

UNFAVORABLE
SB17, SB41, SB336, HB104
Yaakov Aichenbaum, PAS-Intervention MD Chapter

1/22/2022

Democracy is endangered when science deniers and those with social agendas shield lawmakers from access to the knowledge that is necessary to make informed decisions. The MD Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations has initiated several bills without the input of experts in shared parenting, parental alienation, fathers' rights and DV experts who do not have a gender bias. These bills are based on a biased belief-system and not on science.

One of the primary forces behind the Workgroup was Joan Meier and her "groundbreaking" study. Please ponder the following questions:

- Why wasn't Meier's study about DV in the American court system published in any seriously peer reviewed, American academic journal that is well received by the psychological scholars who peer review such work?
- A [strong refutation](#) of the study's methodology and results appeared in the APA's peer-reviewed journal *Psychology, Public Policy, and Law*. Why hasn't Meier published a rebuttal in PPPL, which is customary to PPPL and journals of that caliber?
- Why is Meier concealing some of her research data from the public by providing nonexistent links to her research data or links that have restricted access? (see page 11)
- Why was a complaint to the NIJ to investigate research fraud about Meier's government funded study brushed off without serious investigation? (see pages 4-10)
- Why have inquires to George Washington University Law School's ethics board to conduct an ethics review of Meier's research and conduct not been responded to?
- Why did Meier make statements to the Workgroup that she knows are misconceptions about parental alienation (see attached article *Recurrent Misinformation Regarding Parental Alienation Theory* page 21)?
- Why did Meier make over fifty statements that are either false or logical fallacies about parental alienation in the new book [Challenging Parental Alienation](#)?
- Why did the Workgroup that was charged with 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" ignore the strong scientific basis of parental alienation and shared parenting initiatives?
- What are the risks of relying on her legislative recommendations or letting Meier and company design training curriculum for judges and evaluators?

A partial answer to these questions is that Meier and others have a social agenda that they clearly delineate in [Challenging Parental Alienation](#) by Jean Mercer. Pages 207-210 describe the laws that are necessary to promote this agenda and to eradicate parental alienation science and to a large extent shared parenting as well. These goals are further elucidated upon and expanded in her articles [Denial of Family Violence in Court: An Empirical Analysis and Path Forward For Family Law](#) and [Breaking Down the Silos that Harm Children: A Call to Child Welfare, Domestic Violence and Family Court Professionals](#). This is not a scientific debate;

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rather, this is a social agenda masquerading as science in order to discredit and eliminate anything that does not fit into the scheme of this agenda.

Of particular concern is that these bills blatantly intend to discredit and disallow legitimate parental alienation claims. In addition, SB17 and SB336 would mandate the training of future judges and evaluators according to the curriculum that Meier and company design. Even if references to parental alienation were to be removed from the bills, judicial and evaluator training would still be conducted under the indoctrination of a Meier designed curriculum. This is unconscionable. Another concern is the lowering of the bar for consideration of abuse allegations which will potentially cause a proliferation of false claims and permanently damage the reputation and lives of innocent people. SB336 also promotes the acceptability of play therapy to illicit information about alleged abuse. This controversial therapy is reminiscent of the leading interviews of the [McMartin preschool trial](#) of the 1980s.

SB41 and HB104 are also problematic in that they state that *“any reasonable effort to protect a child or a party to a custody or visitation order from the other party may not be considered an unjustifiable denial of or interference with visitation granted by a custody or visitation order.”* This is a sweeping incitement to defy court visitation and custody orders. Likewise, “reasonable effort” is not defined and this is an open door for false abuse claims to deflect PA allegations. This clause is another example of Meier’s ruses to prevent parental alienation claims as is detailed in [Challenging Parental Alienation](#).

In consideration of the academic fraud that has transpired, the misrepresentation of legitimate science, and the sheltering of lawmakers from any knowledge that doesn’t fit into Meier and company’s belief system, none of the bills that have developed out of the Workgroup can be taken seriously and the bills should be withdrawn or be found unfavorable. Many areas of the DV and family court systems need improvement, but the conclusions of the Workgroup cannot be relied upon to make these changes.

Meier advised the Workgroup that *“its product may be the pilot legislation that gets used around the country”* ([Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations Annapolis, Maryland September 2020 Final Report page 58](#)). America is watching MD. It is up to this committee to decide if they will promote legislation that is based on a predisposed belief system or if they will listen to science. I urge the JPR and House Judicial Committee to invite a panel of parental alienation, shared parenting, and DV experts who do not have a gender bias to present balanced and research-based information about these issues. Only then will MD lawmakers be equipped to make informed decisions about how to respond to the important issues of DV, parental alienation, and shared parenting. I would be happy to provide contact information for many of the top leaders in these fields. Thank you for your consideration of this matter.

