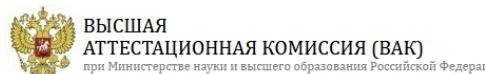


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## Forced family alienation: new data and new opinions on alienation from parents. Part I. 94

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### Introduction

Brazil's adoption of Law No. 12.318 / 2010 on exclusion from parents and mechanisms to combat this practice has sparked a discussion in the Brazilian legal environment regarding the role of mothers and fathers in protecting the psychological integrity of their children, as well as better understand the role of concepts and institutions that are related to legal activity in this extremely specific matter.

It should be noted that in the Brazilian legal literature, the terms "Alienation from parents" and "Syndrome of alienation from parents" are used to the same extent, often as synonyms, and only in rare cases is the theoretical difference between words taken into account, therefore it is necessary to differentiate concepts and ensure the right approach to each of these phenomena in the institutions of the legal system.

This is due to the fact that the term "Alienation" itself has many meanings [1]. The word "Alienation" has different definitions, starting with Marx (Marx) (alienation as a social division of labor, which occurs with the division between managers and workers of the labor process), Fromm (for whom alienation means separation of a person from what he himself created, or denial of the creative ability of man, when he worships idols created by himself) and ending with Marcus (Marcus) (alienation as a distortion of labor, which ceases to be a space for the real realization of man).

The expression "Alienation from parents" is a phenomenon that has been identified and classified in the *corpus* of psychology. In short, this means that the distance observed between children and parents can be justified or not. In other words, not every "Alienation from parents" is associated with the syndrome described by Richard Gardner.

There are many reasons for alienating a child from one or both parents. These include physical, emotional or sexual abuse on their part, being at the stage of maturation, complex psychopathic characteristics and more [2].

It should be noted that the alienation from parents due to the psychopathic characteristics of the child, the inability of the parent to cope with parental duties or the usual protest regarding the authority of the parents do not have a legal dimension that can be applied, but can be eliminated with the help of therapy prescribed by specialists in the field of psychology.

In any scenario of any distance between the child and the parent, called Alienation from parents, it is important to distinguish between the essence of the epistemological gap that marked the beginning of the so-called syndrome of alienation from parents.

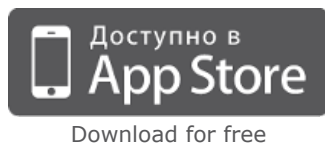
The syndrome of alienation from parents is a combination of symptoms and is observed in children and adolescents involved in sensitive conflicts between parents on the issue of custody disputes. These symptoms indicate that the child suffered from programming (or brainwashing), aimed at fear, hatred, and disrespect for one of the parents without factual basis.

At the same time, the main feature of the syndrome of alienation from parents is the attitude of an adult in the form of compulsion to drop between a child or adolescent and another parent / family member, which prevents the formation or preservation of healthy psychological relations between them.

The syndrome of alienation from parents is described as a kind of alienation from parents, characterized by the union of two elements: forcing this distance by an adult and promoting this unjustified separation by the child or adolescent, as Gardner points out.

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Gardner noted that many children and adolescents whose parents fought to obtain custody were subject to brainwashing on the initiative of one of the parents, mainly the mother, who systematically and consciously programmed children to discredit her father until then. , until these children moved on to an independent campaign of defamation [3].

Despite the contribution of Gardner to the mobilization of doctors and lawyers in the fight against disruption of harmony between parents and children in the practical field, the syndrome of alienation from parents has not yet been recognized by the American Psychiatric Association - APA.

The syndrome of alienation from parents was considered in the United States by authors such as Cartwright (Cartwright, Lund), Major (Major), Rand (Rand), Warshak; in Canada, Van Gijseghem; in Portugal - Adamopoulos; in France - Delfieu; in Spain - Aguilar; in the UK - Lowenstein (Lowenstein) [4].

Considering the points put forward by Gardner, Douglas Darnall also made a significant contribution to expanding the discussion on the syndrome of alienation from parents in his work "The Effects of Divorce: Understanding Alienation from Parents" ("Divorce Casualties: understanding parental alienation"), which was published in 1993 and supplemented in 2008

According to Darnall [5], alienation from parents should not be understood as a dualism between a bad and a good parent, because in most cases just one parent is the initiator of aggression, despite the fact that the roles that often change the parent, who was a victim at first, can also go to the generation of alienation. Thus, there is a circle of simultaneous alienation, which can continue to exist even after the child has a syndrome of alienation from the parents.

