

PART 07

- Parental Alienation

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The concept of parental alienation was created by Richard Gardner, a now discredited psychologist, who claimed that children alleging sexual abuse during high conflict divorces were suffering from 'parental alienation syndrome,' (PAS) caused in turn by the vendetta of the mother who brainwashing them into believing and contributing to allegations of abuse against their father.⁴⁰⁰ Key to the success of this concept was that the more the child rejected the relationship, the more 'evidence' of the alienating syndrome was observed. PAS theory thus recasts abuse claims as false tools for alienation, thereby inherently dissuading evaluators and courts from serious consideration of whether abuse has actually occurred.⁴⁰¹

Gardner's theory and background has, however, been comprehensively criticised for its lack of empirical basis, its circularity and for his own problematic beliefs around sexual abuse.⁴⁰² The syndrome has been dismissed by the American Medical Association, the American Psychiatric Association (APA), the American Psychological Association as lacking supporting empirical or clinical evidence and it is not included in the Diagnostic and Statistical Manual of Mental Disorders or the International Classification of Diseases. In 2020 it was removed by the World Health Organization from the International Classification of Diseases (ICD-11) and the European Association for Psychotherapy considers that the

terms and concepts of 'PAS' and 'PA' are unsuitable for use in any psychotherapeutic practice on the basis 'that there is a high risk and potential of PAS/PA concepts to be used in a manner allowing for violence against children and their mothers to remain undetected, and/or contested, since it ignores essential aspects of child welfare and the gender-based nature of domestic violence.'⁴⁰³

Moreover, the legitimate and well-founded critiques of Gardner and PAS have not led to a reduction in the use of his ideas but rather a reformulation. This has involved acknowledging the criticisms of Gardner as an individual and PAS as a 'syndrome' and moving away from using the term PAS due to distinguish it from 'parental alienation' as a set of behaviours which can include any evidence of a negative reaction from a child towards a parent. This works against victims of domestic abuse as the 'evidence' of alienation often falls squarely within the range of expected reactions to the abuse: a reluctance to further contact due to fear and trauma on the part of the child and mother and a strong desire from mothers to protect their children from further abuse and trauma.⁴⁰⁴ Focussing on behaviours also enables various terms to be employed to operationalise essentially the same concept and tactics suggested by Gardner such as 'high conflict disputes' or 'parental manipulation' and a marked trend in using the ideas underpinning PAS from a child focused perspective,

such as 'the alienated child,' 'child alienation' or a 'parent child relational problem'⁴⁰⁵ to argue that this is a form of coercive control being exercised by the abused parent over the child.

In 2019 international and human rights mechanisms dealing with violence against women and girls and that form part of the EDVAW platform, criticized the use of the concept of PA⁴⁰⁶ and since then, both collectively and separately. In April 2022, both MESECVI and the Special Rapporteur on Violence Against Women stated that "the use of PAS against women in cases where they denounce gender-based violence against their daughters and sons is part of a continuum of gender-based violence and could invoke the responsibility of the States for institutional violence."⁴⁰⁷ In 2023, the UN Rapporteur on Violence against Women and Girls issued a report⁴⁰⁸ to the Human Rights Council which underlines that the use of the unfounded and unscientific concept of parental alienation is highly gendered as it is predominantly used against mothers. The report goes on to note that "parental alienation' and related pseudo-concepts are embedded and endorsed in legal systems across jurisdictions, including amongst evaluators tasked with reporting to family courts on the best interest of the child. This has led some Governments to oppose its use and/or the issuance of judicial guidance, as set out above in Part 2. Parental alienation is therefore to be regarded as 'pseudoscience'

⁴⁰⁰ Gardner, R.A. (1992a). *The Parental Alienation Syndrome: A Guide for Mental Health and Legal Professionals*. Cresskill, NJ: Creative Therapeutics. Gardner, R.A. (1992b). *True and False Accusations of Child Sex Abuse*. Cresskill, NJ: Creative Therapeutics.