Sincerely,

Yaakov Aichenbaum, PAS-Intervention MD Chapter

info@parentalalienationisreal.com

<https://www.parentalalienationisreal.com/>

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A. LETTER OF CONCERN TO THE NIJ

August 17, 2021

Jennifer Scherer, Ph.D.
Acting Director
National Institute of Justice
810 7th Street NW
Washington, DC 20531

Dear Dr. Scherer,

We, the undersigned organizations, write to you to convey our serious concerns about a research grant funded by the National Institute of Justice (NIJ) that we believe is ideologically driven, deeply flawed, and likely to be harmful to the public interest. We are also very concerned about the ethical behavior of the recipient of the funding that was provided for this research.

In 2014, the NIJ awarded The George Washington University a grant of \$501,791 to fund research on parental alienation (Award #2014-MU-CX-0859). The principal investigator for this research was Joan Meier, Professor of Clinical Law at George Washington Law School. Professor Meier has repeatedly stated that parental alienation is a “pseudo-scientific theory” and has alleged it is a theoretical construct which holds that “when mothers allege that a child is not safe with the father, they are doing so illegitimately, to alienate the child from the father.” This gendered, ideological bias was apparent in the [description of the original award](#) that was funded by the NIJ as well as in the introduction of the paper that Meier later published in the student-edited GW law paper series:

Meier, J. S., Dickson, S., O’Sullivan, C., Rosen, L., & Hayes, J. (2019). Child custody outcomes in cases involving parental alienation and abuse allegations (GWU Law School Public Law Research Paper No. 2019 – 56). SSRN. <https://ssrn.com/abstract=3448062>

In contrast to Meier’s position, we note the following. First, parental alienation is not a pseudo-scientific theory. Clinical, legal, and scientific evidence on PA has accumulated for over 35 years. There have been over 1,000 books, book chapters, and peer-reviewed articles published on the topic, and the empirical research on the topic has expanded greatly in the last decade. This research has been recognized and published in the top peer-reviewed journals in the field (e.g., *Psychological Bulletin*, *Current Directions in Psychological Science*, *Current Opinion in Psychology*). We are concerned that the grant reviewers of Meier’s NIJ research proposal were not critical of how the scientific work on the topic had been mischaracterized by Meier in her previous writings.

Second, while Professor Meier’s description in her NIJ grant award and subsequent publications frames parental alienation in gendered terms, all serious researchers in this area recognize that both mothers and fathers are perpetrators and victims of parental alienation. Finally, to our knowledge, no researcher on parental alienation has ever suggested that *all* allegations that a child is unsafe with the other parent are efforts at wrongfully alienating the child from that parent (and no serious researcher would imply that *none* are). Indeed, Dr. Richard Gardner, who coined the term “parental alienation syndrome” (PAS) and was one of the first scholars to write about it, never recommended applying the term if there was *bona fide* child abuse by the rejected parent. When scholars mischaracterize the scientific literature of a field and fail to acknowledge competing opinions and research that contradicts their position, this is considered unethical scientific misconduct.

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Meier's NIJ grant award and subsequent publications are not the only places where she has mischaracterized the state of scientific research on parental alienation. In a recent expert opinion written by Professor Meier on July 23, 2021, for a family law case in Georgia, she stated that the work of Dr. Gardner "was largely self-published and lacked peer review," and she stated that "PAS itself lacks any empirical support, and considerable evidence contradicts its premises." Both statements are blatantly false (Dr. Gardner published many peer-reviewed articles) and represent a gross misrepresentation of the vast amounts of scientific and scholarly work that has accumulated on the topic of parental alienation for more than three decades. It is our opinion that these statements represent a willful attempt to mislead the court and can potentially cause serious harm to the family involved in this case, and the families in other cases where she has made such statements. We have consulted several members of the Washington, D.C. Bar and have been informed that Professor Meier's written and oral representations to courts should be considered violations of the D.C. Bar Rules of Professional Conduct 3.3 and 8.4. Therefore, the mischaracterization of the scientific body of evidence regarding parental alienation is not limited to the NIJ grant proposal/award given to Meier; she has repeated this misinformation to others, including family courts, policy makers, the media, and in related publications.

