



by  
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*“A man is never more truthful than when he acknowledges himself a liar”  
Mark Twain*

## **Ignoring Science: Our Child Protection System is Based Upon Speculation**

The application of the scientific method to the evidence in a case is essential and fundamental to reaching a clinical finding. This applies as much to family dynamics and allegations of child abuse as it does to medicine.

Despite the dedicated efforts of staff in the child welfare system—in which I had worked for the first 24 years of my 50-year professional career—science is frequently ignored. The result is that findings and determinations can be tragically incorrect and backwards—particularly in cases of high parental conflict involving alienation. *Two key factors account for reaching astonishingly incorrect findings in child abuse assessments: the first factor is our erroneous assumption about children and the second factor is our flawed methodology.*

Our erroneous—*yet steadfast*—assumption about children is this: “Children do not lie.” Nothing could be further from the truth. In actuality, it is *instinctual* to lie, and children—being especially instinctual—must be taught NOT to lie. The assumption that children do not lie is the underpinning for our cardinal belief in the innocence and purity of children: if children lie, then they therefore cannot be innocent and pure, we reason. Hence, our tenacity to the erroneous assumption that children do not lie.

### ***Children lie effortlessly because lying is instinctual***

Contrary to the common cliché “children don’t lie,” children lie instinctively for the protection that it affords. That being so, we should therefore not be deterred from our belief in the innocence and purity of children. So, let us examine the nature of lying to human survival: in other words, why humans are innately and instinctively deceptive.

Seth Slater M.F.A., writing in a 9/22/2013 article in *Psychology Today*, affirms the innateness of lying to evolutionary biology and that it is “a valuable tool in the survival kit of any social species.”

In an 8/5/2003 NY Times article entitled, “Behavior: Truth About Lies,” Richard A. Friedman, MD, asserts, “By the time most children are 4, they have acquired the ability to deceive others, **a skill critical to survival**” [*bold print mine*]. Dr. Friedman continues, “In fact, few human behaviors are viewed as paradoxically as lying. We teach our children that it is wrong, yet we lie every day in the name of civility.” In this article, Dr. Friedman summarized the research of Dr. Daniel Langleben of the University of Pennsylvania who found that “the brain must exert more effort to lie than to tell the truth.” But Dr. Langleben’s research left unanswered whether the increased activity is due to lying or from anxiety because of the lying. In his facetious conclusion to this article, Dr. Friedman opines, “So we can all just relax. No one can yet read our minds or hearts. For now, there is no technology that will make lying obsolete.”

Dr. Travis Bradberry posted an article on his LinkedIn page in which he cited the research by psychologist Robert Feldman of the University of Massachusetts that found “a decade-long psychological study revealed that 60% of people lied during a typical 10-minute conversation.”

In a 9/4/12 article published in *Psychological Science*, entitled, “When Do We Lie? When We’re Short on Time and Long on Reasons,” the author cited a then soon to be published study in *The Journal of the Association for Psychological Science*, in which psychological scientists, Shaul Shalvi of the University of Amsterdam and Ori Eldar and Yoella Bereby-Meyer of Ben-Gurion University of the Negev investigated the factors that influence deceitful behavior. Their previous research had found that “our first instinct is to serve our own self-interest” as well as that “people are more likely to lie when they can justify such lies to themselves.” These researchers opined:

“According to our theory, people first act upon their self-serving instincts, and only with time do they consider what socially acceptable behavior is...When people act quickly, they may attempt to do all they can to secure a profit—including bending ethical rules and lying. Having more time to deliberate leads people to restrict the amount of lying and refrain from cheating... People usually know it is wrong to lie, they just need time to do the right thing.”

In a 7/11/2018 article by Theodor Schaarschmidt published in the *Scientific American* entitled, “The Art of Lying,” the author opines that:

Lying is among the most sophisticated and demanding accomplishments of the human brain... Lying is a major component of the human behavioral repertoire; without it, we would have a hard time coping.

Small children love to make up stories, but they generally tell the first purposeful lies about age 4 or five. Before starting their careers as con artists, they must first acquire two important cognitive skills. One is deontic reasoning: the ability to recognize and understand social rules and what happens when the rules are transgressed. For example, if you confess, you may be punished; if you lie, you might get away with it. The other is the theory of mind: the ability to

imagine what another person is thinking. I need to realize that my mother will not believe that the dog snagged the last burger if she saw me scoff on the food.

Further, according to Schaarschmidt:

People cook up about two stories a day on average, according to social psychologist Bela M. DePaulo, of the University of California.... A 2015 study with more than 1000 participants looked at lying in volunteers in the Netherlands from ages 6 to 77. Children, the analysis found, initially have difficulty formulating believable lies, but proficiency improves with age. Young adults between 18 and 29 do it best. After about the age of 45, we begin to lose this ability.

