divorce**

Research conducted in United States

Aim of study: To use descriptions from children of parental divorce to educate mental health providers.

Participants in study: Unstructured interviews 9-10 year olds about experiences and perceptions of divorce.

Results of study: Identified seven themes: What is divorce, stories of loss, stories of gain, stories of change, stories of stability, healing stories and complicating stories.

Citation: Brand, C., Howcroft, G., & Hoelson, C. (2017). *The voice of the child in parental divorce: Implications for clinical practice and mental health.* *Journal of Child & Adolescent Mental Health*, V.29. <https://doi.org/10.2989/17280583.2017.1345746>

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Quotes from a child on divorce

Ages 4-7: "Divorce has lots of anger and it causes hurt."¹

Ages 8-12: "Divorce is like a thousand knives being thrown at one's heart or a slow, painful ride through Horror Mountain".³⁷

Ages 13-18: "Mom and dad expect me to 'adjust,' but the home I once knew is gone. Why can't they cut me some slack?"¹⁰²

Parenting Options Available with Divorce/Separation

Quote: "Shared parenting protects children's best interests and the loving bonds children share with both parents after separation or divorce."⁶⁶ [National Parents Organization](#), Vision Statement

Fact: The Divorce Study involving over 10,000 children and parents of divorce shared "quality relationships of parents with their children are the greatest antidote to the negative consequences from divorce."¹⁰⁵ [John Chirban, Ph. D., Th. D.](#)

What is Shared Parenting? Shared Parenting, equal parenting, 50-50 parenting, are synonymous with one goal; both parents are participating in their children's lives and working together for the benefit of their child. The child spends equal time with both parents.

Why choose Shared Parenting? Children of all ages need and want to have a relationship with both parents. The parent-child relationship is the basis of the family unit and an essential component in the emotional health of the child. Divorce does not change this. The Fathers Rights Movement with the largest

Facebook page supporting father's rights states "These children (going between homes) are more likely to feel comfortable confiding in their parents, and benefit from having both parents acting to protect them."²

Comments from academia and professional entities:

- "Studies show that shared-custody situations work best when both parents are cooperative, respectful, agree on shared custody, and manage their emotions," says [JoAnne Pedro-Carroll, Ph.D.](#), clinical psychologist and author of *Putting Children First: Proven Parenting Strategies to Help Children Thrive Through Divorce*. "These qualities make it more likely that parents will help their children adjust to family changes."
- At the Third International Conference on Shared Parenting [Edward Kruk](#) shares "Sweden's Malin Bergstrom presented the results of her longitudinal study of children in shared parenting arrangements, concluding that children in sole care have almost twice the physical and mental health problems as do those in shared care arrangements, which is now the norm in Sweden."

What happens when one parent is opposed to shared parenting?

- Some claim shared parenting may not work when one parent is opposed to working together. [Linda Nielsen](#), a professor of educational and adolescent psychology at Wake Forest University found "children whose parents share physical custody have better outcomes even when one parent initially opposes the arrangement and even when conflict between the parents was high".

Types of Shared Parenting Shared parenting efforts have introduced constructive and creative living arrangements replacing traditional custody plans implemented in previous decades. The following are three standard options:

- *Presumption of 50-50 custody* Each parent has 50-50 legal and physical custody of the child. Both parents participate in education, legal and social decisions of the child. Each parent has equal time with their child. With shared parenting, each parent exits the divorce knowing they will see their child fifty percent of the

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time. Both parents maintain contact with their child. The presumption of 50-50 custody establishes parental rights at the onset offering both parents the opportunity to participate in the parenting process. [Ned Holstein, National Parent's Organization](#), states "If you want to hasten the process of healing or at least tolerance, the worst thing you can do is declare one person a winner and one person a loser. "You're both winners. You're both going to be parents. That will actually diminish conflict."

- *Bird Nesting theory* Bird-nesting is a child-focused arrangement requiring the cooperation of both parents for success with this plan. With this theory, children stay in the same home while the divorcing parents move in and out. Some parents live with a family member or another person or, in optimal cases, a sublet shared between co-parents. Understandably, high-conflict divorces preclude the Bird-nesting option.

- *Parallel parenting* Research affirms parallel parenting is the best case scenario and most likely, the only type of parenting that works in high conflict divorces. Verbal communication may not be recommended, and parents are to 'communicate' without fighting via legal rulings or online services such as [Our Family Wizard](#). Parallel parenting may be useful in warding off verbal attacks; the children may bear the burden as the child may be mindful of not mentioning the other parent. Parallel parenting may work for the parents; seemingly, the needs of the child may go unnoticed. A child with the awareness that their parents are unable to have a civil conversation will have lasting effects.