We also believe that the work of Professor Meier and her colleagues, which was funded by NIJ, is seriously flawed. Some of these flaws are identified and examined in detail in the peer-reviewed 2021 paper, "[Allegations of Family Violence in Court: How Parental Alienation Affects Judicial Outcomes](#)," by Professor Jennifer Harman and Dr. Demosthenes Lorandos published in the journal *Psychology, Public Policy, and Law*. Harman and Lorandos identified "at least 30 conceptual and methodological problems with the design and analyses of the [Meier et al., 2019] study that make the results and the conclusions drawn dubious at best" (p. 2; See Table 1 for a list of the concerns). It is concerning that NIJ would fund a project with so many obvious methodological and conceptual problems. Meier and colleagues appear to not have been able to publish a scientifically-vetted, peer-reviewed rebuttal or commentary to this critique, as they have twice posted personally prepared "rebuttals" on professional list-servs and social media attempting to defend their work. Indeed, in defense of their work, Meier and colleagues have claimed that because NIJ funded their work, this was evidence of "peer-review." Any seasoned scientist knows that a grant award is not the same as scientific peer-review of a final product of the research process.

We are also concerned about another questionable and unethical research practice used by Meier and colleagues: p-hacking. On page 8 of the Meier et al. (2019) law school paper that was funded by NIJ, the authors state, *The PI and consultant Dickson developed analyses for the statistical consultant to complete, reviewed the output, and, through numerous iterations, refined, corrected, and amplified on the particular analyses.*

In other words, the authors state explicitly that they analyzed data in many ways, and after reviewing their output, they "refined and corrected" it, and then reanalyzed their data to find something statistically significant. They go on to acknowledge that, after doing this, they **amplified** their data for particular analyses. This statement indicates that the authors were not only fishing their data for statistical results that supported their beliefs (the hypotheses being tested were never explicated in the paper), but they clearly stated that they *manipulated* their models in order to make particular effects appear more statistically significant than they were.

This behavior is a serious and unethical research practice that creates bias, a practice known as "p-hacking." P-hacking occurs when researchers collect or select data or statistical analyses

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until nonsignificant results become significant. This form of data-dredging involves scholars **misusing** data to find patterns that can be presented as statistically significant. By doing this, the scholar increases and understates the risk of finding and reporting false positives. One way to determine whether p-hacking has occurred is when the person conducts multiple statistical tests on the data, and then only reports on the results that are statistically significant. Meier and colleagues admit to engaging in this behavior, and therefore the statistical findings reported in their paper cannot be trusted. We are disturbed that U.S. taxpayer money has supported this unethical practice.

These are not the only concerns about the statistics reported in the 2019 paper published in the GW Law paper series. The statistical models that Meier et al. (2019) claimed to have run have never been available for review. On page 8, the authors state,

New codes were created by the statistician in order to perform these analyses. All codes used in the quantitative analyses conducted are described and defined in the separately submitted Codebook, which indicates inclusions, exclusions and newly created variables for the quantitative analyses. See DOCUMENTATION Appendix C.

This Appendix C was not published in the paper series, which is odd and not standard practice. Materials referenced in a paper should always be provided to readers in the journal or the journal's archives website so that they can evaluate the materials and be critical of what is being reported by the authors. Professor Harman and Dr. Lorandos (2021) report that, when they requested from Meier the appendices and statistical output to evaluate her conclusions, "she refused to provide them ... and referred them to a national archive for the material, where much of the material was still not available" (p.22). One of the appendices referred to in the report (Appendix C with the statistical models/output) is still not publicly available anywhere. In keeping with professional standards, not to mention NIJ funding requirements, data must be openly shared with other researchers working in the area. As a result, there is no way for the public to access and assess work paid for with taxpayer money.

In addition, the authors reported on page 8 the following:

Logistic regression was used (primarily with the All Abuse dataset) to control for factors that may affect key outcomes, such as differences between trial court and appellate court opinions; differences among states; and the role of gender in custody switches when various forms of abuse or alienation were claimed.

The authors did not report any of the statistical models in their paper published in the paper series, which is very concerning. It remains unclear what specific variables were entered into the models to "amplify" (p-hack) their analyses. The last control variable listed in the quote above is particularly troublesome, as the alleged predictors in their models that were subsequently reported included gender. To control for gender, and then test gender effects is a serious statistical error and must be corrected. We note that both Professor Harman and Dr. Lorandos have taught statistical analysis to university students at the undergraduate and graduate level.

