



Banning Parental Alienation Accusations in Family Court

Brief submitted by the *National Association of Women and the Law (NAWL)* to the Standing Committee on the Status of Women for its study on *Coercive Behaviour*

May 2024

What are “parental alienation” accusations?

“Parental alienation” is a controversial concept used in clinical and legal settings to describe children who refuse or resist contact with a parent. Despite its lack of scientific validity, this theory “has gained considerable traction and has been widely used to negate allegations of domestic and sexual abuse within family court systems on a global scale”.¹

Typically, children are considered “alienated” by their mother for refusing to see their father. Even in the absence of child resistance, mothers are often accused of engaging in “parental alienation” when they oppose or seek to reduce contact between the father and the child.

Victims of domestic violence are particularly at risk of being accused of “parental alienation” when they raise safety concerns. The idea that mothers fabricate allegations of violence to gain an advantage in family court and then brainwash their children to fear their father reinforces myths around family violence, marginalizes concerns for the child’s safety, and puts women who denounce domestic violence at increased risk of being disbelieved and even punished.

“Parental alienation” accusations can lead to children being placed with their violent father. In some cases, mothers who are seen as “alienating” are forbidden from having any contact with their child, sometimes for years, even when they have historically been the child’s primary caretaker. Courts have even placed children in group homes or foster care to separate them from a supposedly “alienating” mother.

The rise and prevalence of “parental alienation” accusations put mothers and children at risk of continued family violence.

¹ *Custody, violence against women and violence against children*, by Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem, A/HRC/53/36 (Office of the High Commissioner for Human Rights) at para 11.

In the summer of 2023, the UN's *Special Rapporteur on Violence against Women and Girls, its Causes and Consequences* called on all states to “**legislate to prohibit the use of parental alienation or related pseudo-concepts in family law cases** and the use of so-called experts in parental alienation and related pseudo-concepts”.²

We echo this demand and call on the Canadian government to exhibit leadership by implementing this important recommendation.

Key findings from Canadian research

- “Parental alienation” accusations are **primarily made against women**; victims of intimate partner violence are particularly at risk.³
- In 2015, more than half of workers in women’s shelters in Quebec described “parental alienation” accusations as either a priority for their shelter or one of their **primary concerns**.⁴
- The situation has only worsened in recent years as “**parental alienation**” accusations are on the rise.⁵
- When parental alienation is alleged, **family violence concerns are ignored or minimized**.⁶
- Considering “parental alienation” leads courts to **lose sight of the child’s best interests**, and to focus on parental rights instead.⁷
- “Parental alienation” is used in a **broad range of circumstances**, including cases where the child does not reject a parent and cases where the mother has not denigrated the father and has not obstructed contact with him.⁸
- Due to the prevalence of “parental alienation” accusations against victims of domestic violence, some mothers are advised by their own lawyers **not to disclose domestic violence** in family court.⁹

² *Ibid* at para 74.

³ Suzanne Zaccour, “Parental Alienation in Quebec Custody Litigation” (2018) 59:4 *Les Cahiers de droit* 1073–1111 at 1084; Linda C Neilson, *Parental alienation empirical analysis: child best interests or parental rights?* (FREDA Centre for Research on Violence Against Women and Children, 2018) at 8.

⁴ Simon Lapierre & Isabelle Côté, “Abused women and the threat of parental alienation: Shelter workers’ perspectives” (2016) 65 *Children and Youth Services Review* 120–126.

⁵ Simon Lapierre et al, “The legitimization and institutionalization of ‘parental alienation’ in the Province of Quebec” (2020) 42:1 *Journal of Social Welfare and Family Law* 30–44.

⁶ Elizabeth Sheehy & Susan B Boyd, “Penalizing women’s fear: intimate partner violence and parental alienation in Canadian child custody cases” (2020) 42:1 *Journal of Social Welfare and Family Law* 80–91.

⁷ Neilson, *supra* note 3.

⁸ Zaccour, *supra* note 3.

⁹ Joanna Radbord & Deborah Sinclair, “In Children’s Best Interests: Addressing Intimate Partner Violence in Parenting Cases” (2021) 34:12 *Ontario Family Law Reporter* 153 at 156.

Testimonial: What happened to Jane, a child labelled “alienated”?

Watch and listen to Jane’s testimony [here](#).

