

False Accusations of Parental Alienation

Jake: Alright. So last week we had talked about parental alienation and ways to combat it and deal with it. We said we'd follow up this week with what to do when falsely accused of parental alienation. I think I probably see, and I'd be curious about you Brian, but I probably see almost about the same amount of cases, where there is legit parental alienation going on, and if the court has to address, it's the same on the same, other than the spectrum.

I would say just as many cases I see people who are falsely accused of parental alienation or, a lot of cases made out of what may be some inappropriate behavior, but it doesn't rise to the level of what we think of when we say parental alienation. So we want to address that this week.

Brian, is that your experience though? As far as you see people on both ends of the spectrum, sometimes it's real and then sometimes it's somebody who throws that word out there to get advantage and litigation or try and make a custody case out of it when there isn't one. What do you see as far as breakdown?

Brian: Yeah, that sounds about right. If you think about it, if you're perfectly happily married, couple great parents, and you've got a 14 year old daughter who just doesn't get along with her mom or her dad or either one of her parents, whose fault is that?

Probably nobody's, you probably just have a 14 year old daughter who's a handful. But if you're divorced or split up or whatever, then it's easy to blame the other person falsely in that situation. "Oh, I'm not getting along with my daughter. That must be my ex's fault." Rather than Either taking responsibility for your own actions or for just, you've got a difficult 14 year old and this too shall pass. So yeah, I think that's probably a fair way to see it.

Jake: I think, when you hear mental health professionals talk about it, sometimes there's alignment and not alienation. I think that's exactly what you were just talking about. Sometimes just a child naturally is inclined towards one parent. Particularly we see teenagers and that's difficult for a parent to deal with. I think a lot of times it's easier to blame the other parent when it could just be teenagers being teenagers, or it could just be the way the relationship has developed and there needs to be therapy to address it.

The other thing that I think you do see sometimes is that sometimes legitimately a parent has done something and, frankly, alienated himself or alienated herself. I think we see that a lot of the time.

As a reminder from last week, parental alienation is when you have a campaign from the alienating parent against the alienated parent. It's the unjustified alienation of the relationship between the child and that other parent. It could be about the divorce, or they're upset about the relationship, or maybe upset about the other spouse or parent moving on.

So there's this campaign sometimes though, the parent that doesn't have a strong relationship with the child, frankly, has done something to harm the relationship. Then

rather than sit there and take your lumps and say that you've done something wrong and it needs to be addressed in therapy people pull out the parental alienation story and say "The reason why this child doesn't like me isn't because I was gone all the time or it wasn't because the child saw me be violent with her mom. It wasn't because I have a drinking problem. No, it must be because of parental alienation."

Then that gets tossed out and I've seen even mental health professionals mess it up, where they sit there and they say "This nine year old, doesn't have a strong relationship with her dad, therefore it must be parental alienation."

I've had one testify once that's the only explanation ever if a child does not have a strong relationship or is rejecting the other parent. The only explanation is parental alienation. And well frankly that's just wrong. Wouldn't you agree, Brian?

Brian: Yeah, I agree. Human relationships are complex, especially with children and especially with children of divorce or split-up parents. And there can be a lot of reasons and those reasons could even change from year-to-year or month-to-month.

Jake: Absolutely. Yeah, I think another thing that I've seen is a lot of times it gets worse if you have mental health professionals or a guardian or even an Amicus, sometimes that just totally misses the ball. Sometimes it's coming from a mental health professional saying parental alienation when it's just frankly not the case, or a guardian saying it when it's not the case.

I've had multiple cases and a lot of times they end up getting tried, but multiple cases where a guardian shows up and says "I've seen the child rejecting the parents. So I'm just going to conclude that it's parental alienation." The other thing I've seen that they do is, one parent will be rejected and are out of the child's life for something that parent did. And let's just say dad, by way of example, just because of the case I'm thinking of as a dad, and dad was just out of the child's life for two or three years. He had actually gone to prison at one point for a few years.

Just now he's coming back into the child's life and doing supervised possession and was rebuilding this relationship and everything. And the mother was I think, understandably super-protective of the child because the dad's just been out of this child's life for so long.

We progress through a supervised possession and building this dad back into the child's life through therapy and stair-step possession. It wasn't going as quickly as the guardian wanted it to and so just one day she just sat down and said "It must be parental alienation. Mom's not doing everything I want her to do. So therefore she's alienated the child from dad and so actually you should flip custody." Fortunately we had a really good judge who not only ignored that opinion, but removed the guardian from the case that morning.

