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To: Members of the House Judiciary Committee and the JPR:

The intent of HB405 & SB365 to insure appropriate training for custody evaluators is commendable and is necessary for MD to qualify for an increase in STOP grant funds under Title XV of VAWA (Kayden's Law). The large number of sponsors of the House bill attests to its importance. We agree with the need for an evaluator training bill.

I am writing to you today on the behalf of two international organizations:

- Parental Alienation Study Group (PASG) was founded in 2010 with the purpose of educating mental health and legal professionals and the public regarding parental alienation theory (including research, practice, and related topics). PASG consists of 900 members in 65 countries.
- Global Action for Research Integrity in Parental Alienation (GARI-PA) is an international organization that investigates and corrects scientific fraud that relates to parental alienation.

I am using the term parental alienation (PA) since it is the term that is used in scientific literature; but alienating behaviors are really a recognized form of coercive control, just by a different name. It is caused when one parent or other significant adult turns the child against the other parent or family members. It is a condition in which a child (usually one whose parents are engaged in a high-conflict divorce) allies strongly with one parent and rejects a relationship with the other parent *without legitimate justification*.

This parent child contact refusal dynamic can adversely affect children (see <https://doi.org/10.3390/children9040475>) and it has become a major public health issue. Contrary to the anecdotal claims of critics, it is not gender specific and it is not a ruse to deflect domestic violence allegations. There is an emerging scientific consensus on its prevalence, effects, and professional recognition of parental alienation as a form of child abuse (<http://dx.doi.org/10.1037/dev0001404>).

Unfortunately, people sometimes make false allegations of alienation just like they sometimes make false allegations of domestic violence. Instead of collaborating to address all forms of abuse and developing protocols to identify false allegations, certain domestic violence advocates have chosen to attempt to discredit the whole science of alienation. Regrettably, as the science of alienation has developed, the science denial tactics of these critics have increased.

Part of this science denial campaign is the attempt to exclude the admissibility of parental alienation in court and by indoctrinating court officials in this "flat earth" theory. This is regrettably the underlying intent of this bill. Page 5 lines 9-10 state that the evaluator training should NOT INCLUDE THEORIES, CONCEPTS, OR BELIEF SYSTEMS UNSUPPORTED BY THE



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RESEARCH DESCRIBED IN ITEM (II) OF THIS PARAGRAPH. This is a reference to parental alienation and this was specifically stated in the bill in previous legislative sessions. The term “belief system” is a term used by stakeholder Jean Mercer in her book *Challenging Parental Alienation* to discredit the scientific standing of parental alienation. It typifies the science denial campaign of many of the stakeholders.

An international team of researchers and clinicians wrote three books which expose the vast misinformation and public policy deception that is espoused by many of the stakeholders who are promoting Kayden’s Law across the country, including Maryland. To date, the perpetrators of this misinformation have offered no real rebuttal other than ad hominem attacks and further science denial tactics. The books are available at:

- Child Safety First Report: <https://bit.ly/3t5VuYx>
- Challenging Parental Alienation: <https://bit.ly/3NnYMgp>
- Report of UN Special Rapporteur on parental alienation: <https://bit.ly/3GHbgMG>

PROFESSIONAL COMMUNITIES POSITION ABOUT PARENTAL ALIENATION

While this bill attempts to discredit and exclude parental alienation, major organizations support its concept and thus its inclusion in training and courts:

- The 2022 [American Psychological Association’s Guidelines for Custody Evaluations in Family Law Proceedings](#) mentions over 20 times the importance of addressing alienation. It also mentions the importance of input from experts from a diverse area of specialties and the importance of differentiating between valid and false allegations of all types.
- *Kaplan and Sadock’s Comprehensive Textbook of Psychiatry*, Tenth Edition, discusses PA as a form of child maltreatment on page 3829.
- Maryland Courts: CUSTODY & VISITATION-RELATED ASSESSMENTS: TRAINING GUIDELINES (<https://www.courts.state.md.us/sites/default/files/import/family/pdfs/custodyvisitationtrainingguidelines.pdf>). This training lists parent-child contact failure as part of the training
- The American Academy of Forensic Psychology Specialty: Child Custody Evaluation (80 hours) includes Allegations of Alienation or Child Sexual Abuse in Custody Evaluations in their training (<https://concept.paloaltou.edu/course/Allegations-of-Alienation-or-Child-Sexual-Abuse-in-Custody-Evaluations?hsLang=en>).
- The AFCC and NCJFCJ issued a JOINT STATEMENT ON PARENT-CHILD CONTACT PROBLEMS in 2022 which states that PA is a factor that should be taken into consideration in custody decisions.
(<https://www.afccnet.org/Resource-Center/Center-for-Excellence-in-Family-Court-Practice/afcc-and-ncjfcj-joint-statement-on-parent-child-contact-problems>)



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- Authors of the DSM-5 chapter on “Other Conditions” explain that PA is included in the DSM-5 under the diagnosis of Child Affected by Parental Relationship Distress (code V61.29). ([https://www.iaacap.org/article/S0890-8567\(16\)30175-7/fulltext](https://www.iaacap.org/article/S0890-8567(16)30175-7/fulltext))
- A study found that the concept of PA was found to be material, probative, relevant and admissible in at least 1181 US appellate court cases between 1985 and 2018. (<https://psycnet.apa.org/record/2020-31425-006>)

AMENDMENTS NEEDED

The underlying legislative intent that permeates the current bill is concerning and presents a real danger to the children and families that the bill is trying to safeguard. Amendments are needed to make this a safe and effective bill. Specifically, the bill’s position on parent-child contact issues is not supported by the scientific and research communities.