“In the spring of 2022, my life changed forever when I attended a Zoom meeting with my mom, father, 11-year-old sister, and a social worker from the United States who I will be referring to as Mary. At this meeting, we found out that our custody would be transferred to our father within hours, that we would not be permitted to have direct or indirect contact with our mom, her family, or friends for 90 days. This meant there was to be absolutely zero contact – no Zoom, no phone calls, no text messages, no cards, or exchange of communication of any kind – not even smoke signals, as Mary put it. And if such contact did occur, the 90-day period would start over. The order also stipulated that my sister and I would travel to the United States to attend a reunification camp, commonly known as a camp, with Mary. Please note that our family is fully Canadian; we have no ties to the United States, yet we were ordered out of our country to attend therapy with a social worker not licensed to practice in person or via tele-practice in Canada.

My sister and I were devastated by this news. Prior to this order, we spent 15 hours a week of court-ordered parenting time in our father's care, and we had not had an overnight visit in almost 3 years. About a week after we got this order to transition to our father's care, we traveled to the States for four days. We went to the personal apartment of Mary every morning; during this time, we were told that our negative memories of our father were false. We watched the movie “Welcome Back Pluto,” a movie about parental alienation. We watched a video summary of a controversial study about false memories called “Lost in the Mall.” We watched the Brain Games episodes “False Memory” and “Misinformation Demonstration,” and “Remember this?”. We were told that our mother was the abusive one, and all of these sessions were video recorded. In the afternoon, we visited local attractions. During these outings, we were coerced into cooperation. A specific example was when Mary yelled at me for not smiling in a photo. I was told that if I did not smile, the no-contact order with my mom would be tripled. At no time was the no-contact order breached. However, I remained in a no-contact order with my mom for over 502 days, and to this day, my sister remains in a no-contact order. She is now approaching 700 days of no contact with our mom.

About a month after we returned from the States, we began attending what is referred to as Aftercare with a Canadian social worker who I will refer to as Kevin. Kevin's framework and methodology were simply an extension of what we had experienced with Mary. Kevin utilized threats and bargaining in our therapy sessions. His indicators of therapeutic success included us telling our father that we loved him, initiating and accepting physical affection from our father, and addressing him as “dad”. Therapy with Kevin felt like coercion. At no time did we feel that Kevin respected our perspectives or views.

With regards to schooling, I think it is important to share the following: On return from the States, my younger sister missed three weeks of school, and I was not permitted to return to in-person school. I was forced to complete my grade 9 year virtually. In the fall of 2022, my father registered my sister and me at schools in his neighborhood. My sister was devastated by this decision as she would have been entering grade six with all her friends since JK and teammates from ringette. I was simply excited to return to in-person school, although I was not permitted to have a cell phone or a Chromebook that belonged to the school board. My father said that if I made new friends, they could call me at his

number, and I had to use a Chromebook that he purchased. He installed the app Custodio on it to monitor my every move.

Now that I was out of the house for the first time since April, I knew that I had to advocate for my rights. I reached out to an organization that was able to assist me with obtaining a judicial interview. After my father learned that I had been in contact with this organization, the following occurred: I was questioned routinely by my father and his girlfriend behind closed doors about how I contacted them. I was threatened that all my friends would be called to the guidance office and questioned, that my friends would have to provide their phone records, and that school security footage would be obtained. On several occasions, my father came to the school and had me paged during lunch. On one occasion, he had the principal come find me. He made me leave with them for the duration of the lunch breaks.

After the Christmas holidays, I was not permitted to return to in-person school. I was not even permitted to write a final exam in person. My father went to the school, picked up a hard copy of the exam, and I wrote it at home, then he returned it to the school. I was not permitted to go to the school to pick up belongings or return books; he did this on my behalf. I was enrolled in an online private school and was not permitted to know my login information. He logged me into school daily. In the summer of 2023, on my 16th birthday, I left my father's residence and began walking to my mom's. It was my understanding that at age 16, I could make this choice. Unfortunately, it did not work out that way. My father called the police, and I was stopped about two-thirds of the way to my mom's. We spent hours in a park, and in the end, I was taken back to my father's in a police car.

The next day, I met with Children's Aid at my father's house. I asked CAS for support in obtaining legal assistance, therapy, and a foster care placement. I was told that they were unable to help me because of the nature of the court order.

In August 2023, I was provided with an updated judgment that permitted me to have contact with my mom again. The order states that it is in my best interest to reside primarily with my mom and to have parenting time with my father in accordance with my wishes. My father attempted to maintain control over me up until the transfer of care back to my mother took place. He sought to convince me to agree to a week-to-week parenting schedule before I knew the true content of the order. It is now obvious that he had not shared the updated judgment with me transparently.

