

Parental Alienation Syndrome (2nd Edition)

Creative Therapeutics, Inc., Cresskill, N.J. 07626
Richard A. Gardner, M.D.

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Since the publication of the second edition of my PAS book there have been many developments in this field. These developments have implications for dealing with PAS families, by both legal and mental health professionals.

Inducing PAS in a child is a form of emotional abuse. In a way, it may be even more detrimental than physically and/or sexually abusing a child. Although both of these forms of abuse are abominations, they do not necessarily—although they certainly may—cause lifelong psychiatric problems. Many who were subjected to physical abuse in childhood outgrow the pains and humiliations they suffered. And this is also the case for sexual abuse, although the effects may be more deep-seated. The indoctrination of a PAS in a child, however, brings about destruction of the bond between the child and the targeted parent that is likely to be lifelong in duration. One cannot reestablish a relationship if there has been a hiatus of a few if not many years. The reunion is almost like an alumni meeting. There are those (including many mental health professionals) who claim that when PAS children grow up they will appreciate what has happened to them and then reconcile with the alienated parent. It is highly likely that those who provide this ostensibly well-meaning reassurance have never seen such cases, and the advice is essentially wishful thinking. Most who have been physically abused, and even many who have been sexually abused by a parent, continue to have some kind of relationship with the abusing parent throughout life—even with residual memories of the earlier abuses. Children who have been subjected to a PAS no longer have this relationship. Not only is the child emotionally abused, but the victimized parent is as well. I myself have observed psychotic deterioration in victimized parents and even suicide. I am certain that my observations are not isolated.

I have noted expanding recognition of the disorder by both legal and mental health professionals. The most objective evidence of this is the increasing flow of articles on the PAS published in peer-review journals. Furthermore, there has been increasing recognition by the judiciary, and the list of rulings in which the PAS has been cited is continually growing. Accordingly, my website (www.rgardner.com/refs) is continually growing in both categories. Many professionals have told me that after reading my book they immediately recognized that they had been seeing PAS without realizing it. Moreover, an increasing number of mental health and legal professionals who have told me that they were originally dubious about the existence of the PAS, saw a few cases, and then became convinced that the disorder is very much a clinical entity that deserves our attention—especially because of the enormous grief it causes.

I consider the situation with PAS to be somewhat analogous to that which existed a few years ago with regard to the recognition of the false sex-abuse accusation phenomenon. When I first began to speak and write about this phenomenon in the early to mid-1980s, many were doubtful about the validity of my findings. The number of skeptics has

significantly lessened and it is generally accepted among competent legal and mental health professionals that the false accusation phenomenon is very real. Unfortunately, more than a decade later, it remains a formidable problem—warranting our serious attention in order to protect innocents from the grief such accusations have caused so many thousands of people. I believe that the time is coming (if it is not already here) when PAS will be generally accepted as a fact of life, and those who doubt its existence will shrink to a very small minority.

Around the time of the book's publication in the spring of 1998 I began to notice the shift in the gender ratio of men and women who were inducing a PAS in their children. Prior to that time mothers predominated over fathers. However, in the last year or so I began seeing a shift that has brought the ratio now to 50/50. Recognizing that I was only one of thousands of examiners who were seeing PAS children, it would have been premature of me to come to any definite conclusions regarding whether this shift was a general phenomenon or just an isolated experience of mine. Accordingly, I began questioning colleagues and getting raise-of-hands input from participants at conferences where I was presenting on the PAS. I have learned that my experience regarding the 50/50 gender ratio was not unique, and that others throughout the U.S. have noted the same shift.

Naturally, it is reasonable to ask why this shift has occurred. One probable explanation for this phenomenon relates to the fact that fathers are increasingly enjoying expanded visitation time with their children in association with the increasing popularity of shared parenting programs. The more time a programming father has with his children, the more time he has to program them if he is inclined to do so. Another factor operative here probably relates to the fact that with increasing recognition of the PAS fathers (some of whom have read my book) have learned about the disorder and have decided to use the same psychological weapons described in my book—especially the money and power factors. It is probable that other factors are operative as well, but these are the two best explanations that I have at this point.