It is not only humans who practice deception. Various kinds of deception and trickery have been noted in the higher mammals, specifically in primates, according to 2004 research by primatologist Richard Byrne of the University of St. Andrews and Scotland.

Maryke Stevens wrote the following in his 7/31/2003 article entitled, "Natural Born Liars," in the *ABC* bulletin *Science*:

Many plants and animals deceive others around them in order to get ahead in life. The Tawny Frogmouth is camouflaged to look like the tree upon which it is perched to deceive its predators and hide itself during the day. Some orchids deceive male insects by looking like their female partners, getting a free pollination and fooling the male into thinking it's his lucky day.

And how about that Venus flytrap, which deceptively entraps multiple forms of insects to consume as for prey! Just think about how many times you have had to conceal your laughter from your child, who was attempting to lie her or his way out of being caught with a hand wedged in the cookie jar. Imagine the numerous television commercials that entrap the viewer into viewing by depiction a child attempting to lie out of a problematic situation. Think of all the comedy routines based upon stories of human lying and deception. Research, commercials, and entertainment abound about the instinctive behavior of the human species to lie and deceive. *And yet, we have built an entire child protective system on this erroneous assumption, "Children don't lie."*

Many of the lies humans tell are deemed to be socially-acceptable and appropriate, for which we coined the terminology: "little white lies." The rationale for sanctioning such lies is that they are intended to make others feel better or less bad—but can also be constructed to make ourselves feel and look better. Other lies, however, are the result of those who exhibit an antisocial personality disorder. Their lies do great harm to the people with whom they are intimately involved. This is no truer than of severe cases of alienation because alienating parents commonly engage in a deliberate, goal-directed pattern of fabricating false allegations of child abuse and child sexual abuse against the alienated parent. To facilitate the process of destroying and severing the relationship between the other parent and their children, severe alienators manipulate their children to confirm the abuse allegations.

### ***The suggestibility of children***

It is not hard to imagine why alienators are able to so swiftly and successfully manipulate their children to lie: they are working with the child's instinct for survival! The clinical literature and

research abound with how suggestible children are and the ease with which a false memory can be implanted. For example, the researchers Elizabeth Loftus, PhD, and Julia Shaw, PhD, found that it takes just three successive weekly interviews to implant a false memory in children and in even in adults. Dr. Shaw had conducted one study in which she was able to implant the false memory in 70% of the study group of college students that they had committed a crime in their adolescence. And this research was undertaken by strangers. So, just imagine how effectively it is for a parent, upon whom a child is dependent for love, shelter, approval, and survival, to implant a false memory. Further consider the sagas of Patty Hirsch and the victims of the Stockholm syndrome with respect to this phenomenon.

In a 2013 book published by the American Bar Association entitled, *Children Held Hostage: Identifying Brainwashed Children, Presenting a Case, and Crafting Solutions*, the authors, Clawar and Rivlin, found that some degree of brainwashing in high conflict custody cases occurred in 86% of the 1000 children whom they followed for more than 30 years (p. 420).

The research of Maggie Bruck and Stephen Ceci (1999) on the suggestibility of children to adult influences found that:

When children are repeatedly and suggestively interviewed about false events, assent rates rise for each interview. For example, children are more likely to assent to a false event in a third interview than in a second interview. (P. 426.)

Subtle suggestions can influence children's inaccurate reporting of nonevents that, if pushed in follow-up questioning by an interviewer who suspected something sexual had occurred, could lead to a sexual interpretation. (P. 430.)

Bruck and Ceci further emphasized that children can sound quite "credible" in their reporting of nonevents but which had been suggested by the interviewer. (P. 432.)

Richard Warshak, Ph.D., in his 2003 article entitled, "Payoff and Pitfalls of Listening to Children," cautioned about the vulnerability of children to adverse parental influence over their expressions of feelings and wishes. He declares:

Through a variety of tactics such as selective attention, repetition, intimidation, overindulgence, and suggestion, a parent can corrupt a child's view of the other parent. Once a child forms a predominantly negative opinion of a parent, and particularly once this opinion is expressed publicly, it is liable to become deeply entrenched and highly resistant to modification even in the face of information that directly contradicts misconceptions. (P. 375.)

Warshak further alerts professionals in a high conflict custody case not to:

delude themselves into thinking that they are hearing a child's voice when, in fact, they may be receiving a distorted broadcast laced with the static of a charged emotional atmosphere; or the voice may be delivering a script written by another; or it may reflect the desire to placate, take care of, or pledge loyalty to a parent. (P. 382.)