After over 500 days, I was reunited with my mom. I'm attending in-person school. I have a job, and life is starting to feel normal again. The no-contact order that was in effect for over 500 days with my mom, attendance at a reunification camp, and Aftercare in Canada did not strengthen my relationship with my dad. Rather, it reinforced my feelings that had been consistent for years.

In conclusion, I am hopeful that Canada will endeavor to implement the recommendations of the UN. My sister and I are not the first children to be court-ordered to the United States to participate in the reunification camp; this has been going on for some time. There is a well-publicized case from 2008 of a boy by the name of Leo who was flown by police escort to the United States to attend Family Bridges. No child should have to experience what I have lived through and what my sister continues to live through."

Frequently Asked Questions About Banning Parental Alienation Accusations

Part 1: The “parental alienation” hypothesis

Are we saying that children never reject a parent or that parents never denigrate?

Denigration exists, and child rejection exists. However, that doesn’t mean that we must accept the parental alienation hypothesis that:

- 1) a child’s rejection of a parent is caused by the other parent (rather than, for instance, family violence or neglect); and
- 2) a child’s rejection of a parent must be “treated” by forcing contact with the rejected parent and undermining the relationship with the preferred parent.

Is “alienation” by a parent the best way to explain parent-child difficulties?

There are many reasons, other than parental alienation, that can explain why a child rejects a parent, including family violence or neglect. Child rejection is virtually always caused by multiple factors, including the rejected parent’s own behaviour.¹⁰

Can alienating behaviours really turn a child against a loved parent?

Contrary to the alienation hypothesis, denigration often backfires, leading the child to reject the denigrator.¹¹ More generally, a child’s rejection of a parent is almost always caused by multiple factors, including the rejected parent’s own behaviour.¹² Instead of blaming the “alienator”, interventions should focus on the rejected parent addressing their shortcomings.

Can parental alienation research prove that children are “alienated”?

Research on “parental alienation” is often based on subjective accounts; only the child, or only the rejected parent, is asked about what happened. This approach raises risks of bias, memory lapses and misapprehensions.¹³ It cannot prove that “alienating behaviours” caused child rejection as other causes of rejection are not screened for.

Why has empirical evidence failed to prove parental alienation theory?

Even prominent alienation researchers acknowledge the weakness of empirical studies of alienation, most of which are “methodologically weak”, have “unreliable” results, fail to provide a basis for

¹⁰ Janet R Johnston, Marjorie G Walters & Nancy W Olesen, “Is It Alienating Parenting, Role Reversal or Child Abuse? A Study of Children’s Rejection of a Parent in Child Custody Disputes” (2005) 5:4 *Journal of Emotional Abuse* 191–218 at 206.

¹¹ Jenna Rowen & Robert Emery, “Parental Denigration: A Form of Conflict that Typically Backfires” (2018) 56:2 *Family Court Review* 258–268.

¹² Johnston, Walters & Olesen, *supra* note 10 at 206.

¹³ Joan Meier, “Questioning the scientific validity of parental alienation labels in abuse cases” in Jean Mercer & Margaret Drew, eds, *Challenging Parental Alienation: New Directions for Professionals and Parents* (Routledge, 2021) 216 at 238–239.

distinguishing “alienation” from the effects of family violence, and offer “inconclusive or unreliable” bases to justify interventions.¹⁴ There is no credible evidentiary basis for the use of tests and scales in court cases to “diagnose” alienation.¹⁵

Part 2: “Parental alienation” and family violence

Is parental alienation truly gendered?

Mothers are twice as likely as fathers to be accused of parental alienation.¹⁶ Gender bias also manifests in harsher responses to mothers’ “alienation”,¹⁷ in findings that mothers can be “alienating” without having done anything,¹⁸ and in professionals’ discourses about domestic violence and the importance of the father-child relationship.¹⁹

Are parental alienation accusations primarily used in family violence cases?

A high proportion (at least 25 to 50%) of “parental alienation” cases involve explicit allegations of family violence.²⁰ In other cases, there is family violence, but it is not disclosed by the mother or not mentioned in the court case.²¹ While some alienation professionals state that there can be no alienation if the rejected parent is violent, others see domestic violence as a reason to suspect that the mother is alienating.²²

In any case, there is no reliable way to confirm that a child is alienated rather than a victim of family violence. And even where family violence is acknowledged by the father or proved by criminal convictions, mothers are still found to be alienating.