At the end of the 2019 paper published in the GW paper series, despite obvious and admitted p-hacking and other sampling and methodological issues, Meier et al. put out a "call to action" to advocates and policy makers to change laws about child abuse, and to include sanctions for professionals who even entertain parental alienation as a problem in the family. This call to

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action has not gone unheard. Direct segments of her report have been requoted across legislative bills and policies across the country and overseas in order to make expert testimony about parental alienation inadmissible in courts, which have recognized parental alienation for its scientific merits. Changing *any* public policy or law based on the results of one study is unheard of, unethical, and dangerous. And yet Meier et al. appear to have used their NIJ funded study (published in the student-edited series) to press for such changes, ignoring all reputable scientific evidence about parental alienation, and in spite of the serious methodological flaws of the work and biased statistical analyses. It is our opinion that this is a serious misuse of science and public tax dollars, and one that needs to stop.

The myths about parental alienation promulgated by those with an ideologically-based rejection of the scientific research on this malady are harmful to children and parents. Parental alienation is a serious public health problem; it is a serious form of psychological abuse that 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). Alienated parents are unable to get closure and have unresolved grief about 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. (See [Harman, Kruk, & Hines, 2018](#), for a thorough review of the research literature.) Given the severity of the effects of parental alienation, this topic deserves serious research from unbiased professionals that results in publication in peer-reviewed venues, not agenda-driven research that is framed from the outset to support preconceived conclusions and that are published only as student-edited, research papers by the researchers' institutions.

Due to the concerns we have raised about the Meier et al. (2019) paper published in the George Washington Law School Public Law Research Paper Series, we emailed the faculty editors of that series, requesting that the paper be retracted. It has been a month since our letter was sent, and we have not received a response. Our concerns were also raised with the Dean of the GW Law School. We are very concerned about what we believe to be Meier's serious misuse of her findings from her NIJ funded research project to promote an ideological agenda. Based on the statements made by the Meier *et al.* team in the paper published in the GW paper series, the statistical results that were reported cannot be trusted. We are also concerned that the data may have been fabricated, which may be why a concern about academic fraud was lodged with the George Washington Office of Ethics, Compliance, and Privacy in April, 2021, and was referred to the Office of Research Integrity where Meier is currently under investigation.

We urge the NIJ to take what steps it can now to mitigate the problems caused by funding flawed research on parental alienation. This would include, at a minimum: investigating the serious methodological flaws in the Meier et al. publication, and if p-hacking and or fraud is found, to demand a return of the taxpayers' money. Furthermore, the NIJ should fund quality research that is undertaken by impartial, highly-qualified researchers, is openly shared with other researchers in the field, and is reported in peer-reviewed, scientific journals.

Thank you for your attention to this matter.

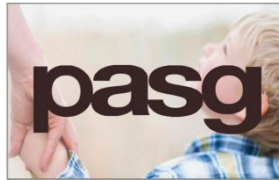
Sincerely,

Parental Alienation Consortium
PAConsortium2021@gmail.com

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[National Parents Organization](#)



[Parental Alienation Study Group](#)



[International Council on Shared Parenting](#)



[PASI](#)



[Victim to Hero](#)



[Asociacion Latinoamericana contra el Síndrome de Alienacion Parental](#)



[Center for Parental Responsibility](#)



[Families United Action Network](#)



[Arkansas Advocates for Parental Equality](#)



[Good Egg Safety](#)

[WhereRUDad Australia](#)



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[VBU](#)



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[FAN-PAC](#)



[Leading Women For Shared Parenting](#)



[Children Parents United](#)



[National Association of Parental Alienation Specialists](#)



[The Toby Center](#)



[Preserving Family Ties Media](#)



[Mark David Roseman & Associates](#)

Cc: **Ben Adams**, M.S., Senior Advisor, Office of the Director
Faith Baker, Office Director, Office of Grants Management
Barry Bratburd, Deputy Director, Office of the Deputy Director
Brett Chapman, Ph.D., Social Science Analyst, Office of Research, Evaluation, and Technology
Christine Crossland, Senior Social Science Analyst, Office of Research, Evaluation, and Technology
William Ford, B.S., Senior Science Advisor, Office of Research, Evaluation, and Technology
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Scott Privette, Grants Management Specialist, Office of Grants Management
Aisha Qureshi, Social Science Analyst, Office of Research, Evaluation, and Technology
Kaitlyn Sill, Ph.D., Social Science Research Analyst, Office of Research, Evaluation, and Technology
Linda Truitt, Ph.D., Senior Social Science Analyst, Office of Research, Evaluation, and Technology
Jennifer Tyson, Senior Social Science Analyst, Office of Research, Evaluation, and Technology
Phelan Wyrick, Ph.D., Supervisory Social Science Analyst, Office of Research, Evaluation, and Technology

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B. RESPONSE FROM THE NIJ

From: "Tillery, George (OJP)" <George.Tillery@usdoj.gov>
Subject: RE: Research Concerns Regarding NIJ Award #2014-MU-CX-0859
Date: August 20, 2021 at 9:43:02 AM EDT
To: "paconsortium2021@gmail.com" <paconsortium2021@gmail.com>

Dr. Scherer requested that I respond to your email and convey her thanks for sharing the perspective of the Parental Alienation Consortium on the study resulting from award 2014-MU-CX-0859.