Some courts, very naively, are relying upon traditional therapy to deal with PAS families. Ordering such therapy is often a judicial cop-out. It is clearly a way of passing the buck and gets the judge “off the hook,” because he cannot be accused of doing nothing. As I have said repeatedly PAS-inducers, with very rare exception, are not candidates for therapy. Candidates for therapy need insight into the fact that they have psychological problems and motivation to change. The vast majority of PAS-inducers satisfy neither of these criteria. It is quite common for judges to order children into therapy, possibly each child assigned to a different therapist. Ordering PAS-inducers and/or their children into therapy is just what alienators want, because time is on the side of PAS-inducers, and ordering therapy only plays into their hands as they make a mockery of the process. At the same time the “therapy” is proceeding, the indoctrinating parent is ignoring court orders to effect visitation and recognizes that he (she) can do so with impunity, because the judge can be relied upon to do nothing about implementing the more stringent and predictably effective measures described below.

There is a good analogy between PAS children and those who have been removed from their homes and seduced into secluding themselves in cults. To think that one can provide such youngsters simply with psychotherapy—while they still remain living in the cult compound—is simpleminded and even grandiose. Even if the child were treated seven sessions per week, one session each day, all of the remaining time would be spent in the compound with ongoing exposure to the cult indoctrinations. PAS children need deprogramming just like cult children, and the deprogramming is only likely to be

effective when the child is removed from direct exposure to the indoctrinators. This is the only hope for children in the severe category of PAS and, to a lesser degree, for children in the moderate category.

The problem with courts refusing to take firm action against PAS-inducing parents is still very much with us. However, I am definitely seeing changes, namely, increasing appreciation by the judiciary that PAS is a widespread phenomenon, and that courts do have the power to do something about the problem.

In the book I strongly recommend sanctions, including transfer of custody to the alienated parent, monetary sanctions (when feasible), transfer to a neutral transitional site, and jail sentences, especially house arrest. I have come to appreciate that there are other measures courts can implement to help PAS-inducing parents facilitate visitation and to discourage the children's alienation. Parents who encourage children to disobey court orders for visitation are actually in contempt of court. Once the court rules that a parent has been in contempt of court, then the judge has the power to implement certain punishments and restrictions. These vary among the states. In some states the court can confine to house arrest and even incarcerate a parent who is in contempt. As a preliminary, the court can order alienating parents to take an escorted tour of the local jail. Familiarization with what lies ahead may help PAS-inducing parents reconsider their positions. The parent can be placed on parole and assigned to a parole officer who can report to the court failure to comply with ordered visitation. A few days in a local jail would generally suffice to help such a parent cease and desist from the PAS-inducing programming. Some courts have the power to punish contemnors in other ways, for example, the suspension of a driver's license or ordering public service duty for a month or two. In the state of Pennsylvania parents who disobey court orders related to visitation or custody may be punished in one or more of the following ways

(23 Pa. C.S.A. 4346):

- (1) Imprisonment for a period not to exceed six months
- (2) A fine not to exceed \$500
- (3) Probation for a period not to exceed 6 months
- (4) An order for nonrenewal, suspension, or revocation of driving privileges

Similarly, in the State of California, §278.5 of the California Penal code provides for:

Additional Punishment.

- (a) Every person who takes, entices away, keeps, withholds, or conceals a child and maliciously deprives a lawful custodian of a right to custody, or a person of the right to visitation, shall be punished by imprisonment in a county jail not exceeding one year, a fine not exceeding one thousand dollars (\$1000), or both that fine and imprisonment, or by imprisonment in the state prison for 16 months, or two or three years, a fine not exceeding ten thousand dollars (\$10,000), or both that fine and imprisonment.

The reader will note that none of these measures involve therapy. However, they are "therapeutic" in the sense that they will predictably reduce PAS indoctrinations in the vast majority of cases. In fact, one might refer to a short term of incarceration as "short-term therapy." As mentioned repeatedly throughout this book, PAS children need the excuse to the alienating parent that they are only visiting in order to protect the alienator

from the court sanctions. When the courts threats in this regard are empty, and the alienator knows that the judge is not really going to follow through, then the PAS child is deprived of this excuse. When the threats are real, then the child can say: “I really hate him (her) but I’m only going to visit to protect you from going to jail.”