¹⁴ Michael Saini et al, “Empirical studies of alienation” in Leslie Drozd, Michael Saini & Nancy Olesen, eds, *Parenting plan evaluations: Applied research for the family court*, 2d ed (Oxford University Press, 2016) 399 at 423–424; see also Madelyn Simring Milchman, “How far has parental alienation research progressed toward achieving scientific validity?” (2019) 16:2 *Journal of Child Custody* 115–139; Julie Doughty, Nina Maxwell & Tom Slater, “Professional responses to ‘parental alienation’: research-informed practice” (2020) 42:1 *Journal of Social Welfare and Family Law* 68–79.

¹⁵ Doughty, Maxwell & Slater, *supra* note 14 at 72.

¹⁶ Linda C Neilson, *Parental alienation empirical analysis: child best interests or parental rights?* (FREDA Centre for Research on Violence Against Women and Children, 2018) at 10; Suzanne Zaccour, “Parental Alienation in Quebec Custody Litigation” (2018) 59:4 *Les Cahiers de droit* 1073–1111 at 1084; Amylie Paquin-Boudreau, Karine Poitras & Nicholas Bala, “Family Court Responses to Claims of Parental Alienation in Quebec” (2022) 36:1 *International Journal of Law, Policy & the Family* 1–20 at 8.

¹⁷ Neilson, *supra* note 16 at 11–12; Elizabeth Sheehy & Susan B Boyd, “Penalizing women’s fear: intimate partner violence and parental alienation in Canadian child custody cases” (2020) 42:1 *Journal of Social Welfare and Family Law* 80–91 at 83.

¹⁸ Zaccour, *supra* note 16 at 1103.

¹⁹ Simon Lapierre et al, “The legitimization and institutionalization of ‘parental alienation’ in the Province of Quebec” (2020) 42:1 *Journal of Social Welfare and Family Law* 30–44.

²⁰ Neilson, *supra* note 16 at 9; Sheehy & Boyd, “Penalizing women’s fear”, *supra* note 17 at 83; Zaccour, *supra* note 16 at 1083.

²¹ Suzanne Zaccour, “Does Domestic Violence Disappear from Parental Alienation Cases? Five Lessons from Quebec for Judges, Scholars, and Policymakers” (2020) 33:2 *Canadian Journal of Family Law* 301–357 at 317–319.

²² Lapierre et al, *supra* note 19 at 40.

Do proponents of “parental alienation” theory acknowledge that children can legitimately reject a violent parent?

Increasingly, parental alienation professionals affirm that a father can be “alienated” even if he has been violent towards the mother and child. Forced removal from the protective mother and forced parenting time with the violent father can be recommended even in cases where children justifiably fear their father due to his violence.²³ Parental alienation theory is incompatible with a child-centred and safety-focused approach that recognizes the harm caused by family violence.

Is there any objective way to determine that a child is “alienated”, rather than reacting to the rejected parent’s violence?

As alienation researchers themselves acknowledge, there is “a virtual absence of empirical studies” on how to determine that a child is “alienated” rather than legitimately rejecting a parent due to family violence.²⁴ This means that “most if not all alienation ‘diagnoses’ or labels are largely speculative”²⁵ and can mask a family violence situation.

Part 3: Parental alienation interventions

Does “parental alienation” harm children?

According to parental alienation researchers’ own studies, children who refuse contact with a parent do not suffer more emotional distress than other children who experience family law disputes.²⁶ In the absence of evidence that “alienation” harms children, courts should not order draconian and repeated interventions such as reversals of parenting time (prominent alienation researchers themselves acknowledge this²⁷). Instead of forcing contact, children should be allowed to initiate contact when they are ready to do so, as most of them do.²⁸

Should parents who are “alienating” lose parenting time?

Courts commonly force children or teenagers who are considered “alienated” to spend time or even live with the rejected parent. A systematic review of studies regarding parental alienation interventions found a lack of empirical support for the safety and effectiveness of parental alienation interventions.²⁹ These interventions take place even in cases of documented and acknowledged family violence.

²³ See as an example Shely Polak, Tom Altobelli & Linda Popielarczyk, “Responding to Severe Parent–Child Rejection Cases Without a Parentectomy: A Blended Sequential Intervention Model and the Role of the Courts” (2020) 58:2 Family Court Review 507–524 fig 2.

²⁴ Saini et al, *supra* note 14 at 423.

²⁵ Meier, *supra* note 13 at 225.

²⁶ Janet R Johnston & Judith Roth Goldman, “Outcomes of family counseling interventions with children who resist visitation: An addendum to Friedlander and Walters (2010)” (2010) 48:1 Family Court Review 112–115 at 114.

