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To: Members of the Senate Judicial Proceedings Committee  
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SB28 promotes that custody decisions should support the best interest and safety of children. It also encourages that children should enjoy the maximum benefit of both parents in their lives (barring any safety concerns). These are appropriate goals and many of the factors that are delineated in the bill are welcome. There are a few items, however, that need clarification or present potential problems.

- Section 9-202 makes two references (page 9 lines 17-18 & 27-28) to protecting children from exposure to conflict and violence. The definition of *conflict* and *violence* is vague. Anything from snide remarks to flying pots and pans could be included in this. Likewise, a parent could intentionally promote conflict in order to accomplish the purpose of denying the child access to the other parent. This is particularly a concern when there is parental alienation (PA) which is a form of custody interference and psychological abuse that can be as emotionally damaging as physical and sexual abuse<sup>1</sup>.
- On page 10 (lines 10, 13-14), the ability of the parents to resolve disputes is discussed. This is also vague. In a situation where one parent is not cooperative, will the other parent be denied any custody or decision making power in order to placate the contentious parent? This section could be misapplied and situations could arise where a child will lose a relationship with a more cooperative and healthy parent.
- Section 9-203 details the court's options when parents are able to communicate and make joint decisions. The options are not detailed for when the parents are not able to communicate and reach decisions. This needs to be clarified. A child's relationship with a cooperative parent should not be sacrificed on the mere grounds that the parents cannot

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<sup>1</sup> A study entitled *The Impact of Parental Alienating Behaviours on the Mental Health of Adults Alienated in Childhood* suggests that exposure to parental alienating behaviors in childhood can have a profound impact on the mental health of those children later in life, including experiencing anxiety disorders, trauma reactions, addiction and substance use, and coping and resilience. This study demonstrated the insidious nature of PA and parental alienating behaviors and provided further evidence of **these behaviors as a form of emotional abuse**. (<https://doi.org/10.3390/children9040475>. (See conclusion on page 14)

communicate and especially when it is indeed only a one way communication issue.

- On page 10 line 15, it states that a child's preference, if age-appropriate should be taken into consideration. While this can certainly be a factor, it should not be the predominant factor in making custody decisions. Despite their more mature cognitive capacities compared with younger children, even adolescents are suggestible, highly vulnerable to external influence, and highly susceptible to immature judgments and behavior<sup>2</sup>.

### **AMENDMENTS NEEDED**

My organization (PAS-Intervention MD Chapter) along with MACA- Mothers Against Child Abuse and Servicemembers & Veterans for Children's Rights would support the bill if the following amendments occur:

- Page 9 (lines 17-18 & 27-28) and page 10 (lines 10, 13-14) are too vague to prevent children from being denied the love of safe and capable parents due to exposure to relatively minor conflicts/violence, parental alienating behaviors and high conflict personalities. Safeguards need to be included to prevent these possibilities.
- Section 9-203 should include viable options for when there are communication and cooperation issues. Denying parenting time and legal decision making in order to avoid conflict is not in the child's interest if it causes children to lose the benefits of having that parent in their life.
- Child preference should only be a decisive factor if the judge determines that the child's preference is indeed in the child's best interest, it is not contraindicated by other factors and that the child is not being manipulated by an alienating parent.
- Section 9-107 permits a 16 year old to petition for a change in custody and visitation orders. This should be amended to exclude cases where the order was based on a finding of parental alienation.

For these reasons, we urge the committee to give a favorable with amendments report on SB28. Please contact me with any questions that you may have.

Respectfully,

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<sup>2</sup> *Ten Parental Alienation Fallacies That Compromise Decisions in Court and in Therapy* page 241:  
<http://www.alienazione.genitoriale.com/wp-content/uploads/2015/07/Warshak-2015x.pdf>