⁴⁰¹ Meier, J., 2020. U.S. child custody outcomes in cases involving parental alienation and abuse allegations: what do the data show? *Journal of Social Welfare and Family Law*, 42 (1).

⁴⁰² See Richard Warshak, "Bringing Sense to Parental Alienation: A Look at the Disputes and the Evidence" (2003) 37:2 *Fam LQ* 273; Janet R Johnston & Joan B Kelly, "Commentary on Walker, Brantley, and Rigsbee's (2004) 'A Critical Analysis of Parental Alienation Syndrome and Its Admissibility in the Family Court'" (2004) 1:4 *J Child Custody* 77 [Johnston & Kelly, "Commentary on Walker et al"]; Carol S Bruch, "Parental Alienation Syndrome and Parental Alienation: Getting

It Wrong in Child Custody Cases" (2001) 35:3 *Fam LQ* 527 [Bruch, "Getting It Wrong"]; Carol S Bruch, "Parental Alienation Syndrome: Junk Science in Child Custody Determinations" (2001) 3:3 *Eur JL Ref* 383; Richard Bond, "The Lingering Debate Over the Parental Alienation Syndrome Phenomenon" (2008) 4:1/2 *J Child Custody* 37; Lenore EA Walker, Kristi L Brantley & Justin A Rigsbee, "A Critical Analysis of Parental Alienation Syndrome and Its Admissibility in the Family Court" (2004) 1:2 *J Child Custody* 47; Lenore E Walker & David L Shapiro, "Parental Alienation Disorder: Why Label Children with a Mental Diagnosis?" (2010) 7:4 *J Child Custody* 266; Joan S Meier, "A Historical Perspective on Parental Alienation Syndrome and Parental Alienation" (2009) 6:3/4 *J Child Custody* 232 [Meier, "A Historical Perspective"]; Janet R Johnston & Joan B Kelly, "Rejoinder to Gardner's 'Commentary on Kelly and Johnston's 'The Alienated Child: A

Reformulation of Parental Alienation Syndrome'" (2004) 42:4 *Fam Ct Rev* 622; Michele A Adams, "Framing Contests in Child Custody Disputes: Parental Alienation Syndrome, Child Abuse, Gender, and Fathers' Rights" (2006) 40:2 *Fam LQ* 315.

⁴⁰³ Statement on Parent Alienation Syndrome (PAS) - EAP (europsyche.org)

⁴⁰⁴ See Jennifer Hoult, "The Evidentiary Admissibility of Parental Alienation Syndrome: Science, Law, and Policy" (2006) 26:1 *Child Legal Rts J* 1 at 18ff.

⁴⁰⁵ As outlined by the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (4th ed.)

⁴⁰⁶ See EDVAW Platform Statement https://www.ohchr.org/sites/default/files/Documents/Issues/Women/SR/StatementVAW_Custody.pdf, 2019

⁴⁰⁷ <https://www.ohchr.org/sites/default/files/documents/issues/women/sr/2022-08-15/Communique-Parental-Alienation-EN.pdf>

however, despite this being widely acknowledged, the use of the theory has gained considerable traction and is being used to considerable successful effect to negate allegations of domestic and sexual abuse within family court systems on a global scale.⁴⁰⁹ Evidence of the permeation of PAS and related

concepts has been demonstrated in the literature review for each of the jurisdictions addressed in this project in Part 2 and this chapter will address how, if at all, the concept came up in our findings.

Awareness of the Concept

In general there was a good degree of awareness of the concept across the jurisdictions and across the stakeholder groups. There also appeared to be some knowledge of the widespread concern in the literature about its origin and usage with respect to victims of domestic abuse (SPIJ3, SPIJ5, SPIL3 and SPIL4): 'Parental alienation was created by a man, Gardner, a misogynist at the time, who the only thing he does is try to divert attention towards the mother when children, when they don't want to be with a father, is because the father, because the father creates rejection, not because the mother tells him that children are the ones' (SPIL5). One survivor, SPFG3C commented that its use was specifically rejected by the court in her case: 'It was also made clear that SAP was pseudo-science and that I could not be labelled as SAP.' A large number of stakeholders did not regard it as a 'syndrome' or indeed a 'diagnosis' (UKIJ6 and UKIJ3) and that it should not be referred to as such. In