Simply put, the mission of the National Institute of Justice (NIJ) is to support the application of science to address important questions of crime and justice in the United States. NIJ does this primarily through competitively awarded research grants. NIJ's award decisions are informed by independent, scientific review of the research proposed by grant applicants.

Scientific knowledge is developed through an incremental process involving research, testing, dispute and resolution. This study addressed an important issue as it relates to child custody, and has sparked debate in the scientific community. Other scientists have now challenged the conclusions of the study, which the study author has vigorously refuted; to include allegations of not sharing data. (The data from this study has been appropriately archived in the National Archive of Criminal Justice Data to allow testing of its findings by other scientists.)

Again, on behalf of Dr. Scherer thank you for sharing the perspective of the Parental Alienation Consortium on this study.

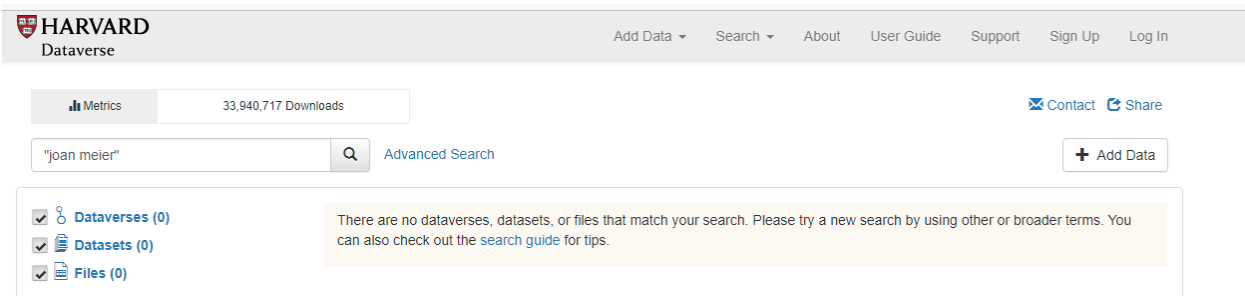
Sincerely,

George (Chris) Tillery
Office Director, Office of Research Evaluation and Technology
National Institute of Justice
202-598-7792

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C. ALLEGED RESOURCE LINKS

- The NIJ letter states “*The data from this study has been appropriately archived in the National Archive of Criminal Justice Data to allow testing of its findings by other scientists*”. **While the information might be buried somewhere in these archives, researchers have not been able to locate them without meeting certain conditions which are impossible for most people to fulfill.**
- Interestingly, in a recent paper that is posted on the GWU Law School website ([Denial of Family Violence in Court: An Empirical Analysis and Path Forward For Family Law](#)), Meier does not reference the National Archive of Criminal Justice Data; rather, she provides two other questionable sources:
 - On page 2 of this article, Meier states that “*new empirical data from the first-ever quantitative national analysis of family court practices - data which empirically validates the reports and grievances of thousands of mothers and children in the United States*”. In footnote 5, she claims that “*documentation of the Study data and methods is posted at <https://dataverse.harvard.edu/>”.*Upon opening the link, one is taken to a generic search page for the Harvard database. **A search for “Joan Meier” produced zero results. Searches under the research name also produced zero results:**




The screenshot shows the Harvard Dataverse search interface. At the top, the Harvard logo and 'Dataverse' are on the left, and navigation links like 'Add Data', 'Search', 'About', 'User Guide', 'Support', 'Sign Up', and 'Log In' are on the right. Below the navigation, there's a 'Metrics' section showing '33,940,717 Downloads'. A search bar contains the text 'joan meier' and has a search button. To the right of the search bar is an 'Advanced Search' link and an 'Add Data' button. Below the search bar, there are three filter options: 'Dataverses (0)', 'Datasets (0)', and 'Files (0)'. A yellow message box in the center states: 'There are no dataverses, datasets, or files that match your search. Please try a new search by using other or broader terms. You can also check out the [search guide](#) for tips.'