Key findings from research on Shared Parenting

- **Overnights with both parents results in improved parent-child relationships for fathers and mothers.**

Research conducted in the United States of America

Aim of study: Assess if infants and toddlers should have frequent overnight parenting time with both parents.

Participants: Assess data from a previous study by Fabricius.

Results of study: Increased overnights with both parents results in improved parent-child relationships. Notably, increased overnights during adolescence does not make up for time lost during early years of development. Authors stated, "Having to care for their infants and toddlers for the whole cycle of evening, bedtime, nighttime, and morning helps dads learn how to parent their children from the beginning".

Citation: Fabricius, W. V., & Suh, G. (2017). Should infants and toddlers have frequent overnight parenting time with fathers? The policy debate and new data. *Psychology, Public Policy, and Law*, 23(1), 68.

- **Preschool children fare better with 50-50 custody arrangement**

Research conducted in Sweden

Aim of study: Assess psychological symptoms in preschool children living with one parent or primarily one parent.

Participants in study: Evaluated 3,656 children in Sweden ages 3-5-years-old: 136 in joint custody, 39 living with primarily one parent, 72 living with only one parent, 3369 in nuclear families. Parents and teachers completed a "strengths and Difficulties Questionnaire: (SDQ) to assess behaviors.

Results of study: Children in shared parenting arrangements in post separation showed less behavioral problems and psychological symptoms as compared to children living with one parent or primarily with

one parent. Note: This outcome supports the theory preschool age children do better in

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shared parenting situations and addresses if joint custody is unsuitable for younger children requiring continuity of care e.g. living with one parent or primarily with one parent.

Citation: Bergström, B. et al. Preschool children living in joint physical custody arrangements show less psychological symptoms than those living mostly or only with one parent, *Acta Paediatrica* (2017).

DOI: 10.1111/apa.14004 <https://onlinelibrary.wiley.com/doi/abs/10.1111/apa.14004>

- **A child should spend at least 35% of time with each parent.**

Research conducted in the United States of America

Aim of study: Are the outcomes any better or worse for children who live with each parent at least 35% of the time compared to children who live primarily with their mother and spend less than 35% of the time living with their father?

Participants in study: A summary of 40 studies during the past 25 years.

Results of study: Overall the children in shared parenting families had better outcomes on measures of emotional, behavioral, and psychological well-being, as well as better physical health and better relationships with their fathers and their mothers, benefits that remained even when there were high levels of conflict between their parents.

Citation: Nielson, L. (2014). Shared Parenting Works, *Journal of Divorce & Remarriage*, V. 55, I 8. <http://sharedparentingworks.org/wp-content/uploads/2017/02/2014-Nielsen-40-studies-JDR-.pdf>

Quotes from children on shared parenting

* Ages 4-7: *"If mom and dad lived next to each other we could just walk over."*

Ages 8-12: *"I don't care who I live with. I love you both. Please don't make me choose-just tell me."* [Shared Parenting Confessional](#)

Ages 13-18: *"Sometimes people are talking about what their moms or dad are doing*

Terminology

Parental alienation and or parental child abuse each represent the “characterological pathology of a hateful alienating parent”.⁹⁵ This occurs when [a parent emotionally manipulates a child](#) into turning against his or her other parent, in the absence of abuse or neglect. While the term parental alienation may be controversial, several studies offer empirical support for the parental behaviors and denigration of the parent-child relationship.

The Children and Family Court Advisory and Support Service (Cafcass) Chief Executive Anthony Douglas [condemned the act of ‘parental alienation’](#) noting the indelible outcome on the child. He stated, “I think the way you treat your children after a relationship has broken up is just as powerful a public health issue as smoking or drinking.”

History of terminology Professionals may use the term parental alienation or incorporate Dr. Childress’s terms AB parenting or pathogenic parenting. Notably, the nomenclature is an issue addressed over the years. Previous names include:

- [Alienated child](#): Kelly and Johnston, 2001 (The alienated child)
- [Child alienation](#): Stahl (n.d.)
- [Malicious parent syndrome](#): Turkat, 1999 (titled initially malicious mother syndrome)
- [Pathological alienation](#): Warshak, 2006
- [Parental alienation disorder](#): Bernet, 2010

Acceptance in the legal arena [“The Alienated Child, A Reformulation of Parental Alienation Syndrome,”](#) that “PAS terminology has led to widespread confusion and misunderstanding in judicial, legal, and psychological circles.” The negative ambiance of parental alienation (syndrome) due to the association to Dr. Richard Gardner is long-term. While any responsible writing referencing Gardner should include a

caveat noting his unethical methods and techniques, there is no acquiescence to the concept.