France, the only judge interviewed pointed out how parental alienation 'is a theory that is clearly contested. Criticised in any case. We were told to be wary of it because some professionals tend to apply it to cases that do not fall under that process', and thus, even though she believed that it exists and it's necessary anyway to examine it', they stated 'it is better not to use the term or to be very careful before doing so'. Other stakeholders in France also rejected the use of the concept (FRIL4, FRIL6, FRIL7, FRIL8, FRIO4) and did not feel comfortable talking about it (FRIJ1, FRIL2, FRIL3, FRIO2). FRIL6 stated: 'for me, it's a term that makes me shudder,' while FRIL7 said that in her city it is not used at all: 'No, they are completely against it. We've moved on.' FRIL3 talked of judges they knew that 'absolutely does not want to enter into this debate'. FRIL9 added that they have never seen it used in an order as judges reject the concept. In Italy, a good number of

judges and lawyers agreed the terms should not be used, referencing that the Supreme Court had ruled that it is not a 'scientific' term,⁴¹⁰ although ITIL4 and ITIL9 admitted that it was often used in the past. In Spain, a large number of stakeholders said that they had never used the term (SPIJ1, SPIJ3, SPIJ6, SPIL10, SPIL3) and that it should not be used at all.⁴¹¹ Parental alienation was variously referred to as 'forbidden' (SPIJ4), 'prohibited' (SPIL2), 'not scientific' (SPIL1) that should 'not be taken into consideration', (SPIJ5) and that 'has finally been banned' (SPIL1). SPIO, stated that 'It is forbidden to us, well no, it is forbidden in court to use it. I mean, they scold us.'

⁴⁰⁸ Custody, violence against women and violence against children - Report of the Special Rapporteur on violence against women and girls, its causes and consequences, n84.

⁴⁰⁹ Ibid.

⁴¹⁰ ITIJ1, ITIJ2, ITIJ4, ITIJ8, ITIL1, ITIL2, ITIL4, ITIL5, ITIL6, ITIL8, ITIL9.

⁴¹¹ SPIJ1, SPIJ3, SPIJ4, SPIJ5, SPIL1, SPIL11, SPIL2, SPIL3, SPIL4, SPIL5, SPIL6, SPIL7, SPIO1, SPIO2, SPIO3.

Parental Alienation in All But Name

However, an awareness that the term is problematic and/or prohibited has not resulted in the eradication of the concept and the assumptions underpinning it. There was a widely held view across the jurisdictions that although the term/concept itself is irrelevant, the key issue, is the behaviours that are usually associated with it (UKIJ3, UKIJ6, UKIL1, UKIL5), with UKIL1 recognising that the concept itself can actually be 'less helpful'. This attitude would explain the widespread evidence of the continued utilisation of the concept in all but name and a perception that it explained certain behaviours which were not excepted by allegations of domestic abuse. SPIO7 commented how the concept does not exist, but the behaviours do, in their own words: 'Parental alienation as such obviously doesn't exist, okay? But what is called, let's say, a father's bitchiness. A mother's bitchiness. It exists. It exists. I've seen cases of instrumentalization of children'. Others felt that parental alienation can be unintentional and unconscious as well.⁴¹²

There was evidence of a widespread belief that it was mothers who engaged in parental alienation. According to BIL12, parental alienation is 'mothers urging them [children] to behave like that, and it's the mothers' fault that the children don't want to see their fathers', whilst BIJ7 referred to it as 'when the mother influences the children against the father'. According to UKIJ7 this could be the result of 'the mother trying to make herself more heroic, I suppose. I'm looking after you, I'm your carer, I'm this, he does nothing, he might turn up every now and again, he doesn't do this, and he, you know, think back, he hit me, he did this, he did that.' Whereas for UKIJ5 it has more to do with mothers as the 'abused' parent: 'mum will alienate, so let's say mum's the, the abused, the non-abusive parent, the survivor-victim. She will often alienate, because she's reinforcing what the children have seen or heard.'