- Footnote 38 claims that “*far more information was coded than was capable of being analyzed during the Study time-frame; the complete dataset is available from the NIJ Archives for secondary analyses. <https://www.icpsr.umich.edu/web/NACJD/studies/37331>”.*
- This webpage does link to a real data set for her study, but only some data is available publicly.
- The rest of the data is restricted and permission needs to be received to access it:**

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Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations, United States, 2005-2014 (ICPSR 37331)

Version Date: Mar 30, 2021 [Cite this study](#) | [Share this page](#)

Principal Investigator(s): 
[Joan Meier](#), George Washington University

<https://doi.org/10.3886/ICPSR37331.v3>

Version V3 ([see more versions](#))

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1 to 50 of 164


Sort by:

Variable Label ▾

GO

[more options](#)

Name	Label/Question Text	Type	Dataset
ANYAKA	AKA case -- aienation by some other name <i>Taken from: Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations, United States, 2005-2014.</i>	numeric	DS1

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9 Data-related Publications

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D. LETTERS OF CONCERN ABOUT THE WORKGROUP REPORT FROM TOP FORENSIC AND LEGAL AUTHORITIES

From: Demosthenes Lorandos <dr.lorandos@psychlaw.net>

Subject: **Re Workgroup to study child custody - final report**

Date: January 26, 2021 at 3:32:31 PM EST

To: will.smith@senate.state.md.us, jeff.waldstreicher@senate.state.md.us,
jack.bailey@senate.state.md.us, jill.carter@senate.state.md.us,
bob.cassilly@senate.state.md.us, shelly.hettleman@senate.state.md.us,
michael.hough@senate.state.md.us, susan.lee@senate.state.md.us,
michael.jackson@senate.state.md.us, charles.sydnor@senate.state.md.us,
chris.west@senate.state.md.us

Judicial Proceedings Committee,
Maryland State Senate

Honorable Senators

With all due respect - - - garbage in, garbage out.

I have been teaching lawyers and judges how to recognize good science and junk science for decades.

My two volume work *Cross Examining Experts in the Behavioral Sciences* is in its twentieth year of publication with annual updates from Thomson Reuters WEST.

<https://store.legal.thomsonreuters.com/law-products/Treatises/Cross-Examining-Experts-in-the-Behavioral-Sciences/p/102477862>

I have reviewed the “final report” of Jennifer Botts, Heather Marchione and Jennifer Young. **I will use this report** in future editions of *Cross Examining Experts* as well as future editions of the upcoming three volume work from Thomson Reuters WEST on junk science. . . . **to teach judges and lawyers how hyper-claiming and meta ignorance can be used to influence policy makers.**

The reliance by Botts, Marchione and Young on the non-peer reviewed opinion piece by Joan Meier and colleagues (*Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations*) demonstrates what scientists call *meta-ignorance*, or just willful blindness to accurate, peer-reviewed science of the highest caliber.

For example, the non-peer reviewed opinion piece by Meier and colleagues, published in a student edited journal has been roundly rebuked in a peer- reviewed study published in one of the behavioral science’s most prestigious journals *Psychology, Public Policy and Law*.

<https://psycnet.apa.org/fulltext/2020-96321-001.html> In that study, every one of the Meier team’s conclusions were scrupulously tested by actual scientists. Even a brief read will illustrate Botts, Marchione and Youngs’ misplaced confidence in the Meier team opinion piece.

Have a look at a dozen recent Maryland cases involving the science surrounding parental alienation:

Karen P. v. Christopher J.B., 878 A.2d 646 (Md. Ct. Spec. App. 2005).

Tarachanskaya v. Volodarsky, 897 A. 2d 884 (Md. Ct. Spec. App. 2006), rev’d, *Volodarsky v. Tarachanskaya*, 916 A.2d 991 (Md. 2007).

Meyr v. Meyr, 7 A.3d 125 (M. Ct. Spec. App. 2010).

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McClanahan v. Washington County Dept. of S. S., 96 A.3d 917 (Md. Ct. Spec. App. 2014) rev'd, 129 A.3d 293 (Md. 2015).

Harrison v. Greene, No. 1179, 2016 WL 389956 (Md. Ct. Spec. App. Feb. 1, 2016).

Wildstein v. Davis, No. 2422, 2016 WL 6591681 (Md. Ct. Spec. App. Nov. 4, 2016).

Rifka v. Dillenburg, No. 2224, 2016 WL 7496580 (Md. Ct. Spec. App. Dec. 21, 2016).

