

Parental Alienation:

My experience both as a lawyer and as a therapist.

A few years ago, whilst I was still a Barrister, I acted in a residence dispute which went on for nine years. The children were five, three and one when it started and 14, 12 and ten when it finished. The parents had separated, and the mother had left the family home and taken the children with her to her relatives. At the first Court hearing she won her interim residence of the girls. She said they were 'terrified' of their father. The court was understandably cautious.

Over the years there were many professional reports. Each said that the girls showed no fear of him and when observed, were warm towards him. They said that the mother was manipulative. However, her argument that the girls were terrified seemed to sway the court each time and one order after another was made allowing her to keep them, which meant that they would never see their father. At each court appearance, the father, a highly educated respectable pillar of the community became more and more desperate in equal measure to his alienation from his children.

The mother stated she had no

part to play in the girls' hostility to their father and would pay lip service to facilitating contact whenever the girls were ready. Of course they never were ready. All the girls needed to say was that they did not want to go to contact and she would say fine. Unlike school refusal, or reticence about the dentist, when she would insist and play a parental role, she felt unable to encourage them to see their father. 'It is up to them' she would say, allowing her seven, five and three year olds to not see him for months at a time.

Over the years, two child and adolescent psychiatrists interviewed the children as did two Cafcass officers, two family therapists, a child psychologist and finally a Guardian appointed through NYAS. All stated that they felt the situation was highly unusual and their primary suspicion was that the mother was over-involved with the children who were colluding with her belief that the father was not a suitable parent for them.

It was strange that, until the separation, the mother had been quite happy to leave the children with their father on his own many times. She had been quite happy for him to take them out on his own and go away for weekends with him. Overnight, he became a 'monster' and someone highly unsuitable for the children, in her eyes.

When in a final desperate bid for contact, the Judge ordered three periods of supervised contact, the girls refused, even though people they knew and trusted would be there with them. NYAS sought a Care Order saying that the children would be better off removed from the mother so that they could feel free to have a relationship with their father. The Child and Adolescent Psychiatrist stated that the girls' adult relationships would be severely impaired by their alienation

from their father which had been borne out of a collusion with their mother's paranoia. The Guardian agreed.

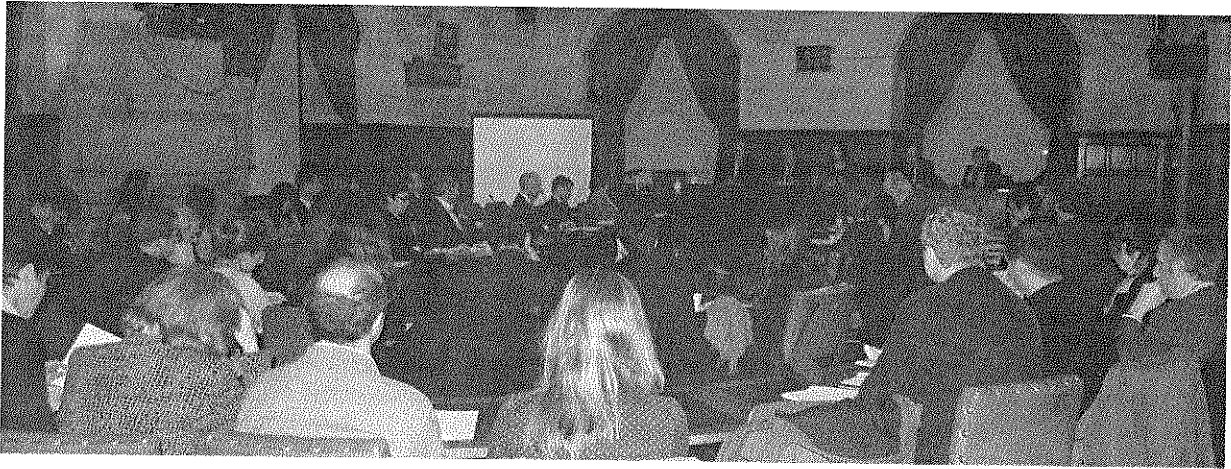
Eventually, the Judge found that the court process that the girls had been exposed to was abusive in itself and that to remove them from their home where, apart from the proceedings, they were happy and settled and doing well educationally was so far removed from their interests that the proceedings needed to finish. In short, although of course he had not ruled out contact for the father, the effect was that these girls would now continue to be brought up with their mother with no prospect of any relationship with their father and all that would mean for them and their future.