Another approach that would prove useful is for the courts to find an older child (11-16) to be in contempt of court if he (she) does not visit with the alienated parent. Once found to be in contempt, the youngster can be placed in a juvenile detention center for a few days to reconsider his (her) decision. Such centers do have children in that age bracket, so that such disposition does not require the creation of any new or special facility. Obviously, this is not the kind of a punishment that I would recommend for younger children. One might argue that such placement would expose the child to more serious offenders and he/she would thereby pick up their bad habits. If such placement is short-term, I doubt that this is likely to happen. Again, the youngster might be offered a visit or tour of the facility in advance while he or she is considering refusal. The juvenile detention center could also serve as a form of transition placement as described in this book, a place where the alienated parent could visit with the child as a step toward transition to the victimized parent’s home. Again, such a threat, if real, can provide the PAS child with the excuse to the alienator: “I really hate him (her), but I’m only going because it’s better than going to jail.”

Another consideration, especially for younger children, would be temporary placement in a foster home or a shelter for abused children. This is obviously punitive and could help such children rethink their decision not to visit. Such placement could also serve as a transition site for visits with the victimized parent. There is much too much coddling, indulging, and “empowering” PAS children. These measures would provide sorely needed disempowerment.

As mentioned, inducing a PAS is a form of emotional abuse—not only of the child but of the victimized parent as well. In Texas, and I am sure other states as well, Intentional Infliction of Emotional Distress is a cause for action. (*Twyman vs. Twyman*, 855 S.W. 2d 619, 621-622 [Tex. 1993]). It is important to note the word intentional. If the emotional distress was the result of negligence, the ruling does not apply. The elements of intentional infliction of emotional distress are as follows (*Twyman v. Twyman*, 855 S.W. 2d 619, 621 (Tex. 1993); Restatement (Second) of Torts 46:

1. The defendant acted intentionally or recklessly
2. The conduct was extreme and outrageous
3. The plaintiff suffered emotional distress as a result of the defendant’s acts
4. The plaintiff’s distress was severe

It is clear that PAS indoctrinations are intentional, even though such alienating parents may profess otherwise. Such behavior is certainly reckless, extreme, and outrageous. Victimized parents suffer emotional distress, and in most cases the distress has been severe. Accordingly, all of these criteria are satisfied, and alienated parents do well to place alienators on notice that their behavior may be a cause for legal action. Furthermore, in Texas actual and exemplary damages are available in an action for Intentional Infliction of Emotional Distress. (See *Qualicare of East Texas, Inc. v. Runnels*, 863 S.W.2d 200, 224 [Tex. App.—Eastland 993, no writ]; *Motsenbocker v. Potts*, 863 S.W. 2d 126, 135 [Tex App.—Dallas 1993, no writ]). Obviously, such action would only be reasonable when the alienating parent is in a position to pay damages. In some cases homeowners’ policies provide such coverage.

Unfortunately, there still exists a certain amount of misunderstanding about the PAS and misrepresentation of my position. This is somewhat inevitable when a disorder becomes the focus of adversarial proceedings wherein it behooves attorneys to misrepresent, utilize out-of-context quotes, and otherwise distort a situation in the service of representing their clients. I have addressed myself to some of the more common of these misperceptions, as well as those that relate to my contributions in the realm of sex abuse, in a separate document entitled “Misperceptions versus Facts About Richard A. Gardner, M.D.” I strongly urge readers to refer to this document (also on my website <http://www.rgardner.com>) which, like this addendum to my PAS book, will be periodically updated.

With further experience in the evaluation and treatment of PAS families, I am continuing to expand my knowledge of the disorder. Because this is an ever-growing field, I will be periodically updating addenda to this book. I welcome input from readers regarding statutes in states other than Pennsylvania and California that empower judges to jail contemnors for not complying with court-ordered visitation.