Gillespie v. Gillespie, No. 1849, 2016 WL 1622890 (Md. Ct. App. Apr. 25, 2016).

Molina v. Molina, No. 2707, 2017 WL 35493 (Md. Ct. Spec. App. Jan. 4, 2017).

Gali v Gali, Nos. 1953 & 1954, 2017 WL 2535672 (Md. Ct. Sp. App. June 12, 2017).

Neff v Neff, No. 961, 2017 WL 1534889 (Md. Ct. Sp. App. Apr. 28, 2017).

In re JM Jr., No. 2180, 2017 WL 3141086 (Md. Ct. Spec. App. July 25, 2017).

Do you really want to rely on the Botts, Marchione and Young “report” to make public policy?

How are you going to explain that to Judge Kathryn Graeff, or Judge Christopher Kehoe?

For that matter, imagine your staff trying to explain to Judge Stuart Berger or Judge Kevin

Arthur or Judge Andrea Leahy that you’ve relied on a biased and woefully compromised

“report” to create law.

Garbage in, garbage out.

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January 26, 2021

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Re: Report on behalf of the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations

Dear Mr. Smith and Mr. Waldstreicher,

I am an attorney who specializes in litigating child custody cases involving dynamics of parental alienation, pathological child enmeshment, and child abuse. I am admitted to the bar of the Supreme Court of the United States, state bars of New York, Michigan, District of Columbia, and Gujarat, India. I have represented parents in child custody and child protection cases in family courts across the United States, and internationally. I have published and presented on the topic of parental alienation, both in the United States and internationally.

I am writing to voice my objection to the report produced by the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, created by Chapter 52 of 2019.

The report's characterization and conclusion on parental alienation is neither accurate nor legitimate. To be blunt, it is ideology masquerading as science. The report mischaracterizes

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the phenomenon of parental alienation. Parental alienation is a mental condition in which a child—usually one whose parents are engaged in a high-conflict separation or divorce—allies strongly with one parent (the preferred or favored parent) and rejects a relationship with the other parent (the rejected or alienated parent) *without legitimate justification*. The report's conclusion—that it is “not appropriate for [Maryland] courts to rely on parental alienation as a conclusive reason for a child's negative attitude towards a parent” because “a child may have his or her own legitimate reasons to demonstrate fear or rejection of a parent” due to abuse or other valid grounds—creates a strawman argument. The concept of parental alienation does not include situations where a child has *legitimate* reason to reject or refuse contact with a parent. Factor three of the well-known Five-Factor Model of parental alienation requires an evaluator or court to ascertain the legitimacy of the child's rejection of or resistance to the rejected parent. If the grounds for such rejection or resistance are legitimate, parental alienation must be ruled out. The report appears to be ignorant (or willfully blind) to the current research and professional literature—both peer-reviewed scientific articles and judicial case law—that exists on parental alienation.¹

I am even more concerned about the report's citation to the opinion(s) espoused by Professor Joan Meier. The report attempts to paint the phenomenon of parental alienation in a sexist, propagandist undertone. Citing some of Professor Meier's work—which is *not* peer-reviewed—the report alleges that parental alienation is “junk science” and is a result of some outlandish theory that was devised by Dr. Richard Gardner for nefarious purposes. Nothing could be farther from the truth. Over the many years, various researchers—psychologists, psychiatrists, social workers, and legal scholars—have described the phenomenon of parental alienation in professional literature.² The concept of parental alienation has been described and discussed for more than 70 years in the professional literature. Much of it has been published in scientific, peer-reviewed journals. It is astounding (and alarming) that the report not only makes no mention of this research, but instead offers a stale, sexist, ignorant, and severely biased perspective on parental alienation.

There is another reason why you should be careful in considering Professor Meier's opinion on parental alienation (which the report appears to have adopted hook, line, and sinker). Recently, in a peer-reviewed article published by the American Psychological Association, Dr. Jennifer Harman and Dr. Demosthenes Lorandos exposed the serious conceptual and methodological problems of a Meier study, its **misrepresentation of the research pertaining to parental alienation, and the flawed and faulty interpretation of the study's findings, which was plagued with confirmation bias.**³ The Harman & Lorandos' peer-reviewed research not only failed to find support for Meier's unfounded claims, but instead made findings that were *opposite of what Meier and her colleagues reported*. As Harman & Lorandos point out:

¹ See e.g., Parental Alienation—Science and Law (Editors, Lorandos & Bernet), Charles C. Thomas (2020).

