

HB 1036: Oppose

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To the Honorable Delegates of the Maryland House of Delegates Judiciary Committee:

HB 1036 is an outgrowth of the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations. This Workgroup was created by SB 567. The Workgroup was charged with:

- Studying State child custody court processes for when child abuse or domestic violence allegations are made during court proceedings.
- Studying available science and best practices pertaining to children in traumatic situations, including trauma-informed decision making.
- Making recommendations about how State courts could incorporate in court proceedings the latest science regarding the safety and well-being of children and other victims of domestic violence.

The Workgroup's composition was dictated by SB 567. Among the required members is "one representative of a fathers' rights group." Unless I am mistaken, it does not seem that such a representative was included in the Workgroup or testified before the Workgroup. Also, the Workgroup did not have a balance of gender in its composition; rather it was almost entirely comprised of women. In addition, it does not seem that this Workgroup studied the "available science and best practices pertaining to children in traumatic situations" as will be explained.

Training judges who preside over child custody cases involving all forms of emotional and physical child abuse is a worthy goal. Unfortunately, however, that is not the only goal of HB 1036. This bill promotes the indoctrination of judges in a narrow social agenda that discredits anything that doesn't fit into this agenda. I am a father of three alienated children with whom I have not seen for three years. My children are among an estimated 66,000 moderately to severely alienated children in Maryland. This bill proposes to train judges that parental alienation (PA) is "junk science" and that my children's alienation was fabricated to deflect domestic violence accusations, which it was not. The truth is that PA is three times as prevalent as autism and there is 35 years of clinical, legal, and scientific research that confirms its existence (see attachments). This research also demonstrates the lifelong damaging consequences to children from PA that are as great as in physical and sexual abuse. The

Governor of State of Maryland officially recognized the existence and reality of PA in 2008 when he proclaimed April 25th Parental Alienation Awareness Day (see attachment).

This bill is the result of a Workgroup that from its inception was biased against PA. It did not even invite one PA expert to testify before it. Instead, they relied upon the statements of Joan Meier. Meier is a lawyer, not a scientist. Her research about PA is replete with factual errors and ad hominem attacks. In spite of the fact that these attacks have been answered, she continues to promote the same misconceptions and ad hominem attacks when she writes about PA. Her watershed study which has captured the attention of the media was not even peer reviewed in a North American journal. Furthermore, it was utterly refuted by a peer reviewed study in the American Psychological Association journal, *Psychology, Public Policy, and Law* (attached). In that study, every one of the Meier team's conclusions was scrupulously tested by actual scientists. This study identified at least 30 problems with Meier's research that invalidate Meier's results and conclusions.

Another worrisome aspect of HB 1036 is the lowering of standards for identifying abuse without any mechanism to prevent false abuse claims. This bill seems to propose a "shoot first ask questions later" approach in which all other factors are ignored once an abuse allegation is raised. It does not allow for the possibility that an abuse claim is fabricated and that a PA claim is genuine. Likewise, the bill promotes that courts can use tools to assess the credibility of a child witness such as expressive arts without taking into consideration how easily such tools can be manipulated to produce the desired result if they are not administered by an unbiased independent party. Any admissible claim (whether it is PA or domestic violence) can be misused by someone who wants to fabricate an allegation. The answer is not to discredit all PA claims and validate all DV claims; rather, judges and forensic evaluators need to be trained in the nuances of each claim and how to differentiate between valid and false claims. The Workgroup and HB 1036 do not do this.

It is disgraceful that a Workgroup that was charged to protect MD children from abuse could discount the very real abuse of PA (see attached sheets). It is shameful that HB 1036 and other similar custody bills are being proposed based upon the findings of this biased Workgroup. Judicial training is necessary, but only training that includes the validity of PA and whose curriculum is not controlled by narrow special interest groups. Therefore, HB1036 is unfavorable in its present form and I urge you to amend it to incorporate the protection of children who have been alienated and that the design of any judicial curriculum is under the supervision of a diversity of interest groups in order to prevent any narrow agenda from hijacking this important training.