²⁷ *Ibid.*

²⁸ *Ibid* at 113.

²⁹ Jean Mercer, “Are intensive parental alienation treatments effective and safe for children and adolescents?” (2019) 16 Journal of Child Custody 1–47 at 1.

Effects of forced changes in parenting time include anxiety, depression, PTSD, self-harm, suicidality, and dangerous situations due to children running away.³⁰ Even when the non-preferred parent is not abusive, forcing contact disrupts children's lives and social networks and causes fear and distress. Note that even Johnston and Kelly, who proposed the term "parental alienation", argue against reversing parenting time due to "alienation".³¹

Why are parental alienation interventions harmful to children?

Children who reject a parent most often reconnect spontaneously after some time has passed.³² Court interventions are counterproductive.

Interventions ordered in cases of supposed "alienation" are extremely harmful and not supported by credible research. Common interventions include parenting time reversals and limiting or prohibiting contact between the child and their preferred parent. This means that a child who is bonded with their mother and fears their violent father could be, with no warning, forced to reside with their father and barred from any contact with their primary parental figure. This is likely to cause extreme distress to the child.

Even leading alienation researchers, including those who proposed the term "parental alienation", reject the draconian interventions currently ordered and carried out by evaluators, child protection services, and courts.³³ Parenting time should not be reversed; instead, when the rejected parent "carries on the battle in court", "the children, especially the teenagers, should be invited to 'get on with life' with help from a supportive therapist if useful, and make the choice of contact at a later date."³⁴

Is alienation theory useful to protect a child's interest in having a relationship with both parents?

While proponents of parental alienation interventions say they want to protect a child's right to a relationship with both parents, cases often end in children having no relationship with their mother.³⁵

³⁰ Stephanie Dallam & Joyanna L Silberg, "Recommended treatments for 'parental alienation syndrome' (PAS) may cause children foreseeable and lasting psychological harm" (2016) 13:2-3 *Journal of Child Custody* 134-143 at 140-141.

³¹ They write: "Only in those relatively rare situations where the aligned parent is found to be psychotic or severely character-disordered, a serious abduction risk, and has corresponding serious parenting deficits do we consider a change of custody warranted. Even then, to obtain custody the rejected parent should be assessed as providing a better alternative": Janet R Johnston & Joan B Kelly, "Commentary on Walker, Brantley, and Rigsbee's (2004) 'A Critical Analysis of Parental Alienation Syndrome and Its Admissibility in the Family Court'" (2004) 1:4 *Journal of Child Custody* 77-89 at 87.

³² Johnston & Goldman, "Outcomes of family counseling interventions with children who resist visitation", *supra* note 26 at 113.

³³ Johnston & Kelly, *supra* note 31 at 85.

³⁴ Johnston & Goldman, "Outcomes of family counseling interventions with children who resist visitation", *supra* note 26 at 114.

³⁵ See for example Nicholas Bala, Rachel Birnbaum & Jessica Farshait, "Parental alienation cases: Challenges and realities", *Law 360 Canada* (14 March 2024), online: <<https://www.law360.ca/ca/articles/1813852/parental-alienation-cases-challenges-and-realities>>.

What is the best approach when children reject a parent?

The fact that a child rejects a parent – even unjustifiably so – doesn’t mean that forcing contact is the best solution. On the contrary, even prominent alienation researchers argue against parenting time reversals.³⁶ Rather, rejected parents should address their own parenting deficits, and children should be allowed to reconnect and reconcile on their own terms (if it is safe to do so). Research has shown that children who reject a parent often reconnect with the disfavored parent, generally within a year or two.³⁷ Forcing children into unwanted contacts and interminable court cases most likely does more harm than good, even in terms of their relationship with the rejected parent.

Part 4: Stopping parental alienation accusations

How will a ban on parental alienation concepts enable a case-by-case assessment of the child’s best interests?

Using the concept of parental alienation, courts routinely order changes in parenting time that even parental alienation researchers acknowledge are detrimental to a child’s wellbeing.³⁸ Moreover, parental alienation concepts lead courts to:

- focus on parental rights instead of children’s best interests,
- ignore or minimize family violence,
- and disregarding the child’s or teenager’s wishes.³⁹

Banning the concept of parental alienation does not prevent a case-by-case assessment of the child’s best interest; it enables it. Courts will always be able to intervene if a child is unhappy or their needs are not met, using interventions centred on the child and guided by existing legislated criteria. Banning parental alienation concepts prevents courts from using harmful interventions aimed at punishing mothers with no specified parental deficit other than their assumed responsibility for father-child relationship problems.