² See Bernet, W., Introduction to Parental Alienation in *Parental Alienation—Science and Law* (Editors, Lorandos & Bernet), Charles C. Thomas (2020), 26.

³ Harman, J. J., & Lorandos, D. (in press). Allegations of family violence in court: How parental alienation affects judicial outcomes. *Psychology, Public Policy, & Law*. DOI: [10.1037/law0000301](https://doi.org/10.1037/law0000301)

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“In conclusion...our results soundly disconfirmed nearly all the findings we tested from Meier...This ... raises concerns about the validity of Meier et al.’s data and conclusions that can be drawn from it...Unfortunately, Meier et al. ... have been extensively disseminating their findings to media and policy makers, have failed to discuss the limitations of their report, have been presenting their findings as definitive proof, and have been communicating to the public that abused mothers are losing custody of children to abusive father...Such messaging propagates stereotypes about men being abusive and women being victims, both of which were not supported in our study.”⁴

I have enclosed a copy of the Harman & Lorandos’s peer-reviewed research paper for your review. Your Committee should carefully review this paper, the existing (and easily available) professional literature on parental alienation, and thereafter evaluate the report’s flawed argument that parental alienation is “junk science.”

Finally, American family courts have acknowledged the concept of parental alienation, have carefully defined it, have categorized it as child psychological or emotional abuse, and have intervened to put a stop to it. Maryland courts are in lockstep with the rest of the family courts around the country in acknowledging parental alienation and intervening to provide the necessary legal and mental health intervention.⁵

The report overall makes good suggestions. However, it’s characterization of parental alienation is contradicted by available science and well-established best practices pertaining to child custody proceedings. The report’s presentation and opinion on parental alienation is deeply flawed, inaccurate, and biased. I encourage you to reach out to well-known, bonafide experts in the area of parental alienation. The recently published book that I refer to in my footnote #1 would be a good starting place.

⁴ *Id.*, at 36

⁵ See e.g., *Domingues v. Johnson*, 593 A.2d 1133 (Md. 1991); *Barton v. Hirshberg*, 767 A.2d 874 (Md. Ct. Spec. App. 2001); *Karen P. v. Christopher J. B.*, 878 A.2d 646 (Md. Ct. Spec. App. 2005); *Tarachanskaya v. Volodarsky*, 897 A.2d 884 (Md. Ct. Spec. App. 2006), rev’d, *Volodarsky v. Tarachanskaya*, 916 A.2d 991 (Md. 2007); *Meyr v. Meyr*, 7 A.3d 125 (Md. Ct. Spec. App. 2010); *McClanahan v. Washington County Dept. of S.S.*, 96 A.3d 917 (Md. Ct. Spec. App. 2014) rev’d, 129 A.3d 293 (Md. 2015); *Harrison v. Greene*, No. 1179, 2016 WL 389956 (Md. Ct. Spec. App. Feb. 1, 2016); *Wildstein v. Davis*, No. 2422, 2016 WL 6591681 (Md. Ct. Spec. App. Nov. 4, 2016); *Rifka v. Dillenburg*, No. 2224, 2016 WL 7496580 (Md. Ct. Spec. App. Dec. 21, 2016); *Gillispie v. Gillispie*, No. 1849, 2016 WL 1622890 (Md. Ct. App. Apr. 25, 2016); *Molina v. Molina*, No. 2707, 2017 WL 35493 (Md. Ct. Spec. App. Jan. 4, 2017); *Gali v. Gali*, Nos. 1953 & 1954, 2017 WL 2535672 (Md. Ct. Sp. App. June 12, 2017); *Neff v. Neff*, No. 961, 2017 WL 1534889 (Md. Ct. Sp. App. Apr. 28, 2018); *In re JM Jr.*, No. 2180, 2017 WL 3141086 (Md. Ct. Spec. App. July 25, 2017); *Azizova v. Suleymanov*, 243 Md. App. 340, 368, 220 A.3d 389, 407 (2019), reconsideration denied (Dec. 31, 2019), cert. denied, 467 Md. 693, 226 A.3d 236 (2020); *Jones v. Jones*, No. 369, SEPT. TERM, 2020, 2020 WL 6867945, at *6 (Md. Ct. Spec. App. Nov. 23, 2020); *Ross v. Ross*, No. 1473, SEPT. TERM, 2019, 2020 WL 7416734, at *5–8 (Md. Ct. Spec. App. Dec. 18, 2020).

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Please feel free to contact me in case of any questions. I can be reached at a.joshi@joshiattorneys.com.

Yours truly,



Ashish S. Joshi

Enclosures

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