

Parental Alienation: When The “Best Interest of The Child” Fails

From [Linda Gottlieb](#)



Because of our exceptionally high divorce rate, a rate that is approaching 57% of all marriages, researchers and professionals who support children became concerned about the [effects of divorce on children](#). Various studies were therefore undertaken to assess the consequences of divorce on children.

One alarming statistic arising from the research suggested that, because of the divorce, two thirds of its children are subject to all sorts of mishaps, including drug and alcohol abuse, problems in school, psychiatric and behavioral disturbances, criminal activities, poor peer relationships, and/or adult difficulties with interpersonal relationships.

Of course, children born outside of marriage were presumed to be at even greater risk for these afflictions upon their parents' separation. But subsequent researchers offered a contrary, or perhaps a refined interpretation of the statistical data. These researchers asserted that the detrimental consequences to children do not arise from the divorce itself but rather from how the parents handle the divorce.

That is, if parents manage to protect their children from the [marital conflict](#) and hostilities and simultaneously maintain a civil and [respectful co-parenting relationship](#), then their children can be expected to have as favorable a development as children who remain with two happily married parents.

Mounting research and anecdotal evidence from the practices of mental health professionals confirm this interpretation of the data. In fact, research further confirms that children whose parents remain together but do so in a hostile family environment fare no better than children of a hostile divorce.

The conclusion of accumulating research and evidence therefore confirms that the [detrimental effects on children of divorce](#) result not from their parent's marital/legal status or living arrangements but

rather from a [hostile parental relationship](#) into which the child is triangled, from the failure of the parents to co-parent civilly, and from the minimization and under-involvement the non-residential parent.

In their groundbreaking study, *Surviving the Breakup*, Wallerstein and Kelly (1980) validated this important distinction when they asserted:

“A major conclusion regarding the effects of divorce is that the relationships with-in the post-divorce family are likely to govern long-range outcomes for children and adolescents. Put simply, the central hazard which divorce poses to the psychological health and development of children and adolescents is in the diminished or disrupted parenting which so often follows in the wake of the rupture and which can become consolidated within the post-divorce family.

Thus when the divorce is undertaken thoughtfully, where they [the parents] have made arrangements to maintain good parent-child relationships with both parents, then those children are not likely to suffer developmental interference or [enduring psychological distress as a consequence of the divorce](#).

Alternatively if the divorce is undertaken primarily as a [unilateral decision](#) which humiliates, angers, or grieves the other partner and these feelings continue to dominate the post-divorce relationship of the divorced partners, if the children are poorly supported and poorly informed or co-opted as allies [my emphasis] or fought over in the continuing battle and viewed as extensions of the adults then the most likely outcome for the children is developmental interference and depression” (pp. 316-317).

Although the authors concluded that the favorable prognosis for children of divorce is dependent upon an ongoing civil parental relationship, they further determined that, tragically, a mere 5% of the married couples in their study were able to achieve this (p. 15).

A cooperative [co-parenting](#) relationship was, instead, typically replaced by a highly dysfunctional family interactional pattern whereby one parent succeeded in gaining the allegiance of the child in that parent’s struggles with the other parent.

The psychiatrists who founded the family therapy movement had documented this dysfunctional family interaction pattern as early as

the 1950s upon observing their psychiatric patients on the hospital ward during visits with their families.

For example, psychiatrist Murray Bowen (1978. Family Therapy in Clinical Practice), labeled it the "pathological triangle." Indeed, he was so convinced that this triangulation created and maintained the child's symptoms, that when he hospitalized the child, he simultaneously hospitalized the entire nuclear family! Wallerstein and Kelly described this family interactional pattern as "the hostile alignment of child and one parent against the other parent" (p. 99).

Now comes child psychiatrist, [Richard Gardner](#), a dedicated, concerned, and decent professional who has been misrepresented, misquoted, misinterpreted, and hence vilified. His crime? He had the audacity in 1985 in his article, [Recent Trends in Divorce and Custody Litigation](#), *Academy Forum*, a publication of the American Academy of Psychoanalysis 29(2), to apply a diagnosis label to this 60 plus year documented family interactional pattern.

He named it as the [Parental Alienation Syndrome](#) (hereinafter referred to as PAS.) Despite ongoing validation by highly reputable researchers, family therapists, forensic evaluators, and matrimonial attorneys, Dr. Gardner's label has garnered unjustified criticism and denunciation.

Among the many that have validated Gardner's observations are Clawar and Rivlin, who followed 700 children during a 12 year period and documented their findings in their 1991 book, *Children Held Hostage*, published by the American Bar Association. They concluded that 80 % of children of divorce become ensnared to some degree in the hostility between their parents.

Despite the mounting evidence for the critical importance to the child's development of two parents remaining significantly involved with the child post-divorce (Baker, 2007; Warshak, 2010; Gottlieb, 2012; et al.), the professionals in the mental health, law enforcement, child protection, and judicial systems have failed disastrously in protecting the [child's right and need to a meaningful relationship with both parents](#).

That is correct, the very professionals whose *raison d'être* is to assure the child's best interests are the very professionals who are primarily culpable for empowering and emboldening the co-opting or [alienating parent](#) in that parent's efforts to minimize and exclude the other

parent, whom I will refer to as the targeted or alienated parent.

I maintains that our adversarial legal model to resolving child custody issues that is, choosing one parent over the other does not serve the best interest of the child in the vast majority of cases with the exception being a parent who is certified to be so socially deviant that the child would be at risk in his or her care.

It will be helpful to the reader's understanding of my contention about our adversarial approach if I place child custody resolution in its historical context.

Subsequent to the founding of this country, children as well as their mothers were considered to be the property of the father/husband, and children were automatically awarded to the father in divorce situations. In the early 1900's, a new standard evolved, and it was called the "tender year's doctrine."

The pendulum now swung in the complete opposite direction and this standard presumed and maintained that children in their early years (generally through age 13) attained a healthier development by remaining in the care of the mother. Again evolving, in the 1970's, a new standard emerged, and it is our current standard known as "the best interests of the child."

And so I return the reader to my abhorrence of our current adversarial approach to child custody. I assert, based on 42 years working with children and families, that the standard of "the best interest of the child" is deeply flawed because it does not recognize and require each parent to be equally important to the child.

It is, instead, a product of the adversarial system because it is predicated upon the belief that a selection must be made between the two parents as to who would be the better residential parent with [sole custody](#), being the primary caretaker and decision maker for the child, while the other parent is accorded only limited visitation rights.

This detrimental selection process conveys to the parents that they have the option to reject [co-parenting](#). The process is further driven by the aforementioned mental health, forensic, and matrimonial professionals who benefit from an extensive and expensive "child welfare" investigation as to who is the better parent.

The assessment process leads to the granting of one continuance after another before a final ruling is rendered, thereby keeping the child in limbo and in a state of anxious insecurity until her/his future is meted out.

And our current standard is deemed to be an improvement? I maintain, instead, that a new standard is required: one that recognizes the child's need and desire for both parents. I have labeled this new standard: "shared parenting, make it work." I will be returning to this concept in future articles and will be discussing in depth how the PAS, the nemesis of a shared parenting relationship is wreaking disastrous results for children of divorce.

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