The [Frye test](#), used in some states as a determining factor for legal inclusion in a court of law, is superseded by the Dauber test in most states. Notably, [one case did pass the Dauber test](#) when Amy J. Baker presented enough data; however, for the most part, legal professionals disagree with the concept of parental alienation.

Identifying parental behaviors

Quote: *“Parental Alienation is about mind control. During the alienation process, the alienated child loses their ability to think for them self.”* [J. Michael Bone, Ph.D.](#)

Fact: *Parental alienation impacts everyone in the family; the child, siblings, aunts, uncles, parents, and grandparents. Each member of the family experiences multiple losses of which many may never recover.* [R. Nichols](#)

Why some parents may not choose Shared Parenting When one parent states they want a divorce, a common question from the other parent is “what about the children.” Thinking about how divorce will impact your child is a valid concern. This is true for most parents. A common theme across all cultures, genders, races, and SES (socio-economic status) is *parents want what is best for their child*. Due to social media, legislation, sites and support groups addressing parental concerns in custody and divorce and high conflict cases, we may surmise this is not always the case. Some parents engage in hurtful behaviors and are an exception to this social rule. A parent engaging in extreme behaviors due to pathology and inhibiting the relationship their child has with a co-parent precludes success in utilizing parenting plans.

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Parental pathology The family environment, the parent child relationship and the how the child adjusts is impacted by the psychological health of their parents. A parent may easily lose focus in how their behavior may be affecting the children. The process of helping their child adjust to the separation may be complicated with the presence of parental pathology. Children of a parent with a diagnosis or traits of Borderline, Histrionic and Narcissistic personality disorders may suffer from emotional abuse. Nurturance plays a key role in who we become. For children of high conflict divorce, this may exacerbate or suppress the propensity of specific behaviors. In households with a parent displaying “dramatic, emotional, erratic” tendencies (Cluster B in the DSM-V) this could be critical to the emotional development of the child.

Parents with narcissistic tendencies have difficulty differentiating between their feelings of anger, hurt and vengeance and the emotions of their children. In part, parent-child interactions create an underlying premise the child ‘is not good enough’ and ‘are not lovable.’ They may grow up with low self-esteem, embarrass easily and with the concept, they are not valued. Pathology among parents is a concern within the family court system and is an important issue to address.

Illusory truth In high conflict divorces, sometimes, one parent uses the illusory truth effect leading the child to believe they do not want to see or talk to one of their parents or convince the child their parent does not care about them. In actuality, the rejected parent is eager to cultivate the parent-child relationship. Instead, the child is embroiled in a bitter battle called the

illusory truth effect by the alienating parent. The **illusory truth effect** is a concept evolving from a 1977 study. This is important in high conflict divorces because repetition supersedes prior knowledge. The child may recall a close and loving relationship with their parent yet; the illusory truth effect means the child perceives the repeated negative statements as the truth. Negative comments, albeit false, are replacing what the child knows to be true by the erroneous reports they are hearing. In essence, constant exposure to the harmful facts becomes the child's new reality.

Research in 2008 found when the child is experiencing high stress due to abuse, physiological changes may affect memory storage and the illusory truth effect may be more intense. A child in the throes of a high conflict divorce may experience distress making the child more vulnerable to the 'facts' directed at them, therefore exacerbating an already volatile situation. Utilizing the illusory truth effect is emotionally destructive and traumatizing to the child.

Quotes from children on shared parenting

Ages 4-7: *"This is all very confusing. I am soooo confused."*¹

Ages 8-12: *"Dad couldn't be as bad as mom says he is."*³⁹

Ages 13-18: *"...I had to face betrayal, abandonment, loneliness, and my family is now divorced."*⁴⁷

Quote: “Quality relationships of parents with their children are the greatest antidote to the negative consequences from divorce.” [John Chirban Ph.D., Th.D.](#)

Fact: Parental conflict is positively associated with a variety of indicators of children's maladjustment, including conduct disorders, anxiety, and aggression. [Journal of Marriage and Family](#).