But sometimes a mental health professional will sit there and say "Because you're not cooperating the way I want you to, because it's not going as quickly as I think it should go I'm just going to pull out this term, parental alienation and drop that bomb in the case." When a lot of times it's not the case. Then of course, like all things in life and I think you were alluding to this earlier Brian, like all things in life sometimes it's just a spectrum where

maybe there is some parental alienation going on, but maybe the other parent has done a lot of things to alienate himself or herself as well.

I've had cases where it's black and white on both ends, where it's clearly not parental alienation and I've had cases where it's black and white and it is parental alienation. And then a lot of times it's gray like everything we do in our profession. What's your experience been on that Brian?

Brian: Exactly. I mean that's, the human condition is gray areas a lot of the time. It may be some of both, it may be a difficult child combined with behaviors by one parent that can cause them to have a bad relationship and then behaviors by the alienating parent, that don't exactly help the situation. And who's at fault? Probably all three of them in some ways, but it's not a straightforward, just blame it on one parent type of situation.

Jake: Yeah. So I think, turning the topic of how do you deal with that? I think the response we had when talking about parental alienation is how do you deal with that? A lot of times you just have to go to court and it's unfortunate that that's the solution, but if you have another parent who is making this accusation that is not true, or a mental health professional, or guardian that's making this allegation a lot of times you just have to take it to court.

I think on both ends with parental alienation time and time again the lawyer really does make a difference because these are complex cases. These are difficult cases. They're even more difficult if you have a mental health provider that's not on your side, or that's totally missed the ball or guardian that totally missed the ball.

If you don't try those cases the easiest thing to do is listen to the guardian or listen to the counselor and it's difficult. Sometimes if you don't have a good lawyer to go in there and actually explain what actually is going on it can be bad. We've tried in the last little while two significant jury trials where one of them lost custody.

This is one that we had a couple of years ago. The client lost custody on temporary orders in front of a judge because a mental health professional came in and claimed parental alienation and on temporary orders the judge took an eight year old child and placed them with a dad and totally believed that mom, that mom was alienated. She didn't have a good lawyer. And we ended up taking the case. We made a jury demand and tried that to a jury and with the jury they heard it and it was actually tried competently. When the jury heard it, he said "what on earth happened, who actually bought this load of, sorry for my language, but who brought this load of crap that this mom's alienated and she's not, this guy's just a jerk."

But it took going to court and frankly, that mental health professional got up and bashed mom in front of the jury, just like she bashed mom in front of the judge on temporary orders. It's just, the difference was there was a different lawyer cross examining her and in front of the jury. That one actually went so well for our client that the other side settled after cross examination of the mental health professional and essentially gave the child back to the mother.

Brian: I agree. And you don't have a choice sometimes.

If you're being falsely accused of something, you're probably going to have the other parent file. Yes. I'm accusing you and you're going to have to defend it. And you really have only two choices at that point. You can either roll over and give them what they want, which is not going to be in your child's best interest, or you're going to have to fight it.

And neither one of those are great options, but those are the only two you're really presented with at that point when you're falsely accused of something this serious. And, that's unfortunate, but it is something that happens on a regular basis.

Jake: Yeah. And I think it's important, I say we're talking about the lawyers, but I think it's also important sometimes to bring in a mental health professional on your side, have a rebuttal expert come in and talk about the job that the other side's done.

But yeah, they just naturally go to court though. If you have a parent that's willing to falsely accuse somebody of parental alienation, he or she's not going to let go of that without a judge or a jury deciding in particular, that person has an out of control guardian or mental health expert that's backing up this false accusation.

They really aren't going to let go of it and you're going to have to go take it to court to actually get the resolution. It all goes back to this topic of parental health, which unfortunately a lot of times it results in litigation and they're complex a lot of times expensive cases. Like you were saying Brian, you don't have a choice on these. If somebody is willing to make that false accusation about you, even if you gave up and gave into that type of accusation, just surrender to the case, it's not going to stop.

I think it's just like somebody who alienates their child from the other parent that is a mental health issue and somebody who's willing to make that false accusation, I think that's a mental health issue and unfortunately that leads you back to the courthouse. They're satisfying cases though, on both ends when you get the right result and you're able to fix it and I think you really do see changes in kids' lives and a child's life really can turn one way or the other based on what a judge or jury decides. And I think that's even more so the case in these parental alienation cases. So I think that's scratching the surface on both ends and a really complex topic.

I know we have some content online about it, and of course it's something that we're always taking calls on and doing consults on it and informing our clients about it. So do you have anything to add to that, Brian?

Brian: Totally agree. And, yeah, it's certainly a topic we'll probably circle back to in the near future because there is so much to it.

Jake: I agree. Yeah. I think so. It intertwines into a lot of things that we talk about. All right. that'll do it for this week and we'll see everybody next week.