This perception of mothers as the main responsible for parental alienation was also present in France, as FRIJ1 stated: 'He talks like his mother. And as a result,

he hates his father', whereas FRIL9 commented: 'it's often even more the mothers, who will eventually use the child and succeed in lobotomising him.' In Italy ITIL1 mentioned how '[we use] symbiotic mother, functional relationship, alliance pact or the mother is not able to contain her own emotional states and responds to them by conditioning the child' and ITIJ5 commented how it is often used by the mother in 'retaliation against the father.' SPIL7 felt that it was as a result of identifying with the mother's distress after separation: 'They are experiencing the grieving process of their mothers and not that of the fathers and therefore they align themselves in favour of the mother in some way and protect them, they blame the father in many situations.' It is also of note that Spain was the only jurisdiction where parental alienation was specifically referred to as being used to keep the children apart from the mother. (SPFG1C and SPIO6).

Defining Parental Alienation

Stakeholders were specifically asked if they had heard of the term, whether they believed it existed and what their understanding of it was. The terms used to describe their understanding of parental alienation were revealing, both in terms of the value judgments that were impliedly made about the

alleged alienating parent but also the vast array of behaviours that it covered. Many stakeholders used the term 'manipulation' (UKIL2, UKIJ2, UKIL4). UKIL4 used the term 'weaponised' to refer to how children are 'used' by the alienating parent. In France, FRIL2 referred to children being

'instrumentalized' in the conflict. In Spain, manipulation and 'influence' were also directly linked to parental alienation.⁴¹³ with SPIL6 using the term 'indoctrination.' The vast majority of stakeholders understood parental alienation as influencing the child negatively against the other parent.⁴¹⁴

⁴¹² UKIJ1, UKIJ2, UKIJ5, UKIL4, UKIL5, FRIL9, SPIL12, SPIL7, SPIL8.

⁴¹³ SPFG2E, SPIJ2, SPIJ3, SPIL10, SPIL12, SPIL4, SPIL8, SPIL9, SPIO4, SPIO5, SPIO6, SPIO7.

⁴¹⁴ UKIJ1, UKIJ2, UKIJ4, UKIJ5, UKIJ6, UKIL1, UKIL3, UKIL5, UKIL7, UKIL8, UKIO2, UKIO3, UKIO4, UKIO8, ITIJ4, ITIJ5, ITIJ7, ITIL2, SPIL4, SPIL7, SPIL8, SPIL12, SPIO1.

UKIJ1, described it as ‘badmouthing the other parent’, an understanding that was shared by UKIJ5 and UKIJ8. While UKIJ4 defined it as to ‘minimise the role of the other parent in the child’s life.’ ITIJ7 talked about as ‘obstructing behaviour’ instead.

Other explanations or definitions provided: ‘taking children away from their parents’ (BIJ10) and ‘Kidnapping’ (BIL11), but also ‘Emotional and general separation of the relationship, where did the disconnection between one parent and child come from’ (BIL1) and to ‘prevent communication’ between the children and the other parent (BIO1). In England & Wales, parental alienation was understood as a parent preventing the children from having

contact with the other parent without a good reason (UKIJ8, UKIL1, UKIL3, UKIO9), or coming directly from the child, when they ‘reject the parent without justification’ (UKIL7), which was also described in Italy by ITIJ1, ITIL10 and ITIJ3 and by SPIJ2 in Spain as an ‘unfounded rejection.’ For others it was when one of the parents does not promote the relationship with the other parent (UKIO4, UKIO5, UKOI7, UKIO9). This understanding could include not talking about the other parent and not actively encouraging the child to have a permanent relationship with the other parent, although UKIO9 also recognised that not promoting their relationship could be an appropriate response after abuse.