In consideration of the above, the following amendments are suggested to make this bill sustainable:

- Page 2 lines 10-15: This attempt to limit expert witnesses to individuals with expertise in working with victims of abuse excludes other experts that are material, probative and relevant. This seems to contradict the Daubert standard and places a limit on judicial discretion. The determination of all forms of abuse and the ruling out of false allegations requires an understanding of the scientific method and how to make clinical findings. Crucial to this process is input from experts in family systems, personality disorders, pattern recognition, forensic science, knowledge about how to interview children, suggestibility of children and others. False allegations do exist, and courts need knowledge about these considerations.

We suggest the following:

IN A CHILD CUSTODY OR VISITATION PROCEEDING IN WHICH A PARENT IS ALLEGED TO HAVE COMMITTED ABUSE UNDER THIS SECTION, EXPERT EVIDENCE FROM A COURT-APPOINTED OR PARTY-RETAINED PROFESSIONAL RELATING TO THE ALLEGED ABUSE MAY BE ADMITTED ONLY IF THE PROFESSIONAL **SATISFIES THE DAUBERT STANDARD.**

- Page 3 line 15: **PARENT-CHILD BONDING; INCLUDING UNHEALTHY ATTACHMENTS.** There is a need to acknowledge that only one of the four bonding or attachment styles is healthy for a child. What externally looks like a warm, loving relationship might actually be a pathogenic enmeshment.
- Page 3 line 26: **PHYSICAL, SEXUAL, OR PSYCHOLOGICAL ABUSE OF A CHILD, INCLUDING ABUSE IN PARENT CHILD CONTACT ISSUES.**



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- Page 3 line 27: **COERCIVE CONTROL, INCLUDING IN PARENT CHILD CONTACT ISSUES.**
- Page 4 line 20: **COERCIVE CONTROL, INCLUDING IN PARENT CHILD CONTACT ISSUES.**
- Page 4 lines 24-25: **LONG– AND SHORT–TERM IMPACTS OF DOMESTIC VIOLENCE AND CHILD ABUSE ON CHILDREN, INCLUDING PSYCHOLOGICAL ABUSE AND PARENT CHILD CONTACT ISSUES.**
- Page 5 lines 1-6: **BE PROVIDED BY A PROFESSIONAL WITH SUBSTANTIAL EXPERIENCE IN ASSISTING SURVIVORS OF DOMESTIC VIOLENCE OR CHILD ABUSE, INCLUDING A VICTIM SERVICE PROVIDER; AND IF POSSIBLE, A SURVIVOR OF DOMESTIC VIOLENCE OR CHILD PHYSICAL OR SEXUAL ABUSE;**

This section essentially insures that the stakeholders can indoctrinate evaluators with their agenda and the preference for domestic violence survivors adds a built-in bias to give credence to false allegations. Evaluators need training in many areas that these people do not have. Trained evaluators must be equally qualified in knowing how to use the scientific method to make clinical findings. Likewise, since there is a high prevalence of false allegations in these cases, the instructors must also have a working knowledge of the dynamics occurring in alienation and domestic violence cases. Last, the term “substantial” is too subjective.

There is a need to include other experts that are material, probative and relevant such as experts in family dynamics, personality disorders, forensic science, parental alienation, suggestibility of children and others. We suggest the following:

BE PROVIDED BY A PROFESSIONAL WITH CLINICAL, FORENSIC, OR RESEARCH EXPERIENCE IN DOMESTIC VIOLENCE, PSYCHOLOGICAL ABUSE INCLUDING PARENT CHILD CONTACT ISSUES, AND SEXUAL ABUSE;

- Page 5 lines 7-8: **RELY ON EVIDENCE–BASED RESEARCH BY RECOGNIZED EXPERTS IN THE TYPES OF ABUSE DESCRIBED IN ITEM (I) OF THIS PARAGRAPH;**

In truth, much of the information that has been produced by domestic violence organizations (including Professor Joan Meier’s Child Custody Outcomes study) has weak or no peer-review. Many claims by the stakeholders are not recognized by the scientific community (e.g. the Center for Judicial Excellence Child Safety First Report contains over fifty citations that are misquoted, taken out of context, or patently fraudulent). Nevertheless, domestic violence advocates claim that their conclusions are evidence-based since they are endorsed by the echo chamber of domestic violence advocates. The real intent behind this section is to exclude parent-child conflict research. **This section must be deleted from the bill.**



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- Page 5 lines 9-10: **NOT INCLUDE THEORIES, CONCEPTS, OR BELIEF SYSTEMS UNSUPPORTED BY THE RESEARCH DESCRIBED IN ITEM (II) OF THIS PARAGRAPH;**
This section needs to be deleted.
- Page 5 line 13: **RECOGNIZE AND RESPOND TO CHILD PHYSICAL AND PSYCHOLOGICAL ABUSE,**
- Page 5 lines 16-18: **MAKE APPROPRIATE CUSTODY DECISIONS THAT PRIORITIZE PHYSICAL AND PSYCHOLOGICAL SAFETY AND WELL-BEING AND ARE CULTURALLY SENSITIVE AND APPROPRIATE FOR DIVERSE COMMUNITIES.**

With these amendments, this bill is a step forward toward addressing many issues. In its present form, the bill empowers an agenda of science denial and public policy deception to usurp the family court system and wreak havoc upon Maryland children and their families. We urge you to support HB405 and SB265 only with these amendments. Please contact me with any questions that you may have about these amendments.

Respectfully yours,

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and Global Action for Research Integrity in Parental Alienation (www.garipa.org)
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