Should parental alienation findings be banned from domestic violence cases but used in other cases?

A strategy that would simply ban or limit parental alienation findings from cases of family violence is not workable for several reasons:

- 1) family violence is often unreported;
- 2) parental alienation theory offers no reliable way to distinguish between the effects of “alienation” and the effects of family violence;

³⁶ Johnston & Kelly, *supra* note 31 at 87.

³⁷ Johnston & Goldman, “Outcomes of family counseling interventions with children who resist visitation”, *supra* note 26 at 113.

³⁸ Johnston and Kelly, who coined the term “parental alienation”, write: “Only in those relatively rare situations where the aligned parent is found to be psychotic or severely character-disordered, a serious abduction risk, and has corresponding serious parenting deficits do we consider a change of custody warranted. Even then, to obtain custody the rejected parent should be assessed as providing a better alternative”: Johnston & Kelly, *supra* note 31 at 87.

³⁹ Neilson, *supra* note 16; Sheehy & Boyd, “Penalizing women’s fear”, *supra* note 17; Zaccour, “Does Domestic Violence Disappear from Parental Alienation Cases?”, *supra* note 21.

- 3) alienation concepts encourage stereotypical and sexist reasoning which lead to victims being disbelieved;
- 4) alienation theory presents accusations of family violence as evidence of alienation.

All of these factors will predictably lead courts and professionals to misidentify cases of family violence as “non-violence cases”, making a partial ban ineffective. The partial ban could even be counter-productive as it would give fathers and evaluators more incentives to deny family violence to be able to use parental alienation concepts.

Why can't we regulate instead of banning parental alienation findings?

Previous attempts to improve parental alienation theory have failed to produce positive results. In particular, alienation research saying that parenting orders should not be reversed in situations of alienation⁴⁰ has not been reflected in the ways professionals or courts address these cases.

Moreover, regulating parental alienation would give legitimacy to the concept, despite its weak empirical basis and despite the fact that alienation researchers have still not produced any objective and reliable way to identify “parental alienation”.

If we ban parental alienation, will the courts just use the same problematic reasoning but without the name?

This is a serious concern that indicates the need for comprehensive reforms beyond the ban.

However, the term parental alienation causes real harm and carries a particular weight due to its scientific-sounding name. This is precisely why the label “parental alienation” has become so popular. Banning arguments of “parental alienation” will signal to judges that they must conduct careful case-by-case assessments, instead of deferring to evaluators who make speculative predictions not based on objectivity or science.

What about women who use accusations of parental alienation to defend themselves against a violent ex-partner?

Denigration is extremely common among litigating families, and it is also a common behaviour for violent men. Denigration is different from parental alienation, because denigration is an observable behaviour, while parental alienation is only a theory or hypothesis about denigration causing parent-child estrangement.

Courts can encourage parents not to denigrate each other and provide tools such as indirect means of communications to improve communications and shelter a parent from another’s verbal abuse. Further, using the label “parental alienation” is not required for courts to intervene in any case where the child experiences adverse outcomes due to a parent’s deficit.

Women who are victims of family violence sometimes claim that they are victims of “parental alienation”, especially if they know that courts are not always able to recognize family violence. However, these cases should be considered as family violence cases and treated with the proper tools.

⁴⁰ Johnston & Kelly, *supra* note 31 at 87.

Family violence research is more credible and better established than parental alienation research, and family violence interventions do not carry the risks to children that parental alienation interventions do.

Conclusion: Changing our approach to children’s resistance to contact with a parent

	Child rejects violent parent	Child rejects protective parent	Child prefers a parent; no family violence
Parental alienation approach	Violent parent claims alienation; child may be forced to reside with violent parent in full or shared parenting.	Victim of domestic violence claims alienation; child may be forced to reside with protective parent in full or shared parenting.	Non-preferred parent claims alienation. The child’s preferences are disregarded. The child may be forced to reside with them in full or shared parenting.
Preferable approach	The focus is on family violence. Family violence is not in the child’s best interests. The child is protected from further violence.	The focus is on family violence. Family violence is not in the child’s best interests, regardless of whether or not there is denigration. Early on, the child is protected from further violence by placing them with the protective parent.	Courts evaluate parenting abilities and the child’s best interests. Parenting is attributed on a case-by-case basis, taking into account the child’s preferences and experiences.