Stakeholders across all jurisdictions expressed the strong view that parental alienation harms children.⁴¹⁵ This included giving them false memories about the other parent.⁴¹⁶ UKIJ7 and UKIJ9 considered it as a form of coercive control and in Italy, and in Spain, stakeholders referred to parental alienation as ‘a conflict of loyalties’ (ITIJ7, ITIL9, SPFG2E, SPIJ2, SPIL7) that could lead to ‘children vomiting before seeing the father’ (SPIJ3).

Reformulations of PA

Reformulations of the concept, particularly those that involved blaming mothers have been raised in the research literature and this was also in evidence in our findings. In England & Wales, UKFG1D was accused of ‘parentification,’ UKFG3C of ‘parental annihilation’ whilst UKFG3A was told ‘it’s the mother’s fault, subconsciously, even though she’s maybe not saying anything, subconsciously.’ In France two survivors were accused of ‘instrumentalization’ (FRFG1A and FRFG3A) and in Italy, ITFG2B had ‘mother’s bubble’ used to express how she ‘didn’t cooperate and was obstructive’. ITFG3A was referred to as a ‘distancing mother’ who was ‘alienating’ and ‘manipulative,’ while ITFG3C was told was she ‘does not legitimate the father’. In Spain, survivors reported the following terms used in their cases to imply parental alienation: ‘the hindrance of the filial paternal bond’ (SPFG1F), ‘instrumentalization’ and ‘parentification’ (SPFG1A, SPFG2B, SPFG3C), ‘gatekeeping’ (SPFG3A and SPFG3C), ‘manipulation’ (SPFG3C).

Professional stakeholders also used similar terms, as set out above, when defining parental alienation, however, Italy provided the greatest number and variety of reformulations of parental alienation, such as ‘malevolent mother’ (ITIJ2), or ‘the behaviours assumed by a parent that can condition or influence the children’s reaction’ (ITIJ4). Other terms used are ‘obstructing behaviour’ (ITIJ7), ‘belittling’ the other parent (ITIL1), ‘mother’s hostile behaviour’ as hindering the father-child relationship (ITIL10), ‘symbiotic mother’ (ITIL2) and ‘manipulation’ (ITIO2). It should be added that these terms were used by these stakeholders to describe what they have seen and witnessed but does not necessarily mean that they support or approve of such terminology. For example, the same judge that shared the term ‘malevolent mother,’ ITIJ2, also added: ‘but I repeat, everything that does not have a generally recognised solid scientific basis.’ This was also the case in Spain where a large number of professional stakeholders mentioned that ‘manipulation’ is the most commonly used term,⁴¹⁷ followed by

terms such as ‘influence’ (SPIJ4, SPIL3, SPIO1), ‘instrumentalization’ (SPIL7, SPIO2, SPIO7), ‘interference’ (SPIO1, SPIO3, SPIO6) or ‘rejection of the father figure’ (SPIO2). SPIJ5, provided different examples of when they have seen, as a judge, parental alienation being replaced by other terms: ‘I’ve seen a lot of judgements where they don’t use the term parental alienation syndrome, but they use parental interference, gatekeeping. There is another term that they call it a morbid disorder’ (SPIJ5).

⁴¹⁵ BIJ2, BIO1, UKIJ3, UKIJ5, UKIJ7, UKIJ9, UKIL1, UKIL2, UKIL4, UKIO1, FRIL1, ITIJ1, SPIL6, SPIL9, SPIO5, SPIO7.

⁴¹⁶ UKIO5, UKIO7, UKIO8, ITIJ1, SPFG1E, SPFG2E, SPIJ2, SPIO1, SPIO3, SPIO5, SPIO7.

⁴¹⁷ SPIJ1, SPIJ2, SPIJ3, SPIJ6, SPIL10, SPIL2, SPIL3, SPIL5, SPIO5 and SPIO6.

