

What is parental alienation?



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The new Cafcass Child Impact Assessment Framework will help target expertise at children caught in the middle

Parental alienation describes a situation where a child has been coerced, manipulated or otherwise pressurised to align themselves against one parent by the other. The child is essentially turned against a parent so that the child rejects that parent. It can be devastating for the parent affected – and often their wider family too.

There is consensus that alienating behaviours sit on a continuum of mild to severe, with varying impact. Examples of such behaviour might include some or all of the following:

- denigrating the other parent in front of the child;
- preventing the child talking about the other parent;
- not passing on letters, cards or gifts from the child to the other parent;

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- not passing on telephone messages, letters, birthday and Christmas cards and gifts from the other parent to the child;

- promoting the idea that the other parent does not love them and is not interested in them;
- limiting contact;
- giving the impression that the child must choose between parents or be punished, by way of threats or by withdrawing love and attention;
- seeking to exclude the other parent from important activities, eg school events; or
- making the child scared of the other parent.

Parental alienation is often not obvious or clear cut. Behaviours can be deliberate, malicious and obvious but they can also be subtle and therefore hard for an outsider – including Cafcass – to spot.

The impact of parental alienation on children

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We are now becoming horribly familiar with the conclusions of research showing the profound and long-lasting impact on children growing up surrounded by high levels of unresolved conflict. Everything from their neurological and social development and their success in education, in personal relationships and in work, can be jeopardised by long-term exposure to unresolved conflict.

More immediately, we know the significant distress and anxiety experienced by children witnessing their parents arguing endlessly, particularly when they are aware those arguments are centred around themselves. In the light of this it is unsurprising that Mrs Justice Parker commented in 2013 on the damage parental alienation can cause, saying: “I regard parental manipulation of children, of which I

distressingly see an enormous amount, as exceptionally harmful. It distorts the child’s relationship not only with the parent but with the outside world.”

The approach of the court and Cafcass

There has been increasing judicial emphasis in recent years on hearing and exploring the “wishes and feelings” and the “voice” of the child when the court is determining issues concerning their welfare. Further, when faced with a child who expresses resistance to contact courts are alert to the possibility of parental alienation at play. However, more could be done to prevent and deter it.

A welcome development therefore is the new Child Impact Assessment Framework (CIAF) recently launched by Cafcass, which is designed to help its officers assess how children may experience parental separation, particularly in cases involving high conflict.

The framework contains four guides to support family court advisers in assessing different case factors within private children law cases:

- Domestic abuse – where children have been harmed directly or indirectly, for example from the impact of coercive control.
- Conflict which is harmful to the child – such as a long-running court case or mutual hostility between parents, which can become intolerable for the child.
- Child refusal or resistance to spending time with one of their parents, which may be due to a range of justified reasons or could be an indicator of the harm caused when the child has been alienated by one parent against the other for no good reason (parental alienation).
- Other forms of harmful parenting – this includes factors like substance misuse or parental mental health difficulties where these are assessed as harmful to the child.

Central to the Framework are safeguarding principles and the impact on individual children of a range of complex case factors. Quite rightly, assessments under the framework start and end with the question, “What is happening for this child?”

It is very much hoped that this new initiative and guidance will help Cafcass to recognise and address instances of parental alienation when previously they might have missed it. The Framework should in turn then enable more consistent and balanced reporting to the court when Cafcass are advising as to what is in a child’s best interests.

Given the weight the court places on the recommendations made by Cafcass when deciding what orders to make, it is envisaged that CIAF will play a significant future role

in improving outcomes for children caught in the middle of conflict.

Looking to the future

When speaking of the 2017 report from the Nuffield Foundation – “Finding fault” – Lady Butler-Sloss observed:

“If the parents have a corrosive end to their marriage, they are quite unable sometimes to recognise that a child loves both parents. What children want is for parents to part amicably so they can have a life with both parents.”

“Some countries have already gone further in recognising the problem of parental alienation. For example, in many parts of the US, Canada and South Africa third parties are often put in place to help restore relationships where children have been alienated from one parent. In other countries punishments for parental alienation range from fines to prison sentences.”

As is so often the case, education is key in trying to make the alienating parent understand the harm they are doing to their child. However, when education is not working then the courts need to step in to protect children.

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Here in England & Wales it is heartening that the new CIAF initiative is underway and that the court, Cafcass officers and independent social workers are now becoming increasingly alive as to how parental alienation issues manifest in the wishes and feelings of a conflicted child. This expertise, together with robust judicial control and case management will remain key to ensuring that relevant issues at the heart of each case are explored and the reality of the situation for each child is understood.

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