Myths and Truths about Parental Alienation

Myth	Truth
Parental alienation (PA) is just a legal defense used by abusive fathers	In over half of the cases where PA was found to have occurred, there were no allegations of other forms of abuse. Research indicates that mothers and fathers are just as likely to be alienated parents: PA is a form of abuse that does not discriminate based on gender. <i>Harman & Lorandos, 2020; Harman, Leder-Elder, Biringen, 2019</i>
Mothers do not alienate children: They protect them from abusive fathers	Parents who use their child as a weapon against the other parent, regardless of gender, are committing psychological abuse when it results in severe PA. There are ways to protect children from abuse without causing psychological harm. Research indicates that there is a double standard to accept and justify a mother's parental alienating behaviors while sanctioning fathers for the same behavior. <i>Harman, Biringen, Ratajack, Outland, & Kraus, 2016; Harman, Kruk, & Hines, 2018</i>
PA should be not be recognized because it will be misused by abusers	For any type of abuse, there is always a risk of abusers pretending to be victims. This risk creates the need for clear standards and reliable screening and assessment tools to prevent misuse. The Five-Factor Model provides that standard by requiring that abuse and neglect are not present before PA can be diagnosed. <i>Bernet, 2020; Lorandos & Bernet, 2020</i>
The alienated parent must be abusive for a child to reject them so strongly	Children who are abused by a parent tend to engage in behaviors to preserve and protect the relationship: they do not seek to destroy it. Children in foster care usually yearn for their birth parents and frequently minimize the maltreatment that their birth parents perpetrated against them. The rejection of a healthy parent is not normal and is an outcome that is encouraged and often rewarded by the alienating parent. <i>Baker, Creegan, Quinones, & Rozelle, 2016; Baker, Miller, Bernet, & Adeyaho, 2019</i>
Both parents are responsible for PA	Researchers have found that the alienated parent's behaviors are not typically the cause of the child's rejection. It is the alienating parent's behaviors that are largely responsible for the child's PA, and these behaviors are usually not reciprocated by the alienated parent. <i>Harman et al., 2019; Warshak, 2015</i>
Research on PA is not "scientific"	Clinical, legal, and scientific evidence on PA has accumulated for over 35 years. There have been over 1,000 peer-reviewed articles, chapters, and books published on the topic, and the empirical research on the topic has expanded greatly, leading to what has been considered a "blossoming" of the scientific field. <i>Harman, Bernet, & Harman, 2019; Lorandos & Bernet, 2020; Lorandos, 2020</i>
PA theory was created by a "pedophile"	Dr. Richard Gardner coined the phrase "parental alienation syndrome." His clinical descriptions of sexually abused children have been mischaracterized by child abuse and domestic violence advocates to portray him as a pedophile. Such advocates have engaged in ad hominem attacks by taking his writings out of context to further an agenda that denies PA is real. <i>Harman & Lorandos, 2020; Rand, 2013</i>