Parental conflict and the child Parental conflict is difficult for the child to understand. Comments from experts and research suggests parental conflict is hard on the child in marriage and in divorce. "The difference is, when you're married and your parents have a fight, the kid's kind of see you make up a day later, hours later, so they can kind of get through it, when you're divorced, it just sits there and reminds them of all the bad times and the difficult times that happened."¹⁷ [M. Gary Neuman](#)

“This is true whether the parents are together or apart. Having disagreements is normal, of course. What does the harm is the ‘unresolved’ part? Children need to know how arguments can be settled, allowing life to move on.” [Carey Oppenheim, Chief Executive of the Early Intervention Foundation Report](#)

“Our new research shows that quality inter-parental relationships – regardless of whether the couple is together or not – and the ability to resolve conflict have a huge influence on the long-term life chances of children. Yet, improving inter-parental relationships is not being asked about or considered in many children’s’ and family services. This is vital to ensure we avoid missing a crucial piece of the jigsaw in improving children’s mental health and future life chances.” [Carey Oppenheim, Chief Executive of the Early Intervention Foundation Report](#)

Key findings from research on parental conflict

- **Parental conflict, blocked communications imbalances of power may impact the child**

Research conducted in Portugal

Aim of study: This “examines the association between joint physical custody and adolescent wellbeing and whether this relationship is conditioned by the degree of parental conflict, the quality of the parent–child relationship and the complexity of the family configuration of mother and father.”

Participants in study: Data from the LAGO –project of 1,570 children with divorced parents.

Results of study: “Ongoing conflict, blocked communication and power imbalances between parents are problematic for child and family functioning” Citation: Vanassche, S., Sodermans, A., Mattijs K. & Swicegood, G. (2014). Commuting between households: The association between physical custody and adolescent following divorce. *Journal of Family Studies*, V. 19, Issue 2.

<https://www.tandfonline.com/doi/abs/10.5172/jfs.2013.19.2.139>

- **Parental distress, parenting conflict and parenting style increase child emotional and behavioral**

problems

Research conducted in Denmark

Aim of study: To examine how parent adjustment (distress and anger), parenting conflict, and parenting style (laxness and over-reactivity) predict child internalizing, externalizing, and prosocial behaviors.

Participants in study: This included 109 divorced parents with a child aged 4–17 years.

Results of study: 1) Increased parental distress and co-parent conflict predicted increased child emotional and behavioral problems. 2) Increased lax parenting also predicted increased externalizing behavior problems. 3) Greater prosocial behavior was predicted only by lower lax parenting. Overall, “results highlight

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the differential impact of parenting factors on child outcomes following divorce and have implications for the content and tailoring of interventions for divorced parents.”

Citation: Stallman, H., Ohan, J. (2016) Parenting Style, Parental Adjustment, and Co-Parental Conflict: Differential Predictors of Child Psychosocial Adjustment Following Divorce. *Behaviour Change*, V. 33, 2. p. 112-126. <https://doi.org/10.1017/bec.2016.7>

- **A child witnessing parental conflict may be 30% more likely to develop behavioral problems**

Research conducted in the United Kingdom

Aim of study: Assess impact of interparental conflict at home among children of divorce.

Participants in study: Assess 19,000 children, born in 2000 in the UK.

Results of study: Witnessing parents fighting in the home may lead to a 30 percent higher chance the child may have behavioral issues as compared to children residing with parents who are married.

Link to study: Centre for Longitudinal Studies. [The UK Millennium Cohort Study \(MCS\)](#).

Quotes from children on parental conflict

Ages 4-7: *"Divorce has lots of anger and it causes hurt."*¹

Ages 8-12: *"Divorce is like a thousand knives being thrown at one's heart or a slow, painful ride through Horror Mountain".*³⁷

Ages 13-18: *"Mom and dad expect me to 'adjust,' but the home I once knew is gone. Why*

*can't they cut me some slack?"*¹⁰²

Impact of Parental Conflict on Physical Growth Genetics, Inter-utero, and Medical Diagnoses

Quote: *"The majority of children want contact with both parents on a regular basis, and the most common preference among children, and among adults looking back on their parents' divorce, is for parenting plans that more evenly balance their time between homes." Dr. Richard Warshak*

Fact: *"Constraints of traditional access relationships following divorce is strongly associated with contact loss, as 30% of the children have no contact with non-custodial parent."*¹⁰⁶ E. Kruk, Ph.D.

Research over the past few decades offers empirical support of a connection between stress during early-life adversity and physiological functioning. ["Increasing evidence"](#) supports a significant association between early-life stress and adversity, with an increased incidence of chronic pain in later life."

Research shows children exposed to continual stressors are [2.7 times more likely](#) to have somatic conditions including chronic fatigue syndrome, chronic pain, fibromyalgia, irritable bowel syndrome and other physical diagnoses.

