# THE NEED TO CAREFULLY SCREEN FOR FAMILY VIOLENCE WHEN PARENTAL ALIENATION IS CLAIMED

By Daniel G. Saunders, Ph.D. and Kathleen Coulborn Faller, Ph.D.

When a child does not want to visit or live with a parent after divorce or separation, the public and professionals may assume that the other parent has turned the child against the unwanted parent. This behavior is referred to as parental alienation behavior and the outcome as parental alienation. Although some parents may engage in parental alienating behaviors, one review of the scientific literature concluded that "too often in divorce situations all youngsters resisting visits with a parent are improperly labeled 'alienated' and too frequently parents who question the value of visitation in these situations are labeled 'alienating parents.'"1 This article presents research on the likelihood that family violence, rather than parental alienation, is very often the explanation for the child's reluctance. It also describes screening procedures for detecting family violence. When family violence is identified, alienation is then considered by social scientists as reasonable on the part of the child and called estrangement. There is also evidence for mixed cases involving both alienation and estrangement.<sup>2</sup> In contrast to the general agreement that some parents may try to alienate children from the other parent, some specific constructs of parental alienation, namely parent alienation syndrome and parental alienation disorder, are not generally recognized in the legal and mental health communities because they lack scientific validity.3

Research supports the conclusion that children are reluctant to visit or live with a parent for a wide variety of reasons.<sup>4</sup> For example, the child may be angry at the parent perceived as causing the family to break up, or the child has a normal developmental preference for one parent. An obvious reason, although sometimes difficult to confirm, is the parent's physical, sexual, or emotional abuse of the child. Rates of child maltreatment in the general population are high, with the majority of parents using corporal punishment, a practice shown to have severe consequences for children.<sup>5</sup> Even the number of abuse cases reported to professionals and government agencies are high: an estimated 476,000 children were physically abused and 180,500 children were sexually abused in one year in the U.S.6 In 2014, the most recent year of national child abuse data available, there were 3.6 million reports to child welfare agencies, representing 6.6 million children.7 Surveys of adult survivors of child abuse reveal that these rates are underestimates.8

Another reason for a child not wanting contact with a parent is the child witnessing a parent's abuse of the other parent. Annually, an estimated 15 million U.S. children are exposed to acts of domestic abuse. Severe emotional harm frequently occurs when the abusive parent exposes the children to violence.<sup>10</sup> Children often experience both child abuse and exposure to abuse of a parent, since half of intimate partner violence (IPV) perpetrators also abuse one of their children.<sup>11</sup> In contrast to the high rates of family violence, rates of narcissistic and borderline personality disorders, considered by some as defining characteristics of the alienating parent, occur in approximately 1% (narcissism) to 5% (borderline) of the general population. Although there is no agreed-upon definition of parental alienation, one proponent estimates the incidence of alienated children at 2-4% of divorcing families or 20,000-40,000 children each year nationally.12

# **Screening and Assessment Procedures**

For the detection of family violence, which may rule out the existence of parental alienation, custody evaluators and other professionals need training in methods for screening and assessment of family violence. Needed in particular are greater knowledge of violence during separation, and methods for assessing danger and children's exposure to IPV.13 Most custody evaluators in one survey said they inquired about IPV;14 however, many did not use specialized detection and assessment tools.<sup>15</sup> Detection protocols and instruments are likely to increase the odds of detecting IPV.16 (For a review of measures for detection and assessment, see Saunders, 2015;17 guidelines for custody evaluators were published earlier this year by the Association of Family and Conciliation Courts). 18 It is important to realize that IPV may remain hidden after initial screening (for reasons given below), 19 and ongoing screening is needed. The Michigan State Court Administrative Office provides the "Domestic Violence Screening Protocol for Mediators of Domestic Relations Conflict" (2014), including brief versions.<sup>20</sup>

Evaluators and mediators also need to assess for behaviors that do not involve physical abuse, but that coerce partners into submission and restrict activities and outside contacts, because the effects of these behaviors on the partner go beyond those of physical abuse alone.<sup>21</sup> Evaluators who attend

to coercive controlling violence in their assessments produce parenting plans with higher levels of safety.<sup>22</sup> They are also more likely to recommend custody for IPV victim-mothers.<sup>23</sup> One measure that contains a subscale of coercive controlling behaviors is the "Mediator's Assessment of Safety Issues and Concerns (MASIC)."<sup>24</sup> This instrument can be used in a variety of settings.

# Formal Reporting of Violence Not Likely to Occur

Unfortunately, most family violence remains hidden. Only a minority of domestic abuse survivors seek help, including calling the police or telling their doctors.<sup>25</sup> The abuse often remains undetected in custody cases as well.<sup>26</sup> Professionals may fail to ask about abuse or lack the necessary interviewing skills. Even when asked, survivors may be reluctant to report abuse, often fearing retaliation from their abuser or that the report will be used against them in court.<sup>27</sup> The widespread non-detection of domestic abuse means that a high proportion of divorcing couples labeled high conflict cases are actually cases of domestic abuse.<sup>28</sup>

These and other challenges in assessment are highlighted in the new guidelines for custody evaluations for IPV cases from the Association of Family and Conciliation Courts (2016),<sup>29</sup> as follows:

- A traumatized party may react or respond unexpectedly to evaluator inquiry.
- Coercive controlling behaviors may exist in the absence of past or recent physical violence.
- A child may deny or minimize violence or react in ways not anticipated by an evaluator.
- A parent subjected to intimate partner violence may engage in protective parenting that is only understood in the context of intimate partner violence (AFCC Guidelines, 2016, p.8).<sup>30</sup>