In this regard, Darnall [5] advocates distinguishing the terms "Alienation from parents" and "Alienation syndrome from parents" by professionals working with families, confirming Gardner's approach to alienation syndrome from parents and establishing a new approach to alienation from parents, preceding the specified.

The purpose of this distinction, as Darnall points out [5], is to assist parents in recognizing actions of alienation so that they do not lead to the syndrome of alienation from parents. Thus, it defines alienation from parents as a result of behavior, conscious or unconscious, capable of causing a breakdown in the relationship between the child and the parent.

In addition to this significant difference, for Darnalla [5] it is also important to reveal the effect of the phenomenon in Brazilian social dynamics in order to avoid that the subject of alienation from parents in Brazilian conditions does not become a simple acceptance of the doctrine developed by the above authors.

Therefore, the main purpose of this article is to disseminate the results of the study of the subject, obtained on the basis of a virtual questionnaire, in order to compare in general the participants, scenarios, actions and consequences, which are described in the special literature and that exist in the lives of adult Brazilians who are children divorced parents to explain the features and / or similarities with the alienation of parents, originally described by Gardner, supplemented by Douglas Darnall, and the alienation of parents, described by of which is reproduced in the Brazilian Law № 12.318 / 2010 to provide legal mechanisms to prevent this evil and deal with it.

Taking into account the results obtained, it is proposed to adopt a new term: replace the expression "Alienation from parents" with a new term "Forced family alienation", which more deeply and correctly reflects the entire complexity of the phenomenon.

### **The practice of parental exclusion in Brazil: a virtual questionnaire for adults who are children of divorced parents**

In order to eliminate the gap existing in the existing domestic legal literature regarding alienation from parents, which is dominated by reprints of research results conducted in other countries, as well as taking into account the influence of other cultural and legal phenomena, this questionnaire was used. This is also related to doubts about the realities of Brazilian families, since all the studies analyzed above relate to American society.

Therefore, in order to obtain evidence of the dynamics of Brazilian families, after the separation of parents, a questionnaire was developed aimed at adults who are children of divorced parents. The questionnaire was distributed over the Internet, taking into account the possibility of distribution of the questionnaire in social networks. Thanks to this distribution opportunity, it was possible to gain access to interested parties across the country and collect research data.

A selection of persons who were children of divorced parents was made. This restriction provided an opportunity to reach the participants who were actually involved in family conflicts, which are the basis for determining alienation from parents.

The questionnaire with the name "Questionnaire for adults who are children of divorced parents" was prepared using the online software on the Survio website ([www.survio.com.br](http://www.survio.com.br)) and includes 21 pages.

The link to the questionnaire was distributed on the Internet through social networks (Facebook and Twitter), an email list, blogs of journalists and the websites of the Brazilian Institute of Law and Family and the Brazilian Association of Happy Child. The number of visits to the questionnaire is impressive - 1557 during the study period - from January 30, 2014 to March 4, 2014 (34 days).

However, only 134 participants answered all questions to the sheet, while 164 participants left unanswered questions, thus not completing the dispatch.

Of the total number of participants, 83 reported that their parents ended the relationship when they were between 0 and 11 years old, while 34 participants indicated that this happened when they were between 12 and 18 years old. 17 participants reported that they were already over 18 when their parents broke up. It is important to note that of these 17 participants who were over 18, 14 people, responding to the next question, recognized themselves as victims of alienation from their parents.

This results in two hypotheses, which were indicated after the research conducted by Baker and Darnall [6], and which are confirmed by this study. First, the practice of alienation from parents should be taken into account in relation to older children who have the right to family relationships on a par with younger children and adolescents. The second: the practice of alienation from parents can take place when the family has not yet broken up, that is, even before the separation of the spouses.

Acts of alienation from parents, practiced against older persons, despite the fact that the special literature does not indicate that they stem from psychological intervention in relation to adult children, have not lost their destructive potential, since they continue to be a violation of the fundamental right to mutual relations in family as children are alienated from their parents or family members.

Similarly, the fact that the family has not yet broken up, when typical alienation from parents is noted, cannot prevent recognition of the harm of the practices practiced in these circumstances, which violate the psychological integrity of the children or are detrimental to maintaining or establishing strong relationships and relationships in the family.

When asked which member of the family lived with the party after the parents had parted, 99 of them indicated that they lived only with their mother, while 18 lived with their father and only 6 with their grandparents on the paternal line (2) or the maternal line (four).

In percentage terms, children who lived with mothers are children and adolescents whose guardianship was transferred (judicially or on a friendly basis) to mothers, which indicates that unilateral guardianship is preferred instead of joint, as well as transfer of custody to the mother.

