



E51 Parental Alienation Syndrome: A Questionable Concept

*Stephanie Domitrovich, JD, PhD**, Sixth Judicial District of PA, Erie County Court House, 140 W 6th St, Rm 223, Erie, PA 16501; *James T. Richardson, JD, PhD*, Univ of Nevada, Grant Sawyer Center for Justice Studies, MS 311, Reno, NV 89557; and *Rebecca M. Thomas, MA*, Univ of Nevada, Research Integrity Office, MS 0331, Reno, NV 89557-0331

After attending this presentation, attendees will understand the issues surrounding the controversial concept regarding PAS, and how it affects the litigants and the judicial processes involved in determining child custody issues.

This presentation will impact the forensic science community by increasing understanding about the diverse perspectives on the admissibility or exclusion of Parental Alienation Syndrome (PAS) evidence. This should enable practitioners to be more competent, aware, and knowledgeable of the complexities of this concept in the performance of their duties in the courtroom. A more balanced and productive perspective on this issue, including the need for more research in this area will be presented. This presentation will address how this concept has become more of an adversarial weapon than a therapeutic tool to assist the families in resolving difficulties during divorce. The assumptions involved with this concept will be examined and the presenters will provide suggestions about the type of research needed in this area and how it can be accomplished.

Experts are testifying in courts across the globe about Parental Alienation Syndrome (PAS) which has become a popular concept used in custody battles; however, there has been significant debate inside and outside the courtroom over the admission of PAS evidence. Is their empirical data to support expert testimony concerning this so called syndrome? Does the concept meet the scientific admissibility standards of either *Frye* or *Daubert*? If these standards are not met, what is giving impetus to the growing use of PAS in the courtroom?

This presentation will address these questions after tracing the beginnings of the use of this concept, which was first presented in 1987, by Dr. Richard Gardner, a psychiatrist who dealt with divorce and custody issues. He defined the phrase as a concept based in part on the idea of "brainwashing," but also involving conscious elements and other factors such as subconscious and unconscious ones existing within a parent which contribute to that parent's negative intentions to influence the child to reject the other parent. Dr. Gardner believed that a child can become so obsessed with animosity for the alienated parent that the child's animus becomes independent of the alienating parent's contributions. Minor altercations experienced by the child with the alienated parent become the child's justifications for his or her feelings toward the alienated parent.

Dr. Gardner categorized parental alienation cases as fitting on a continuum which included three categories from mild, moderate, to severe. However, his promotion of the concept has raised questions about the basis for his beliefs and opinions. Questions focus on the scientific basis of the concept. How should lawyers and judges view this evidence? Is this concept helpful to the trier of fact? What are the discussions amongst the experts as to the reliability and validity of the concept of parental alienation? Should lawyers and judges scrutinize expert testimony about parental alienation or should they accept this concept as a mental disorder even though there is currently no recognition as such in DSM-4 (Diagnostic and Statistical Manual of Mental Disorders)? What discussions have taken place about this concept's inclusion in DSM-5 which is due to be released in early to mid 2013?

PAS has universal appeal due to claims about the effects of parental alienation on the children experiencing it. Parental alienation has been cited by legal authorities in the United States and also in international jurisdictions and venues where parents abduct a child from one country to another country. In this world of ever-growing litigation, parental alienation as a concept needs to be explored more fully using proper scientific methods. More scientific research in this area can assist the experts and the courts providing appropriate remedies to address the possible harm allegedly caused to a child affected by parental alienation.

Parental Alienation, Child Custody, *Daubert*