Annotated References

Reference	Type of paper/methods used	General findings/conclusions
Baker, A. J. L., Creegan, A., Quinones, A., & Rozelle, L. (2016). Foster children's views of their parents: A review of the literature. <i>Children and Youth Services Review, 67</i> , 177-183.	Foster children's attitudes towards their birth parents were solicited.	The foster children minimized their birth parent's abuse towards them and still yearned to see them. They also felt anxious and worried while separated from their abusive parents.
Baker, A. J. L., Miller, S., Bernet, W., & Adebayo, T. (2019). The assessment of the attitudes and behaviors about physically abused children: A survey of mental health professionals. <i>Journal of Child and Family Studies, 28</i> , 3401-3411.	Child protection workers rated their caseloads of abused children in terms of their behaviors and feelings towards their abusive parent(s).	Children who had been abused, even severely abused, did not engage in behaviors that pushed their abuser away. Rather, they engaged in behaviors intended to enhance their relationships.
Bernet, W. (2020). The Five-Factor Model for the diagnosis of parental alienation. <i>Feedback- Journal of the Family Therapy Association of Ireland, 6</i> , 3-15.	Article describing the Five-Factor Model for use in the assessment of parental alienation.	Five factors aid in the differentiation of PA: evidence of resistance/refusal of a relationship, having had a previously positive relationship, no evidence of abuse or seriously deficient parenting, patterns of parental alienating behaviors, and manifestations of PA in the child.
Harman, J. J., Bernet, W., & Harman, J. (2019). Parental alienation: The blossoming of a field of study. <i>Current Directions in Psychological Science, 28</i> , 212-217.	Review of the scientific literature and theoretical development in the field of PA.	Research in the field has moved from largely descriptive studies of PA across many countries and contexts, to greater theoretical model development and testing.
Harman, J. J., Kruk, E., & Hines, D. (2018). Parental alienating behaviors: An unacknowledged form of family violence. <i>Psychological Bulletin, 144</i> , 1275-1299.	Systematic review of the scientific literature on parental alienation and the behaviors that cause it.	Parental alienating behaviors that have been documented in the scientific literature meet criteria for definitions of family violence: both intimate partner violence (IPV) and child abuse.
Harman, J. J., Leder-Elder, S., & Biringen, Z. (2019). Prevalence of adults who are the targets of parental alienating behaviors and their impact: Results from three national polls. <i>Child & Youth Services Review, 106</i> , 1-13.	Three national polls in the U.S. and Canada using survey panels selected to represent the nations' demographic characteristics.	Over 22 million adults in the U.S. are the targets of parental alienating behaviors and there are no gender differences in who is likely to be an alienated parent. Over 3.8 million children in the U.S. are moderately to severely alienated from a parent, so not all children ultimately become alienated.
Harman, J. J., & Lorandos, D. (2020). Allegations of family violence in court: How parental alienation affects judicial outcomes. <i>Psychology, Public Policy, & Law.</i>	Pre-registered study examining 967 appellate court cases in the U.S. where parental alienation was alleged or found to have occurred.	Parents found to alienate their children were more likely to lose custody of their children and lose parenting time than those who only alleged to be alienated. Fathers were more likely to lose parenting time and custody of children than mothers. Parents were more likely to lose custody and parenting time if the other parent made a false allegation of abuse against them.
Lorandos, D. (2020). Parental alienation in U.S. courts, 1985-2018. <i>Family Court Review, 58</i> , 322-339.	Thirty four years of legal cases reviewed and summarized.	PA was found to be material, probative, relevant, and admissible in court cases across all 50 U.S. states.
Lorandos, D. & Bernet, W. (2020). <i>Parental Alienation: Science & Law</i> . Springfield, IL: Charles C Thomas, LTD.	A comprehensive book of the empirical literature and U.S. legal cases to date on PA.	Extensive descriptions of the scientific literature on PA and its causes, assessment, and treatment are presented. A full review of U.S. appellate level cases where PA was found to have occurred is described.
Rand, D. (2013). The history of parental alienation from early days to modern times. In D. Lorandos, W. Bernet, & S. R. Sauber (Eds.), <i>Parental Alienation: The Handbook for Mental Health and Legal Professionals</i> (pp. 291-321). Charles C Thomas Publisher, Ltd.	A review of the history of research on PA and the practice of professionals working with children who have been alienated from a parent.	A vocal subgroup of child abuse and domestic violence advocates have historically attempted to discredit work on PA and spread misinformation about it.
Warshak, R. A. (2015). Ten parental alienation fallacies that compromise decisions in court and in therapy. <i>Professional Psychology: Research & Practice, 46</i> , 235-249.	Detailed description of common myths about PA and the empirical support that refutes them.	Reliance on false beliefs compromises investigations and undermines adequate consideration of alternative explanations for the causes of a child's alienation.

The Parental Alienation Study Group (PASG) is a large organization of international scholars, practitioners, and civil society members devoted to developing and promoting research on parental alienation. The National Parents Organization (NPO) is a large organization of advocates for the promotion of shared parenting and family court reform with chapters across the U.S. The International Council on Shared Parenting (ICSP) is a council representing scientists, mental health professionals, and civil society members devoted to the dissemination of scientific knowledge about the needs and rights of children whose parents live apart and to formulate recommendations about the implementation of shared parenting initiatives. Parental Alienation Syndrome International (PASI) is a large non-profit dedicated to addressing parental alienation, custodial interference, coercive control, and hostile and aggressive parenting. VictimToHero.com is a platform that provides resources and support for alienated parents and raises public awareness on parental alienation.