Genetics

Impact of Parental Conflict on Genetic Make-up of the Child Epigenetics studies and emerging research suggest the effects of stress may be passed onto future generations. "The [environmental conditions](#) that are experienced in early life can profoundly influence

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human biology and long-term health. Early-life nutrition and stress are among the best documented examples of such conditions because they influence the adult risk of developing metabolic diseases, such as type 2 diabetes mellitus, and cardiovascular diseases".

Epigenetics controls how genes are expressed, indicating drinking and smoking may alter gene development and may be passed down to future generations. This is important as an individual self-medicating to alleviate anxiety symptoms may be setting up their offspring for harmful habits. Conversely, a child not distressed may choose alternative and less unhealthy coping methods.

[Intergenerational Trauma](#) involves the concept that "trauma can affect the children and grandchildren of those who had the first-hand experience, due to living with a person suffering from PTSD and the challenges that can bring. Studies in epigenetics show trauma is passed on to future generations. What's new is – thanks to the emerging field of epigenetics – science is discovering that trauma is being passed down to future generations through more than simply learned behaviors".

[Research among adults](#) experiencing childhood trauma reveals a shortened telomere length. ¹¹⁹
Assessing telomere size is a measure of cellular aging and is influenced by a range of stressors.

Inter-utero Development A child can experience adverse incidents even from within the womb. "In the second trimester [the period from 13 to 27 weeks] of a woman's pregnancy, the baby can hear - so the baby will be aware of the sounds around her. "So the baby can start relating and connecting to parents, however things like domestic abuse, violence in the household, shouting - a baby will experience that and those things will cause stress to a baby and impact on its development." [NSPCC midwife Nikki Rhys-Jones](#)

Key findings from research on the impact of parental conflict on physical growth

- **Children experiencing co-parenting violence are more likely to develop health problems including dermatologica, gastrointestinal, genitourinary or neurological issues**

Research conducted in Spain, University of Santiago de Compostela (USC), 2017

Aim of study: Evaluate the risk of physical health in children of separated parents

Participants in study: Assess 467 children between the ages of 2-18 years. 300 children with separated parents, 167 from 2 parent homes.

Results of study: Behavioral, emotional and physical issues are related to increased levels of conflict, decreased co-parenting or violence within the family and are twice as likely to develop dermatologica, gastrointestinal, genitourinary or neurological issues as compared to children living in nuclear families.

Citation: Martinon, J., Farina, F., Corras, T., & Novo, M. (2017). Impact of the breakdown of parents in the state of physical health of the children. *European Journal of Psychology of Education* 10(1). DOI10.1016/j.ejeps.2016.10.002

Children of divorce may eat more sugary foods for dealing with the stress they are experiencing due to parental divorce.

Research conducted in the United States of America

Aim of study: Examine eating habits among divorced and married families.

Participants in study: Interviewed 6-11- year-olds and parents of divorced and married families. Participants kept a five-day diary of eating habits.

Results of study: Children of divorce may be more likely to reach for sugary foods as a quick and readily available 'fix' for dealing with the stress they are experiencing due to parental divorce.

Family routines are essential in protecting children and encouraging healthy eating habits. This is based on the premise that the day to day routines are impacted when families separate. Eating together as a family is an opportunity for interaction via a shared experience between parents and their children. This has implications for public health as more than 1 million children experience parental divorce each year and in the United States, 34% of 6 to 11 year-olds are overweight, creating a high risk for adult obesity.

Citation: Mauskopf, S., O'Leary A., Banihashemi A., Weiner, M., Cookston, J. (2015). Divorce and Eating Behaviors: A 5-Day Within-Subject Study of Preadolescent Obesity Risk. *Childhood Obesity*. DOI: [10.1089/chi.2014.0053](https://doi.org/10.1089/chi.2014.0053)

• Serious life event SLE including divorce/separation during childhood can triple risk of developing type 1 diabetes

Research conducted in Sweden

Aim of study: Examine if psychological stress with parental perception of stress and lack of social support during the first 14 years of life may be a risk factor in developing type 1 diabetes.

Participants in study: Selected from The All Babies In Southeast Sweden (ABIS) study: Child assessed between the ages of 2-14. Study included babies from 10,495 families between 10/1/1997 and 9/30/1999.

Results of study: Childhood experiencing SLE were almost three times more likely to develop T1D than those who had not. Note: Confounding factors in the analysis included genetic, age, height/weight, predisposition to type 2 diabetes, parent education level and mother working outside the home.