R. Christopher Barden, PhD, JD, opined, “There can be no credible controversy about the power of parents to influence children.” And he cautioned that the professionals who intervene in adversarial custody proceedings to have a “critical obligation to carefully review the influence of parents, therapists or other adults on the attitudes, beliefs and memories of children.” (p. 420)

For additional, but hardly exhaustive, documentation regarding the suggestibility of children and the ease with which they can be their manipulated, please refer to the citations listed in the reference section at the end of this article: Bruck, M. & Ceci, S., 1999; Bruck, M., Ceci, S., & Hembrooke, H., 2002; Drivdahl, S. & Zaragoza, Maria, 2001; Loftus, E., 1997, 2000; Lepore, S. & SESCO, B., 1994; Mantle, G., Moules, T., Johnson, K., Leslie, J., Parsons, S., & Shaffer, 2007; Poole, D. & Lindsay, D. S., 1995, 1998. Bernet, 2010; Lorandos, Bernet, Sauber, 2013; Gardner, Sauber, Lorandos, 2003; Baker & Fine, 2007; Miller, 2013; Gottlieb, 2012, 2013.)

The ABA [*American Bar Association*] Standards recognize “children are susceptible to intimidation and manipulation and that the child’s decisions may not reflect the child’s actual position...The attorney also has a duty to prevent the child client from pursuing decisions that would not be made but for the brainwashing techniques employed by the alienating parent. Under the influence of an alienating parent, the child may not be cognitively or psychologically able to make a judgment that is in his or her best interests.”

This ease with which an alienating parent can brainwash a child to reject the other parent, manipulate a child to make false child abuse allegations against the other parent, and to implant false memories in the child about the family history and about the alienated parent is the basis for the 2013 article written by Jaime Rosen, ESQ., in *Family Court Review*, entitled, “The Child’s Attorney and the Alienated Child: Approaches to Resolving the Ethical Dilemma of Diminished Capacity.” In the article, Rosen contends that the brainwashing in alienation so compromises the child’s cognitive and emotional capacities that the child’s lawyer should substitute judgment for the child’s wishes and instead represent the child’s best interests. Rosen opines that the child’s expressed wishes and opinions are not the child’s own due to the brainwashing in alienation.

When evaluating a child’s behaviors, feelings, and beliefs in an adversarial parental battle, it is necessary to evaluate any undue influence that each parent holds over the child. Particularly in hostile cases, it is crucial to identify and evaluate the effects of the extraordinary control over a child that a parent may exert if that parent’s goal is to undermine and or severe the relationship between the other parent and their child and to use the child protection system to achieve such goals. A comprehensive evaluation of the family dynamics is therefore particularly crucial in assessing the veracity of the child’s reporting in cases where alienation is alleged.

Sadly, many alienated children would ably pass a lie detector because they eventually come to *believe* their frivolous, malicious, denigrating delusional thinking about their alienated parent. There are several psychological reasons for such “ability.” One reason is due to the pattern of having mimicked their alienating parent’s lies and subsequently to having created and regurgitated their own bizarre allegations. When lies are repeatedly uttered, the lies are eventually believed by their storytellers no matter how frivolous or bizarre the lies are. Another reason for the child’s “ability” to pass a lie detector test is because the belief in the preposterous lies are essential if the child is to overcome the powerful instinct to have a parent. Because of our long dependency period,

the need for a parent is part of our survival instinct. In other words, because it is so anti-instinctual to hate and reject a parent, a powerful rationale must be invented. The rationale often becomes a delusional thought system, which is one of many reasons why alienation is deemed to be a profound form of psychological child abuse: adopting a delusional thought system becomes entrenched in alienation cases, and if not swiftly interrupted by the legal system, its progression can eventually lead to a devastating psychosis!

### ***Role for science in determining the truth of child abuse allegations***

In cases of high parental conflict—and especially ones in which alienation is alleged to be the family dynamics—it is essential that the CPS investigator rely upon science when arriving at a determination as to the veracity of the child’s reporting. All plausible hypotheses must be generated to account for the child’s abuse/neglect reporting—e.g. these hypotheses being: 1) the abuse has happened and the child is reporting accurately, 2) the abuse did not happen and the child had been coached to affirm that it did, or 3) some parental mistakes have occurred but do not rise to the level of clinical significance for abuse or neglect and the child had been coached to exaggerate the mistakes. The evidence for and against each hypothesis must be identified and explored to rule out the wrong hypotheses and to rule in the correct hypothesis. All too often, however, there is no such methodology employed.

Instead of analytical reasoning being the basis for reaching findings about the abuse/neglect allegations, it is all too common that intuitive reasoning is the basis. It is intuitively believed that the child is telling the truth—for all the reasons previously discussed; the brain, counterintuitively, *wants* to believe the child and that the child is therefore free of undue influence from a parent to express her or his own description of the family dynamics and feelings about each parent. Alienated children sound so believable because they have been coached by an expert—someone with a personality disorder is an expert at mimicking normal behavior. Alienated children will, furthermore, appear believable when reporting abuse because she or he has come to believe the abuse. In the typical course of CPS investigations, undo weight is therefore given to the information derived from the child’s interview because the investigator has determined that the child has not lied, and that, in any case, should the child have lied, the investigator would have easily recognized this to be so. Research does not support this belief.

