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Dear Lawyer for the Child:

Without an authorization to release protected health information on a specific case, I am providing my professional insights regarding children caught in conflict between their parents. Specifically, I am providing generic information about situations when there is an estrangement between a parent and child as a result of a highly conflictual parental relationship.

Let me begin by stating that a Marriage and Family Therapist is a specialist in healthy and unhealthy family dynamics and is a specialist in treatment interventions for dysfunctional family relationships. No other mental health discipline, not even psychiatry, has had training in family dynamics and family therapy, which is a specialty within the field of mental health treatment, just as any specialist in medical care has had specialized training for their specific scope of practice. Family therapy is as different from every other form of therapy as matrimonial law is different from international law or tax law or any other law. When there is a conflictual relationship between a child and parent, individual therapy will be unable to solve that problem. Family therapy, with a therapist trained in family dynamics, therefore, must be the treatment modality of choice in addressing problematical relationships within the family if effectiveness in results is desired. This is particularly relevant to the parent/child relationship given the significance of a parent to the child.

In evaluating the consideration that should be granted to a child’s wishes and opinions in determining the nature of the relationship to have the noncustodial parent, I wish to stress that doing so does not serve the child's best interests.

Firstly, in cases that reach the point of an adversarial court proceeding, it is impossible to separate the child's wishes from the influence of the residential parent. In a high conflict parental relationship, we can expect that the child will merely mimic the thoughts, feelings, and wishes of the custodial parent. Such information has been repeatedly written about by Christopher Barden, psychologist as well as graduate with honors from Harvard Law School. Barden, Ph.D., J.D., states, “There can be no credible controversy about the power of parents to influence children.” This has been my experience as well in my work with more than 400 children of high conflict divorce, 56 of whom I wrote about in my book, *The Parental Alienation Syndrome: A Family Therapy and Collaborative Systems Approach to Amelioration.* Additionally, when dealing with children under the age of 18, and particularly with children 12 and younger, their cognitive development has not yet entered the stage of operational or abstract thinking. They think very concretely, as per Piaget, Ph.D., the research psychologist who is credited with writing the “Bible” on the epistemological development of children. Even for children in early teens and later, according to Piaget, their cognitive development has only just begun to develop the facility for abstract thinking. Lacking the facility for abstract thinking, children cannot accurately evaluate what would be in their best interests or theorize what it would be like to have a parent eradicated or marginalized from their lives. There is rational that no one under the age of 18 is permitted to sit on a jury.

Secondly, it is exceedingly unusual for a child to feel enmity for and reject a parent. It is simply anti-instinctual to feel this way about a parent. Aside from my training and education in child development, my professional opinion regarding this is buttressed by my 24 years of work with thousands of abused and/or neglected children in foster care. Not one had ever expressed enmity for or refusal to visit with their biological parents. Although, indeed, some were afraid to be alone with severely abusive parents, these children still craved contact via supervised visits. My professional experience working with this population has led me to fully agree with the words, “You have to be carefully taught to hate and fear.” And I would add the caveat “especially a parent.”

I have further discovered from my work with children of high conflict divorce that they will flip as quickly as a light switch from aversion to their noncustodial parent to enthusiastic embracing as soon as their custodial parent gives them permission to do so. This is why the most effective form of therapy is co-parent counseling with an emphasis on helping the custodial parent free the child from the conflict of dual loyalties. The child is thusly relieved to accept their normal predisposition to love and accept the formerly rejected parent.

Thirdly, all the recent research indicates that children who have a parent either absent from lives or only marginally involved develop very poor outcomes. And I suggest referring to the book, *Fatherneed,* by child psychiatrist, Kyle Pruitt, in which he summarizes the alarming research by Yale University when a father is only minimally involved in his children's lives or were completely eradicated from his children's lives. Pruitt conveys that when fathers are absent, children have a significantly high vulnerability to acting out behaviors, dropping out of school, suicidal ideation and other serious mental disorders, engaging in sexually inappropriate activities, and other serious issues. (I am unequivocal----as are my PAS-aware colleagues----that the same findings would apply to the eradication of a mother from a child’s life. We are already beginning to develop this research about mothers now that more fathers are receiving residential custody.) And the research that supported Arizona’s recently enacted shared parenting law validates that children of divorce have the best outcomes when there is shared parenting, with physical custody as close as possible to 50/50. (Finley; McIntosh & Chisholm; Tippins & Wittmann; Michael Lamb; Braver, Fabricus & Ellman; Fabricus & Luecken; Schwartz & Finley; Fabricus & Hall; Finley & Schwartz)

Fourthly, we need to consider how unhealthy it is for a child to linger with unresolved anger for a parent. Time and again children are sent by the schools to therapy to resolve anger management issues; parents voluntarily bring their child to therapy when anger is inappropriately handled; and judges repeatedly order that juvenile offenders obtain help to mitigate their anger. So why would we permit a child to remain angry with a parent---who is so meaningful to the child? In my professional opinion, we will be waiting for the smoking gun if we allow a child to remain with unresolved anger and hostility for a parent. And the anger can be resolved only with meaningful, intensive, and corrective interactions with that parent, including family therapy.

Fifthly, at some point in the child's life he will recognize that he has rejected a parent when he rebuffed that parent’s efforts to reenter his life. The outcome of this leaves the child with tremendous guilt that generally leads to depression and diminished self-esteem. If that parent is no longer around or has passed away, then there is absolutely no opportunity for the child’s atonement. And many of these children also come to recognize the actions by their custodial parent to have been selfish. This recognition often leads the child to reject the custodial parent later in life---not a healthy outcome either.

The child of a high conflict parental relationship frequently feels like a rope in a tug of war between his parents. Asking the child to decide about her/his relationship with the non-custodial parent exacerbates this impossible and detrimental situation and leaves her/him with no good options: it is a double-bind situation in which she/ he cannot have both parents because she/he knows that seeking a relationship with the non-custodial parent will be perceived as an act of betrayal by the custodial parent. When this dynamic had been first observed by the child psychiatrists who later founded the family therapy movement, they documented it on the psychiatric ward when observing their psychotic child patients when an interaction with their families. In the extreme situation, this family dynamic, labeled by these psychiatrists as the “pathological triangle,” as per Murray Bowen, does indeed lead to serious mental disorders in the child. I have seen the serious detrimental effects to children in my own practice as a result of the triangulation. Unfortunately, due to the influences that technology has now afforded the younger population, I am seeing socio-pathology instead of psychosis in this population. We have an obligation to help these children resolve their anger by working it through with both of their parents.

In my professional opinion, the child of high parental conflict needs to be extricated from this triangulation, which is exacerbated by the burden to decide about what relationship to have or not with the noncustodial parent. The professionals who intervene in child custody and visitation must make these decisions for them. This is the responsibility with which we are charged as professionals who intervene in child custody and visitation: protecting children from their own detrimental decisions and facilitating their best interests.

Please feel free to contact me with any questions.

Respectfully submitted,

Linda Gottlieb, LMFT, LCSW-r