This fact is confirmed by statistical data from the civil registry, published in 2010 by the Brazilian Institute of Geography and Statistics (IBGE). According to the 2010 Brazilian population census, in 87.3% of divorce cases, custody of children was transferred to women, with about 1/3 of the children losing contact with their fathers [7].

The same IBGE data from 2010 shows that from 2000 to 2010 the percentage of parents who have joint custody of children after divorce increased from only 2.7% of the total number of divorces to 5.4%. Despite the growth of approximately 100%, this indicator is very insignificant against the general background.

Then, answering the question whether they had experience when someone in the family tried to turn them against another family member, 36 out of 134 participants answered that this was not the case, and the rest gave an affirmative answer.

Of the 26 participants who chose the "Other" option, 6 noted that both the father and mother tried to turn them one against the other, and 12 also pointed to grandparents, uncles and aunts with or without parents, indicating a different practice of alienation from parents in the family.

These data suggest that the practice of alienation from parents must be carefully examined, taking into account the possibility that a family member who first initiated the alienation may become a victim of compulsory alienation on the part of the one who had previously been his target.

Also in the "Other" category, one participant pointed to a spouse, one to a stepmother, one to a former stepfather, one to a neighbor, and one to a cousin from whom intervention was observed.

Of interest are the data of the previous question about family members with whom the participant lived after the dissolution of the marriage. While 99 participants claim that they lived only with their mother and 18 with their father, 42 said that the initiator of the alienation was the mother, and 20 pointed to the father.

Thus, the number of children who indicated the father as the initiator of the alienation is higher than the number of children whose physical guardianship remained with the father, which means that the practice of alienation from parents is connected not only with those who provide legal care for the children (guardian) and spends more time with them.

Silva [8], referring to the Kodjoe study, explains that alienation from parents, as a rule, comes from the mother, since she spends more time with the children. The physical distance of men who need to support their family, and then pay child support, also contributes to the emotional distance of children from their father. However, alienation from parents can also be initiated by a non-custodial parent who skillfully manipulates children during visits.

The fact that uncles and aunts, grandparents and other family members are mentioned indicates that the practice of alienation from parents does not depend on who is the legal guardian of children and adolescents. It is most likely related more to affective closeness as a channel of influence than to relationships as such.

Rodrigues and Ramires [9], confirming this hypothesis, argue that the dynamics of alienation from parents presupposes a special emotional connection between the child and his caregivers, and symbiosis, lack of confidence, difference in tastes, feelings, needs. This means that the practice of alienation from parents goes beyond the traditional binomial "parental responsibilities and marriage".

The next question ("Who suffered?") Concerns the identification of family members affected by this attempt to turn a participant against someone in the family.

41 participants chose the "Not applicable" option, and another 2 participants settled on the "Other" option to indicate that no one was injured or that a failure had occurred. A total of 43 participants indicated that they had not encountered such situations.

These data, contrary to the indicators obtained in the answer to the previous question, where only 38 participants reported that they did not encounter family conflicts of this kind.

Thus, negative answers to the basic question allowed us to establish not only the number of participants who did not encounter situations of alienation from parents, but also the number of participants who recognized themselves as victims.

Despite the fact that only one participant indicated in response to the question that his brother or sister had suffered from an attempt to distance himself, a large number of cases were pointed out in response to the next question regarding brothers and sisters, indicating the practice of alienating to brothers and sisters. This also applies to grandparents as participants and / or victims of alienation from parents - a hypothesis to which only two participants indicated when answering this question.

This statement may mean that only after a certain understanding of the person recognize the practice of alienation from parents in everyday life in the form of actions that seemed to them normal or ordinary. Only after a detailed analysis of these issues, they recognized these actions as such that damaged family harmony and the psychological state of family members.

Such reflection may indicate how the practice of actions to alienate parents gradually enters into the everyday life of families, and at the same time family members understand the depth of the problem or realize the harmfulness of this practice.

Answering a separate question about the presence of brothers and sisters and the actions of family members who tried to complicate the relations of the participants with their brothers and sisters, 39 participants limited themselves to the answer "No", but when answering the following questions they indicated the presence of brothers and sisters, which gives grounds to believe that the answer "No" can mean both "I have no brothers and sisters", or "there was no interference in relations with brothers and sisters". At the same time, 14 participants reported that they simply did not have brothers and sisters.

So, only 72 participants gave answers that fully satisfy the requirements of this section. Of these, 43 participants (about 59%) responded that they have brother (s) and sister (s), but they did not experience any interference with them, while 29 participants (about 41%) indicate that any family member directly interfered in their relationship with their brothers and sisters.