Aldert Vrij, Professor of Psychology at the University of Portsmouth in the UK, undertook a study to assess the ability to determine if and when a person was lying or telling the truth in his or her presentation. He found that the study participants determined correctly slightly better than guessing at random. Dr. Vrij’s research statistical findings were that the study participants were able to detect a lie 44 percent of the time and were able to detect the truth 67 percent of the time. There average, therefore is that half of the time the study group “deduced” correctly, and half of the time the participants deduced incorrectly.

Other research confirms Dr. Vrij’s findings: the probability of discerning whether someone is lying is little better than 50%, thereby meeting the criteria of mere speculation. And yet, this unreliable, anti-scientific speculation is often relied upon to indicate/substantiate innocent parents of child abuse and child sex abuse. I have testified on all too such false indicated/substantiated cases that sent innocent parents to prison and have denied children their right to have a relationship with a

loving parent. Just for the record, relying exclusively or almost exclusively on client/patient self-reporting fails to meet the standard of care—in other words, qualifies as malpractice.

Just imagine an emergency room doctor operating in the same haphazard manner as described above by relying upon her or his intuition that the patient is reporting accurately and knowledgeably rather than relying on science and thereby speculates that a patient's indigestion is due to the rotten fish that had been eaten earlier merely because the doctor intuitively relied upon the patient's insistence that the rotten fish was the cause. So, the doctor discharges the patient with a handful of Prilosec instead of testing the patient for the heart attack actually the cause of the indigestion.

Tragically, in the mental health field—that includes child welfare/CPS personnel and the clinical practitioners with whom they consult—there is a rampart failure to employ science in reaching findings as to the family dynamics. Instead of relying upon research and evidence-based practice, all too many practitioners rely primarily, if not exclusively, on their intuition and personal experience to determine if the child is telling the truth.

In a 2009 *Newsweek* article authored by Sharon Begley, entitled, "Ignoring the Evidence: Why do Psychologists Reject Science," Begley cites a glaringly scary research study by Timothy Baker of the University of Wisconsin that found that mental health practitioners overweight their intuitive reasoning to the exclusion of science and evidence-based practice. For the record, the word "psychologist" is used generically for all mental health practitioners.

Begley further quoted Walter Mischel of Columbia University, who declared to her, "The disconnect between what clinicians do and what science has discovered is an unconscionable embarrassment" and that "there is a widening gap between clinical practice and science." Clinicians often fail to use interventions that have the greatest efficacy, Begley writes. (This was less true of psychiatrists since MDs receive extensive scientific training).

Virtually all State guidelines that govern mental health and child welfare practice affirm adherence to science and evidenced-based practice in reaching findings and opinions. These guidelines and standards preclude giving unjustified weight to intuitive reasoning. The standard for reaching findings and opinions therefore requires that the practitioner evaluate sufficient material information from neutral collateral sources and not give undue weight to the child's reporting and the self-interested reporting of a parent. These standards and guidelines are further affirmed by many regulatory organizations and professional associations including, but not limited to, the Association of Family and Conciliation Courts (AFCC), the American Psychological Association (APA), the National Association of Social Workers (NASW), The American Association of Marriage and Family Therapists (AAMFT), The American Professional Society on the Abuse of Children (APSAC), etc.

### **Children simply do not reject parents**

The scientific method also requires that appropriate weight be given to the all the accumulated knowledge about a clinical presentation when assessing any specific case. The knowledge about *adjudicated* abused and neglected children is that they rarely, if at all, reject parents. Instead, they

bond to their abusive parents and defend and protect them. Of the 3000 children with whom I had worked in New York's child welfare system, I cannot recall a single child who rejected a parent. Even if the parent abandoned the child upon the removal, most children still yearned for the parent's return, at least for a period of time, and were eager for contact should the parent show up. The two most frequently asked questions asked of me by foster children were, "When is my next visit and when can I go home?" Abused children tend to deny or minimize the abuse. It is like pulling teeth to get these children to reveal about their parents. For the science behind why abused/neglected children behave in this manner, I refer the reader to a 2014 book authored by Baker and Schneiderman, entitled, *Bonded to the Abuser*. (Dr. Baker is the director of child abuse research at the New York Foundling Hospital.)

In summation, when reaching findings and opinions regarding abuse/neglect allegations, CPS must take into consideration that children of adversarial parental conflict and parental legal proceedings are not reliable reporters. Our traditional approach of relying upon "the voice of the child" in both child abuse and child custody assessments must be abandoned due to the high probability for fabrication and exaggeration.

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