

Parental alienation and its long term impact

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Parental Alienation is a difficult, complicated and emotive subject. It involves one parent trying to ensure that the child does not have a healthy relationship with the other parent. Usually by thwarting contact between the child and the other parent, encouraging the child to be hostile towards, or fear, the other parent, and sometimes making false allegations of physical or sexual abuse against that parent.

Reading through blogs, articles and tweets of those affected by this will leave you feeling sad and worried for all those involved – reading articles by adults who experienced this as children will give you an insight into the devastating impact parental alienation can have long term. What those involved want and need is hope for the future. Hope that there will be increased awareness and understanding, and an earlier recognition of what is going on, and a plan as to what to do. What is very clear in all these cases, is that avoiding delay is key. Experts are required to act quickly and purposively to protect the children involved.

In order to increase awareness and understanding, and so as to pool knowledge and ideas, we hosted a seminar on Parental Alienation with leading family chambers 1 King's Bench Walk on 24 May 2016. The room was filled with professionals (lawyers, experts, social workers and judges) and members of parents' organisations, all looking to the future and how to find a way forward to resolve this difficult problem.

Since then, there have been some significant changes in the court's approach. There is now a better understanding at all levels about addressing the problems early, and dealing with any mental health issues of parents and children involved. Often, the parent who is resisting contact has issues that should not be ignored. Therapy can play a huge part in the way forward with parental alienation. The court is also increasingly willing to acknowledge the harm that the parent who makes unsubstantiated allegations against the other does to their child, and the need to continue to make attempts at contact and to avoid ongoing emotional harm. The longer one parent goes without seeing their child, the harder it will be to undo the damage done by parental alienation. Delay is a key tool in the alienator's toolkit.

It is interesting that the court must determine the 'ascertainable wishes and feelings of the child'. The word 'ascertainable' is key. In a parental alienation case, the court may decide that the child has been so emotionally damaged by their exposure to one parents' distrust of the other that it is no longer possible to truly ascertain their feelings.

The Courts recognise that contact between parent and child is a fundamental element of family life, almost always in the interests of the child. It is to be terminated only in exceptional circumstances, and only if it would otherwise be detrimental to the child's welfare. However, when faced with a child (particularly an older child) who is adamant that they do not want to see their parent, and feel that it would be damaging to them to be forced to have a relationship that they do not want, the court is in a difficult situation. This is particularly so in cases where any therapeutic solution will only work when the stresses of court proceedings are removed. The Courts do not want children embroiled in protracted litigation that causes tension and anxiety.

Parental alienation is a difficult problem, but with an increased understanding, and intervention from experts to deal with the emotional and mental health issues that permeate these cases, I am hopeful we can find solutions.

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