Similarly for child maltreatment, even after investigations by child protection agencies, rates of unsubstantiation are over 60%,<sup>31</sup> which means abuse may still exist but not enough evidence was found. Therefore, a significant information vacuum often exists, presenting a conundrum for decision makers. Thorough attempts to rule out family violence must be made,<sup>32</sup> however, they may not be successful. In the words of the American Professional Society on the Abuse of Children: "Professionals need to be mindful that failure to prove interpersonal violence does not prove that violence has not occurred nor that the child has been indoctrinated by the non-accused parent."<sup>33</sup>

## Suspicions about Family Violence Allegations

As with the general public, professionals may have diffi-

culty believing that family violence occurs at high rates in our society. Family violence clashes with our notion of the family as a peaceful, loving haven. Thus, professionals are sometimes too quick to assume that reports of child and domestic abuse are fabricated by parents, especially in custody disputes. In our research on custody evaluation cases that allege child abuse,34 evaluators estimated much higher rates of false child abuse allegations than research studies show actually exist (for a review of allegations of abuse in custody disputes, see Johnston, Lee, Oleson, & Walters, 2005).35 In addition, our study of judges and custody evaluators showed a strong link between sexist beliefs and the belief that battered women tend to make false allegations of family violence and are trying to alienate their children from the other parent.<sup>36</sup> Of greatest concern, we found these beliefs to be linked to recommendations that child custody be awarded to perpetrators of domestic abuse. Evaluators need to take steps to mitigate such forms of bias in the evaluation process.<sup>37</sup>

A lack of concern about family violence may arise from the assumption that divorce or separation increases safety and may end abuse. In fact, stalking, harassment, and emotional abuse often continue and may increase after separation.<sup>38</sup> Survivors' fears are realistic because the risk of intimate partner homicide increases for a period of time following separation.<sup>39</sup> Research also shows that many abusers continue harassment and manipulation through legal channels.<sup>40</sup>

Suspicions also arise about the validity of child abuse reports when they are first made around the time of divorce or separation. Such reports might be more likely at this time for a number of reasons. First, the non-abusive parent may become aware of child abuse and decide to leave the marriage and protect the child. Second, the dissolution of the marital relationship may free children to report their sexual, physical, or emotional abuse to the non-abusive parent. Alternatively, parents who have left a problematic marital relationship may be more capable of attending to signs of abuse. Finally, the lack of family structure and emotional distress associated with marital dissolution may increase risk, especially for sexual abuse.<sup>41</sup>

## Interventions for Parental Alienation

Due to the difficulty in ruling out family violence and the chance of bias in response to abuse reports, interventions for supposed parental alienation must proceed with extreme caution. Furthermore, despite claims of success, reunification programs for rebuilding the bond between children and the rejected parent thus far have very weak scientific backing. Fewer than 10 programs have been evaluated and weak study designs preclude any firm conclusions about their effectiveness.

Of particular concern are programs that may recommend a change of custody to a supposed rejected or "targeted parent," or prolonged temporary custody to the targeted parent during reunification programs. The risk of error is extremely serious since the targeted parent may actually be an abuser who is misusing the children in what has been called domestic abuse by proxy. The so-called "alienating parent" may be protecting the children and voicing serious concerns about past and current abuse and about co-parenting with the abusive parent. One study found that IPV abusers were more likely than their partners to engage in alienating behaviors such as demeaning the children's mother; there was no evidence that victims of IPV alienated their children. <sup>43</sup> Abusers usually show no violent traits to professionals, are likely to have personality disorders, and are skilled at hiding emotional and behavioral problems. <sup>44</sup> Their allegations of parental alienation may be designed to negate the reports of abuse coming from the children and their ex-partners.

In conclusion, attorneys and other professionals need to be acquainted with and be able to conduct screening for family violence. Attorneys and judges also need to carefully determine the qualifications of child custody evaluators. Extensive training in IPV is a major criterion. A relative lack of bias is also important,<sup>45</sup> including bias or misinformation shown by evaluators' uncritical use of parent alienation and the assumption that reports of abuse in custody disputes are likely to be false. For the best interests of the children, professionals need to be open to the possibility of many explanations for a child's behavior, to diligently investigate each possibility, and to focus in particular on the widespread, serious problem of family violence.

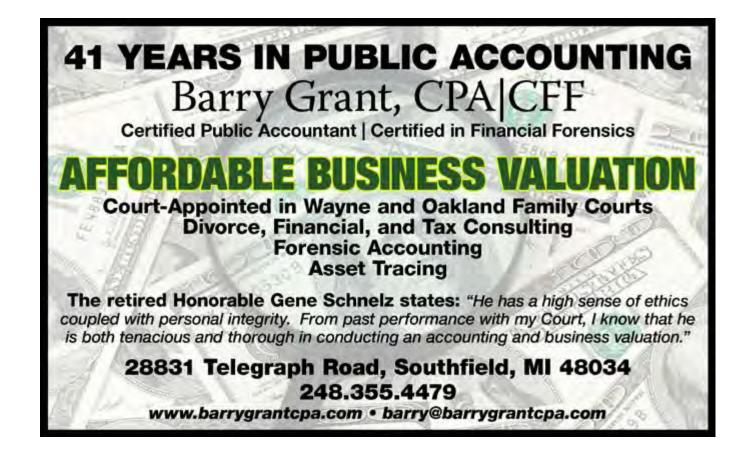
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