Use of Parental Alienation in Court

Bosnia & Herzegovina had the least amount of references to the use of parental alienation; none of the survivors referred to it at all. The general view amongst stakeholders was that it was not a concept that was in usage in the country (BIL12, BIL7 and BIO5) and many had not heard the term at all.⁴¹⁸

In England & Wales, a good number of stakeholders commented on the frequent use of parental alienation in court,[2] many times as a 'corollary, as a counterargument to abuse' (UKIJ6, UKIO6 and UKIO8). According to UKIL4: 'it can often be used tactically. Again, it tends to go, or it can go with domestic abuse, one party will allege domestic abuse, and the other party will allege parental alienation, and then it's kind of a lock, lock horns on that'. While UKIL5 said to use it when they go for the father's side. Moreover, according to UKIL3 and UKIO3 the term is so overused that it became hard to identify the 'real' cases. UKIJ10 stated its use 'was rife' and that its use had increased in the last two to three years in his area due to 'a lot more academic discussion about it,' however, the same judge was not aware of any criticism of the concept from academics or practitioners, 'I would say that there is pretty much mainstream acceptance that it exists,' and that 'I don't think it's any more prevalent in cases of domestic abuse.' In the words of UKIL3: 'These have become sort of buzzwords in layman's understanding of the family law, and it does make identifying issues where there are sincere cases of parental alienation that much look difficult.' The level of acceptance that parental alienation exists is such that some courts will appoint a Children's Guardian in cases where it has been alleged UKIO2. 'I've undertaken courses which have included parental alienation, so I'm aware of, some of the, child protection theory...in cases of parental alienation, it's not unusual to appoint a guardian to assist, because, it's quite common for the child to be

displaying quite significant behavioural reactions to whatever is going on in the household. So it's very often that you get a guardian, which adds additional expert credibility to the expert evidence' (UKIJ4).

Consequently, two judges (UKIJ3 and UKIJ4) shared that they have concluded that there was parental alienation in some cases. UKIJ3 recalled the experience in more detail:

'Have I seen cases, whereby the evidence has drawn me to conclude, that a parent has sought to influence a child, with a view to distancing the child from the other parent? Yes, I have, and I have made findings to that effect [...] whether you want to term it as parental alienation or whether you want to term it as a father causing harm to a child, by seeking, by seeking to put in place in there, a factual pattern which bore no, resemblance to reality, it doesn't really matter. My personal perception is the tag is what we get lost in here, it's the behaviour that's actually the thing we need to keep focused on' (UKIJ3).

There were, nevertheless, a few stakeholders who said that parental alienation is rarely used (UKIJ8, UKIL8, UKIO7). According to UKIJ8, it is used in no more than 20% of cases.

In France, FRIL1 mentioned it is a 'very trendy' concept amongst lawyers, which was echoed by FRIL4,FRIL9 and FRIO4, who had all seen the concept used at court by other lawyers, whilst emphasizing how they disagree with it. FRIL6 reported that they had heard the term being used by judges as well although FRIL9 said the term is never used in verdicts. FRIO2 commented how it is a forbidden term in France as it is 'not recognized by the psychiatric classifications.' According to ITIJ1, ITIL1 and ITIO2, the use of parental alienation in courts is a growing issue in Italy which, according to ITIJ7, is common to find it in cases where no allegations of domestic abuse are made, although

ITIJ4 and ITIJ8 reported that it is not used on verdicts. In Spain, lawyers SPIL12, SPIL2, SPIL6, SPIL9 and members of the psychosocial team SPIO2, SPIO3 and SPIO5 stated parental alienation was 'unfortunately' (SPIO2) often used in court. Whilst SPIL7, SPIO4, SPIO6 and SPIO7 commented how judges usually ask the psychosocial team to assess if there is parental alienation in a case or not.

In Spain, there was recognition that parental alienation was not referred to officially in court, and especially in verdicts as it would lead to appeals (SPIL11). Instead, it was being referred to using different terminology, as outlined above (SPIL1, SPIL4, SPIO1 and SPIO2) SPIO2 admitted that 'at least in my experience, have never encountered a court request. The use of SAP as a name, but we have been asked that the child's rejection of the father figure is studied and explained at a forensic level. So we would explain it with the reality of the family, but the term that was used was that we should explain the child's rejection of the paternal figure.'

⁴¹⁸ BIJ4, BIJ5, BIJ6, BIL2, BIL3, BIL5, BIL6, BIL8, BIO3, BIO4 and BIO6.