Parental Alienation is Real

What is PA?	<p>Parental alienation (PA) occurs when a child aligns with one parent and rejects their other parent for reasons that are <i>not</i> legitimate. This is different from estrangement, when a child's resistance to have a relationship is for justifiable reasons. <i>PA is child psychological abuse.</i></p> <p style="text-align: right;">Bernet, 2010; Lorandos & Bernet, 2020; Warshak, 2019</p>
What causes PA?	<p>Abusive parents often use their children as weapons to harm the other parent and manipulate them. Domestic violence researchers call this behavior a form of coercive control. Scientists who study PA call this <i>very same behavior</i> parental alienating behavior. They are two terms describing the same phenomenon.</p> <p style="text-align: right;">Harman, Kruk, & Hines, 2018; Harman & Matthewson, 2020</p>
Is research on PA "scientific?"	<p>Clinical, legal, and scientific evidence on PA has accumulated for over 35 years. There have been over 1,000 scholarly papers published on the topic, and the empirical research on the topic has expanded greatly over the last few years, leading to what has been considered a "blossoming" of the scientific field.</p> <p style="text-align: right;">Harman, Bernet, & Harman, 2019; Lorandos & Bernet, 2020; Lorandos, 2020; Marques, Narciso, & Ferreira, 2020</p>
Are there recognized criteria for the diagnosis of PA?	<p>Yes. There is a great deal of conformity among authorities on PA as to there being clear and discernible diagnostic criteria. These criteria are found in a simple Five-Factor Model.</p> <p style="text-align: right;">Bernet, 2020; Lorandos & Bernet, 2020; Freeman, 2020</p>
How many children are alienated from a parent?	<p>At least 3.9 million children in the U.S. are moderately to severely alienated from a parent. Other estimates of prevalence produce similar estimates. More than three times as many children in the U.S. are alienated from a parent than there are children with autism.</p> <p style="text-align: right;">Bernet, 2010; Harman, Leder-Elder, & Biringen, 2019;</p>
How serious is PA for children?	<p>Parental alienation is a serious form of psychological abuse and results in the same types of outcomes that other abused children experience: stress and adjustment disorders (e.g., PTSD, anxiety), psychosocial problems and externalizing behaviors (e.g., substance abuse, suicidality).</p> <p style="text-align: right;">Baker & Verrocchio, 2016; Godbout & Parent, 2012; Harman et al., 2018</p>
How does PA affect alienated parents?	<p>Alienated parents are unable to get closure and have unresolved grief with the loss of their child(ren). They also suffer from being the target of abusive behaviors of the alienating parent. They have high levels of depression, anxiety, and PTSD symptoms, and many become suicidal.</p> <p style="text-align: right;">Harman et al., 2019; Lee-Maturana, Matthewson, & Dwan, 2020; Poustie, Matthewson, & Balmer, 2018</p>
What can be done to stop PA?	<p>Legal and professional recognition of the problem (e.g., adding parental alienation to child abuse statutes). Funding for research to promote identification of effective assessment, prevention, and intervention programs. Funding for training of legal and mental health professionals.</p>