Citation: Nygren, M., Ludvigsson, Frostell A., et.al. Experience of a serious life event increases the risk for childhood type 1 diabetes: the ABIS population-based prospective cohort study. *Diabetologia*, DOI: [10.1007/s00125-015-3555-2](https://doi.org/10.1007/s00125-015-3555-2)

Medical diagnoses Stress of divorce may contribute to behaviors [leading to a diagnosis of attention deficit hyperactivity disorder \(ADHD\)](#). Stressful situations such as parental conflict may cause undue stress or turmoil for your child. In part, our 'immediate fix' society may be to blame by placing a label on the child and give meds where the child may be in need of extra love and attention.

Any kind of anxiety caused by divorce or separation may impact the health of the child. Importantly, chronic stress experienced by the child causes the illness and not the divorce emphasizing the parents handling of the separation as a key factor. [Discussing parental divorce with the medical care provider](#) is important in the diagnostic process. The emotional impact of divorce on the child may be revealed in their behaviors. Understanding the basis of the symptoms will help in obtaining the appropriate diagnosis and treatment.

How the child perceives parental conflict?

Ages 4-7: " "I miss him so much!" Drawing a picture of her family, she added her dad shouted over and over "I love you! I love you!"⁶¹

Ages 8-12: "My biggest concern is that all five of us will start getting more and more unhappy."⁵⁴ [Children and divorce film trailer](#)

Ages 13-18: "I don't trust father figures and I disrespect adults because I don't think I can trust any adults."⁶¹ [What parents need to know](#)

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Impact of Stress and Trauma on Emotional Development

Quote: "Since the earliest period of our life was preverbal, everything depended on emotional interaction. Without someone to reflect our emotions, we had no way of knowing who we were." John Bradshaw

Fact: "Rejection in childhood has the most "strong and consistent effect on personality and development."³³ Ronald P. Rohner, Ph.D.

[U.S. Substance Abuse and Mental Health Services Administration](#) (SAMHSA) conceptualizes trauma as: "Individual trauma results from an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effect on the individual's functioning and mental, physical, social, emotional, or spiritual well-being."

"Trauma-induced changes to the brain can result in varying degrees of cognitive impairment and emotional dysregulation that can lead to a host of problems, including difficulty with attention and focus, learning disabilities, low self-esteem, impaired social skills, and sleep disturbances. Since trauma exposure has been linked to a significantly increased risk of developing several mental and behavioral health issues—including posttraumatic stress disorder, depression, anxiety, bipolar disorder, and substance use disorders—it is important for practitioners to be aware of steps they can take to help minimize the neurological effects of child abuse and neglect and promote healthy brain development". ([Nemeroff, 2016](#)).

Verbal abuse may also impart distress and trauma on the child. [A study at Memorial University of Newfoundland](#) in Canada found that "Verbal abuse can cause significant psychological problems in later years and brain damage, including anxiety, depression, anger-hostility, and dissociation."

Brain Development [Child Welfare Publication](#) on trauma and brain development states "When a child feels unsafe the brain spends time trying to survive in a situation and learning is more difficult". When supportive relationships are in place, and the child is experiencing intermittent and short-term stressors, and the

neuropathways are developing and training the brain how to appropriately respond to common stressors. As the child grows, the brain is developing biological responses. As the child develops, coping skills become more advanced and the child develops age-appropriate learned responses. When the child experiences feeling nurtured and safe they are able to focus on learning about their world.

With long-term stressors, the child is unable to process what is happening. The brain is creating ways to cope with the stressor. Except for this time, the brain develops new pathways and maladaptive response patterns to accommodate the situation. The child needs to find ways to survive situations they are too young to address. "When a child feels unsafe the brain spends time trying to survive in a situation and learning is more difficult. <https://www.childwelfare.gov/pubPDFs/braindevtrauma.pdf>

For example, a child exposed to regular parental conflict may learn to cope with the fighting by not recognizing what is happening. The child is expected to deal with situations they are too young to comprehend. Their brain, in an attempt to cope, dissociates from the occurrence of events. If this happens enough times the reaction of not acknowledging what is happening leads to a pattern of behavior created as a survival tactic. Simply, the brain adapts to what is needed and creates new maladaptive neuropathways. These patterns of behavior may continue into adulthood 121

Jordon and Holt, Department of Education, Ohio, presents a visual chart revealing how traumatic experiences during childhood alter brain development. In essence, the efforts and energies of the child are spent in survival mode rather than engaging in age-appropriate learning tasks and social activities.

Key findings from research on the impact of parental conflict on brain development

- **Assess impact of early-life adversities on gray matter volume in adolescents**

Research conducted in England

Aim of study: Evaluate the impact of early life adversity and brain development in adolescents.