⁴¹⁹ UKIJ1, UKIJ3, UKIJ5, UKIJ6, UKIJ9, UKIL12, UKIL3, UKIL4, UKIO3, UKIO6, UKIO8.

The Use of Parental Alienation by Court Appointed Experts

There appeared to be widespread usage of the term by court appointed experts according to stakeholders and jurisdictions. In England & Wales, a number of participants confirmed that in their experience Cafcass had referred to parental alienation in their reports.⁴²⁰ Moreover, six out of the nine Cafcass officers interviewed confirmed that they have a tool for parental alienation:⁴²¹ 'you use it with a guide, which is the 'Children's resistance and refusal to spending time with a parent' guide' (UKIO6). This tool has since been replaced by guidance on 'alienating behaviours.' UKIJ10 commented on how Cafcass was 'very good on it...we have one...who was a leading academic on parental alienation and is now a Cafcass officer.'

In Italy, a number of stakeholders reported that CTUs often used the

term (ITIJ2, ITIL10, ITIL5). Moreover, ITIL5 complained about the work and professionalism of a CTU as they 'completely distorted her [the child] statements, saying that she was induced, therefore she had been influenced by the mother' which had negatively impacted on the case. In Spain, a number of lawyers agreed that the psychosocial team refers to parental alienation in their reports (SPIL12, SPIL7, SPIL8, SPIL9). According to SPIL7 this is because the judge specifically refers the case for a specific examination of whether parental alienation is a factor in the case 'What they [judges] normally do is to refer to an examination so that the psychologists or the psychosocial team can assess it.' This was corroborated by psychosocial team members that were interviewed reported, such as SPIO4 who said judges asked about it, or

SPIO6 who said it was one of the things they had to assess. SPIO7 referred to it in more detail: 'there are times when you are asked if the child is being instrumentalised, if there is parental alienation syndrome, etc., we don't usually make a pronouncement. It is true that there are times when it is possible, the judge really asks for it, which is the object of the expert opinion, to see if the child is alienated, if the children are influenced by maternal or paternal presence. And we do that.' SPIO5 admitted using the term. Moreover, according to survivor SPFG2E, psychosocial teams also have a tool to assess parental alienation called 'Balora.'

Summary

In general there was a good degree of awareness of the concept across the jurisdictions and across the stakeholder groups. There also appeared to be some knowledge of the widespread concern in the literature about its origin and usage with respect to victims of domestic abuse. However, an awareness that the term is problematic and/or prohibited did not result in the eradication of the concept and assumptions underpinning it. There was a widely held view across the jurisdictions that although the term/concept itself is irrelevant, the key issue, is the behaviours that are usually associated with it. This attitude would explain the widespread evidence of the continued utilisation of the concept in all but name and a perception that it explained certain behaviours which

were not excepted by allegations of domestic abuse. In addition, there was evidence of a widespread belief that it was mothers who engaged in parental alienation.

Stakeholders were specifically asked if they had heard of the term, whether they believed it existed and what their understanding of it was. The terms used to describe their understanding of parental alienation were revealing, both in terms of the value judgments that were impliedly made about the alleged alienating parent but also the vast array of behaviours that it covered. The vast majority of stakeholders understood parental alienation as influencing the child negatively against the other parent.

Reformulations of the concept, particularly those that involved blaming mothers have been raised in the research literature and this was also in evidence in our findings. Bosnia & Herzegovina had the least amount of references to the use of parental alienation; none of the survivors referred to it at all. The general view amongst stakeholders was that it was not a concept that was in usage in the country. In England & Wales, France, Italy and Spain a good number of stakeholders commented on the frequent use of parental alienation in court and an increase in usage in recent years. There also appeared to be widespread usage of the term by court appointed experts according to stakeholders across all these jurisdictions.

⁴²⁰ UKIJ1, UKIJ9, UKIL8, UKIO1, UKIO2, UKIO4..

⁴²¹ UKIO1, UKIO2, UKIO4, UKIO6, UKIO8, UKIO9.