Annotated References

Reference	Type of paper/methods used	General findings/conclusions
Baker, A. J. L., & Verrocchio, M. C. (2016). Exposure to parental alienation and subsequent anxiety and depression in Italian adults. <i>The American Journal of Family Therapy</i> , 44, 255–271.	Survey of adults who were alienated as children regarding their alienating parent's behaviors and current anxiety and depressive symptoms.	The greater exposure to parental alienating behaviors as a child, the more anxiety and depression that the individual felt, even into adulthood.
Bernet, W. (Ed.). (2010). <i>Parental alienation, DSM-5, and ICD-11</i> . Springfield, IL: Charles C Thomas.	A book describing parental alienation as a serious mental condition in the child, and the empirical basis for considering an important issue for clinical diagnosis and treatment.	Influencing a child to develop a false belief that a parent is bad and dangerous results in the child's loss of one of the most important relationships in their life.
Bernet, W. (2020). The five-factor model for the diagnosis of parental alienation. <i>Feedback: Journal of the Family Therapy Association of Ireland</i> , 6, 3-15.	Article describing the Five-Factor model for use in the assessment of parental alienation.	Five factors aid in the differentiation of PA: evidence of resistance/refusal of a relationship, having had a previously positive relationship, no evidence of abuse or seriously deficient parenting, patterns of parental alienating behaviors, and manifestations of PA in the child.
Freeman, B. (2020) The psychosocial assessment of contact refusal. In D. Lorandos, & W. Bernet, <i>Parental alienation: Science & Law</i> , 44-81. Springfield, IL: Charles C Thomas, LTD.	A comprehensive book chapter distilling peer-reviewed studies on assessing child/parent contact refusal.	Describes a scientific consensus of research into a Five-Factor model for the differential diagnosis of PA.
Godbout, E., & Parent, C. (2012). The life paths and lived experiences of adults who have experienced parental alienation: A retrospective study. <i>Journal of Divorce & Remarriage</i> , 53, 34-54.	Qualitative study of adults who were alienated from a parent in the past.	The adults reported experiencing externalizing problems, problems with school, and having internal psychological issues due to their parental alienation.
Harman, J. J., Bernet, W., & Harman, J. (2019). Parental alienation: The blossoming of a field of study. <i>Current Directions in Psychological Science</i> , 28, 212-217.	Review of the scientific literature and theoretical development in the field of PA.	Research in the field has moved from largely descriptive studies of PA across many countries and contexts, to greater theoretical model development and testing.
Harman, J. J., Kruk, E., & Hines, D. (2018). Parental alienating behaviors: An unacknowledged form of family violence. <i>Psychological Bulletin</i> , 144, 1275-1299.	Systematic review of the scientific literature on parental alienation and the behaviors that cause it.	Parental alienating behaviors that have been documented in the scientific literature meet criteria for definitions of family violence: both intimate partner violence (IPV) and child abuse.
Harman, J. J., & Mathewson, M. (2020). Parental alienating behaviors. In D. Lorandos and W. Bernet (Eds.), <i>Parental Alienation: Science and Law</i> , pp. 82-141. Springfield, IL: Charles C Thomas Publisher.	Review of parental alienating behaviors using the Duluth Model Power and Control Wheel as a framework.	Parental alienating behaviors that have been documented in the scholarly literature fit clearly into power and control wheel categories that detail coercive controlling behaviors of abusive parent. Alienating parents are abusive parents towards children and the other parent.
Harman, J. J., Leder-Elder, S., & Biringer, Z. (2019). Prevalence of adults who are the targets of parental alienating behaviors and their impact: Results from three national polls. <i>Child & Youth Services Review</i> , 106, 1-13.	Three national polls in the U.S. and Canada using survey panels selected to represent the nations' demographic characteristics.	Over 22 million adults in the U.S. are the targets of parental alienating behaviors and there are no gender differences in who is likely to be an alienated parent. Over 3.8 million children in the U.S. are moderately to severely alienated from a parent, so not all children ultimately become alienated.
Lee-Manuranga, S., Mathewson, M., & Dwan, C. (2020). Targeted parents surviving parental alienation: Consequences of alienation and coping strategies. <i>Journal of Child & Family Studies</i> , 29, 2268-2280.	Interviews conducted with alienated parents about their experiences and coping strategies.	23% of the alienated parents had attempted suicide, and they were social isolated, suffered across financial, emotional and psychological domains, such as being depressed, anxious, having PTSD symptoms, and adjustment disorders.
Lorandos, D. & Bernet, W. (2020). <i>Parental alienation: Science & Law</i> . Springfield, IL: Charles C Thomas, LTD.	A comprehensive book of the empirical literature and U.S. legal cases to date on PA.	Extensive descriptions of the scientific literature on PA and its causes, assessment, and treatment. Full review of U.S. appellate level cases where PA was found to have occurred.
Lorandos, D. (2020). Parental alienation in U.S. courts, 1985-2018. <i>Family Court Review</i> , 58, 322-339.	Thirty four years of legal cases reviewed and summarized.	PA was found to be material, probative, relevant, and admissible in court cases across all 50 U.S. states.
Marques, T. M., Narciso, I., & Ferraira, L. C. (2020). Empirical research on parental alienation: A descriptive literature review. <i>Children & Youth Services Review</i> , 119, 1-12.	Systematic review of the scientific literature published in the English language through 2018.	The scientific literature on PA has expanded considerably in the last few years, with a focus on assessment tools and the impact of parental alienation not just on children, but on all parties involved.
Ponstie, C., Mathewson, M., & Balmer, S. (2018). The forgotten parent: The targeted parent's perspective of parental alienation. <i>Journal of Family Issues</i> , 39, 3298-3323.	Over 100 alienated parents provided details about their experience being alienated from their child by the child's other parent.	Alienated parents describing having poor mental health and suffering substantial financial and psychological costs. The alienating parent's behaviors were characterized as severe family violence.
Warshak, R. A. (2019). When evaluators get it wrong: False positive IDs and parental alienation. <i>Psychology, Public Policy & Law</i> , 26, 54-68.	Review of common mistakes that evaluators make when assessing parental alienation.	Evaluators often mistake estrangement for PA and fail to apply recent scientific advances in assessment and treatment decisions.

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The State of Maryland



Proclamation

From the Governor of the State of Maryland

PARENTAL ALIENATION AWARENESS DAY
APRIL 25, 2008

- WHEREAS,** *Parental Alienation involves taking advantage of the suggestibility and dependency of children with the sole purpose of destroying a loving and warm relationship they once shared with a parent; and*
- WHEREAS,** *The destruction of family structure deprives our children of ongoing loving relationships. We encourage every state and local agency to work diligently at preserving family and family values; and*
- WHEREAS,** *Parental Alienation deprives children of their right to love and be loved by both parents; and*
- WHEREAS,** *With awareness comes education and understanding and the power to stop the detachment of innocent children who become victims of families destroyed.*

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, do hereby proclaim APRIL 25, 2008 as PARENTAL ALIENATION AWARENESS DAY in Maryland and call upon the people of our state to join in supporting this observance.



Given Under My Hand and the Great Seal of the State of Maryland,
this 25th day of April
Two Thousand and eight


Governor

Lt. Governor

Secretary of State