Participants in study: Brain scan of 58 teenagers ages 17-19 years of age. Asked to recall any family negativity from birth to age 11 including aggression, physical violence, raised voices.

Results of study: Subjects with a reported history of discord during the developmental years presented with a 'smaller amount of gray matter particularly the cerebellum (which has been linked to impaired learning, anxiety, schizophrenia, depression and bipolar (disorder))'.

Citation: Walsh, N., Dalgleish, T., Lombardo, M., Dunn, V., Van Harmelen, A. & Goodyer, M. (2014). General and specific effects of early life psychosocial adversities on adolescent gray matter.

Key findings from research on emotional development

- **The amount of time spent with both parents during adolescence is a strong predictor of how the child feels they matter to their parents.**

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RESEARCH conducted in the United States of America

Aim of study: Evaluated multiple related aspects of inter-parental relationship to varying types of adolescent's emotional security and mental health. Mediation roles of multiple types of adolescents' emotional security in relations between multiple aspects of the inter-parental relationship and adolescents' mental health.

Participants in study: 392 subjects ages 13-18,

Results of study: Father-child relationship contributes to changes in severity of the mental health among 13-16-year-olds. Four factors impact mental health of adolescents: intimate partner violence (IPV); marital quality (level of parental love and closeness), parental conflict, and mattering to father. The underlying message is "that the amount of time spent (with both parents) in daily activities during adolescence is a strong predictor of how much a child feels he matters to his parents."¹⁸ Citation: Suh G., Fabricius W., Stevenson M., Parke R., Cookston, J., Braver, S., & Saenz, D. (2016). Effects of inter-parental relationship on adolescents security adjustment: The important role of fathers Dev Psychol. 2016 Oct; 52(10): 1666–1678.

- **Low levels of conflict (less severe than abuse and neglect) can have lasting effects on the child**

Research conducted in the United States of America

Aim of study: Assess the effect of interparental conflict on child's emotion recognition.

Participants in study: 9-11-year-olds (99 participants) with 4th grade or higher reading level residing in a 2 parent home.

Results of study: Low levels of conflict can have lasting effects on the child's ability with emotion recognition. Using conflict to teach about resolution in disagreements may help in reducing how the child perceives threat and self-blame. "The message is clear: even low-level adversity like parental conflict isn't good for kids, "Emotional processing may make the child anxious, hypervigilant, and vulnerable in distorting human interactions that are neutral. This may impact interpersonal skills as adults.

Citation: Schermerhorn, A. C. (2018). Associations of child emotion recognition with interparental conflict and shy child temperament traits. *Journal of Social and Personal Relationships*, <http://journals.sagepub.com/doi/abs/10.1177/0265407518762606?journalCode=spra>

- **Parental conflict may lead to negative effects in the emotional development of the child.**

Research conducted in Denmark (a longitudinal study)

Aim of study: To assess if children suffer long-term harm, which continues into adulthood, after a painful divorce where parents continuously argue, slander each other, or cannot communicate at all.

Participants in study: Approximately 800 adolescents of parental divorce were assessed at age 15 and again at age 18. *Part of a longitudinal study assessing children from 0-18 years beginning in 1994.* At age 15 participants were asked: To describe the relationship of their divorced parents, relationship with both parents, if they could count on both parents, and if they felt their parents listened to them and if they felt loved. At age 18, participants were assessed for their feeling of self-respect, feelings of uselessness, and if they felt proud of their achievements or unsuccessful.

Results of study: *In comparing 15-year-old assessment to age 18 years of age:* Harmonious family relationships seem to have a preventive effect. Low self-esteem issues often developed by the age of 18 if their parents' relationship was riddled with conflict, compared to kids whose parents' divorce was amicable with a long-term impact." A good relationship with both parents the child may have feelings of low self-worth if parents are unable to work together.

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Citation: The Danish National Centre for Social Research (SFI).

Quotes from the child on emotional distress

Ages 4-7: *"What I feel is sad mad puzzled sad sad happy out of shape and great sad."*²⁰

Ages 8-12: *"I did not say nothing. I went in my room and took my awards off the wall."* (Upon being told parents were divorcing)⁵⁰

Ages 13-18: *"I have no say about how divorce is turning my life upside down!"*¹¹³

Long-term Implications of Parental Conflict

Quote: *"A fair conclusion is one that identifies parental alienation for what it is, an insidious form of psychological maltreatment. A fair solution is one that allows a child to love and be loved by both parents."*¹⁰⁴ Amy J. L. Baker, Ph.D.