I do not think that justice was done, and the people who suffered most in those proceedings were the children who were allowed by the legal system to maintain their position. I think often of that father who has been deprived of his children with no evidence of any abuse whatsoever, and of his children who have been deprived of him.

Now, as a therapist, I see many people who have suffered as a result of not being able to have an equal relationship with their children or a relationship at all. That overnight, somehow with separation, a 'good enough' parent is not good enough at all. If people were able to keep in mind their children's needs rather than denigrating the other parent to the children, then they would enable them to grow up as healthy adults with an ability to form good relationships themselves. For parents left out of family life and unable to see their children growing up, it is unbelievably painful. A system which didn't allow this to happen would be in everyone's best interests.

Some of the facts in this article have been changed in order to preserve confidentiality and anonymity.





Child Contact Research

"Taking court action as a parent or grandparent in respect of contact with a child is an extraordinarily stressful undertaking," write the authors of the research published before Christmas into the experience of child contact cases in Scottish sheriff courts.¹

The stress was at its highest while the case was active in court.

The Newcastle University researchers, Dr Graeme Wilson and Karen Laing, looked at child contact actions which were part of divorce arrangements and those in which contact was the primary purpose of the action. More than half the pursuers who had raised contact actions reported moderate or high levels of stress on the 12 point GHQ stress scale that affected their health and their daily life.

"That was one of our more unexpected findings" says Dr Wilson. "Conventionally, it is reported that divorce is one of the most stressful events in life but it is evident that the anxiety is even higher for those where the single issue is establishing or regularising contact with children... It is probably useful for the professionals in child contact cases to appreciate how serious it can be for the parties."

Although the numbers in their survey appear small - 70 in the first phase were raising a child contact action on its own, dropping to 23 in the follow-up six months later - they are considerably higher than achieved by other research projects in the same territory whose conclusions

¹ *Understanding Child Contact Cases in Scottish Sheriff Courts*, Laing and Wilson, University of Newcastle. Published by Scottish Government Social Research. [Http://www.scotland.gov.uk/Publications/2010/12/08114523/0](http://www.scotland.gov.uk/Publications/2010/12/08114523/0)

are commonly cited.

Laing and Wilson also interviewed solicitors and sheriff clerks and were permitted to observe in 20 Child Welfare Hearings.

The pursuers' perspectives are informative and occasionally counter-intuitive. A significant number raised actions apparently as a last throw of the dice where communication with the mother was poor to non-existent and with little expectation of achieving anything positive. Some told the researchers if nothing else it would demonstrate at some unspecified time in the future to their children how hard they had fought for them. Others appeared simply to want to fight.

Overall, most of those whose actions had reached some conclusion reported that the situation had improved for themselves and for their children, that contact was better and even that communication with the mother had improved though most thought the arrangements were still fragile.

Pursuers were more likely to feel they had been fairly treated even if they did not get what they had hoped for if the sheriff spoke directly to them rather than about them to the solicitors in the courtroom.

The role of the court reporters commissioned to draw up "independent" child welfare reports is also only cursorily explored in the research. Dr Wilson says, "at the outset we weren't really aware of how central their role is at a child welfare hearing though the pursuers were only too aware of their role and told us that, when the reporter came to call, it was a very loaded atmosphere where they were afraid to put a foot wrong and tried to second guess what she or he would look on favourably. There was criticism of how little time they spent speaking to the children and then purporting to represent

their views in court. I'm not aware of any research into performance evaluation of court reporters but that might be a fruitful area of enquiry."

John Forsyth

APPG debate on shared parenting

On Tuesday 15th February, a Speaker Meeting was held at the Palace of Westminster to examine the case for a presumption of shared parenting in law. Panel members included Dr. Craig Pickering, CEO of FNF; John Baker, from the Association of Shared Parenting; and Dr. Samantha Callan and David Hodson from the Centre for Social Justice.

Although there were differences in opinion between the speakers, what was perhaps most striking was the level of agreement expressed. The principles of shared parenting were not disputed; rather, the concern was how best to advance this in law. All speakers expressed dissatisfaction with the current system, particularly the tendency for public services to treat the resident parent as the 'main' parent. Craig argued that shared parenting presumed in law, defined as the opportunity for children to establish strong emotional relationships with both parents through experiencing each of their lives 'in the round', would be a way of "fleshing out the paramouncy principle, not restricting it".

The event illustrated the progress already made in favour of shared parenting, and was highly positive for those hoping to increase the prominence of shared parenting as part of the wider reform process in the family justice system.

Ross Jones