Fact: *"I would be a different person if my parents had not divorced," 73% responded yes.*²⁸

Parental conflict A Danish study stated "An amicable divorce does not result in such a long lasting damaging effect". Parental conflict may contribute to the child developing self esteem issues and feeling of usefulness. The study further states, "Most kids and adolescents can thrive, even when they are moving back and forth between their parents, but if there is conflict they are affected in a way that makes them insecure and tired. It weighs heavily on them, also at school." Research at [Danish Study-University](#)

"It is well documented that parental divorce is associated with multiple problems for youth that extend into adulthood, including internalizing and externalizing problems, interpersonal difficulties, poor physical health, and substance abuse" [Sigal, 2012](#)

Relationships and sense of self A consideration of divorce is the impact on future relationships of the child. For some, parental conflict involves turmoil and creates a sense of hyperawareness in what is said. One young adult states, "My relationship with both of them has suffered as a result. I learned early on that it was better to avoid mentioning either one of them to the other."⁶³ Another adult states "The divorce ruined my relationship with my father, and I didn't know how to handle my mother's emotions. My parent's divorce changed so much about who I am today. Some admit not wanting to repeat the pattern of divorce, yet living within the throes of high parental conflict, they miss out on crucial role modeling of how relationships work as children learn about relationships by watching their parents.

Sometimes, observing parental conflict can offer insight: "I remember the exact moment I realized I would never be the same...I became involved in a relationship...It was toxic...We broke up and got back together multiple times, until I had had enough and I remember thinking, "Why am I doing this to him or to myself?" I thought about my mother and how heartbroken she was when her marriage to my dad ended, and I realized something: Relationships don't always work out. Why would I continue to fight for something that's so unhealthy in the first place? That moment I realized that so much of myself, my view on relationships, and how I acted in them was affected by my parents' divorce."⁶⁰

Quotes from a child on divorce

*Ages 4-7: "Tell the judge to say this to moms and dads: Do you love each other?
And then they have to say yes, and then give them some chances
(not to divorce)."*⁵¹

*Ages 8-12: "Dear Judge, I sure hope you know what you are doing cause none
us do."*⁵⁴

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*Ages 13-18: "He never told me, never thought to consider me or my brothers and
sisters, to think about how important our family is to us. We asked for a
family meeting buy they won't. I can't do my school work, can't sleep,*

*et. Andy they tell me it just happens.*³⁷

Going away to college “When I went away to college I was soooo relieved. I finally had a home to call my home. No more going between houses. No more having to remember each thing I would need when going to one parents home from my other parents. I no longer had to deal with communicating between my parents who were unable to be civil to one another. Finally, I had one address. All my belongings were in one place. For the first time since the divorce I felt like I had a real home.” Male, age 18.

Diagram

Diagram outlines the process from the family court system to the impact on the child.

Summary

Quote: "I think shared parenting now has enough evidence...[that] the burden of proof should now fall to those who oppose it rather than those who promote it." [Dr. Sanford Braver](#)

Fact: *"Parental alienation can happen to ANYONE so it should matter to EVERYONE!"⁶ Wendy Perry*

At the Third International Conference on Co-Parenting in Boston with experts from 25 countries, in 2017,

[Ned Holstein](#), president of the National Parents Organization stated “Mental health professionals can play a very positive and satisfying role in this transition. They should already be counseling their patients in troubled relationships that their children will more likely do better with shared parenting, as hard as that may be for the parent to accept given the anger and hurt during separation and divorce. Professional efforts currently devoted to identifying a sole custodial parent on the basis of small differences in parental abilities may instead be used to help parents navigate cooperative parenting or parallel parenting. It will be far more satisfying to help families make the adjustments that result in more harmonious post-nuclear-family relationships, and to see happy children as a result, than to assist the court in picking winners and losers. Any shared parenting legislation should provide for the financing of post-court family counseling services, which in one way or another can replace the funds currently used for custody evaluations.”

Family court reform and implementation of shared parenting is a societal imperative.

Please support legislation in favor of shared parenting, enforcing court orders, penalties for custody interference, and matters related to addressing issues with false allegations.

Quote from a child of divorce on the family court process

Perhaps, we should heed the succinct words of an 11-year-old wrote to a judge: *“This has got to stop. Not in a few years. Not when people can finally be (bothered) to do it. It needs to be done NOW!”* [Shared Parenting Confessional](#)

A special thank you to Leslyn Davis for her input with the final draft of this report. 50 United States 4 Shared Parenting Facebook Group
<https://www.facebook.com/groups/US4SP/>

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