13 participants noted cases when the mother tried to distance them from brothers and sisters (children of parents), and one participant noted that her own mother tried to turn him against her elder sister, the daughter of the same mother, but from another father. One participant pointed to a maternal aunt who attempted to turn him against his brothers and sisters; Also, only one participant indicated maternal grandparents who practiced these actions.

Five participants reported that such actions came from their father, while 10 participants indicated that the stepmother tried to interfere in their relationship with the mother's brothers and sisters, one participant pointed to her stepfather, and one participant indicated that her stepfather's family tried to intervene in his relationship with stepbrother.

These data clearly indicate that, being parents, many are impressed by the divorce, and the rest of the family members cannot accept and live according to the scenario of families with children from previous marriages.

Families with children from previous marriages or mixed families are families whose members are rebuilding their relationships and where at least one of the interested persons brings children with them, as well as legal consequences arising from links with the previous family [10].

This is a classic example of families in which one spouse is the stepfather of a child who was born before his current spouse. In these newly created cells various new connections are formed. Children have new brothers and sisters. Spouses due to the merger, among other things, receive new relatives [10].

These families arise as a result of new close relationships of a married couple, where each parent brings to the family children from previous marriages and builds it with the new spouse and children from new relationships.

The instructions in the answers to this questionnaire questioning whether children from the same mothers and fathers are differently from parents from children from different mothers and fathers are important sociological information indicating that the reality of families with children from previous marriages can not be understood unambiguously.

On the one hand, family members do not want to accept the termination of the first union, without attaching special importance to the composition of the next family, and, on the other hand, the new family union is looking for a safe place, without attaching special importance to the first family, taking as its primary task the maintenance of harmonious coexistence all its members.

This reinforces the need for the family member as a whole (the father or mother of all brothers and sisters, who is the link between family members) to realize their role as the stabilizing element of step families.

As accurately noted Palermo (Palermo) [7, p. 13] in a book devoted mainly to divorced parents, "... he [the father] is the main person responsible for the harmonious relationship between the stepmother, the child and the ex-wife," which equally concerns the mother regarding the relationship between the stepfather, the child and the ex-husband.

Responding to a question about whether they have stepfathers / stepmothers and whether they interfered in their relationship with their father / mother, 30 participants answered simply "No", but in answers to subsequent questions, participants indicated the presence of stepmothers, which indicates that the answer "No" may mean "no stepfather / stepmother", or "there was no interference from the stepfather / stepmother".

One participant answered "does not concern", one wrote "None of the two", one answered only "Yes, but avoid contacts", one wrote that he could not answer whether there was interference, one said that his stepfather intervened only in the construction issue, which was led by his father, and one reported that his stepfather never intervened, but they never spoke in his house about the existence of a biological father. Only 13 participants clearly answered that they do not have and never had a stepfather / stepmother.

Of the 85 participants who reported that they had or had a stepfather / stepmother, and answered affirmatively to other sections of this question, 35 participants (about 42%) indicated that they did not interfere in their relations with fathers / mothers, one said that in fact his mother tried to replace the participant's relationship with his father with his stepfather, one participant indicated that he was a victim of sexual claims and physical abuse by his stepfather, and four reported the stepfather / stepmother's intervention, but noted that the interference was positive.

In general, 44 participants noted that their stepfathers / stepmothers were involved in actions to interfere with the relationship between the participant and his father / mother (about 53%).

31 participants indicated their stepmother in their responses, while 9 indicated their stepfather.

The reasons indicated by the participants with regard to the above-mentioned cases of negative behavior generally include fear of losing attention, jealousy on the part of the former partner (shi) (mother / father of the participants), jealousy of the relationship between the partner and their children, fear of losing financial support, a sense of inaction, selfishness.

These data draw attention to the shortcomings of the legal culture of imparting the responsibility of members of families with children from previous marriages to children from previous marriages.

There are no legal provisions or their expectation in society to ensure that stepfathers and stepmothers take upon themselves the functions of caring for, protecting and, moreover, maintaining the partner's children, which leads to a lack of ethics and responsibility for maintaining psychological integrity in the relationship between children and parents in the family.

Answering the question of whether the father or mother ever tried to hinder the participant's relationship with his stepfather / stepmother and how, 60 participants limited themselves to "No", which does not allow to establish, it means "did not try" or "does not concern since there is no stepfather / stepmother. "

Eight participants responded that they were "not affected", one replied that the parent tried to hinder, but could not, and 20 participants claimed that none of the parents had ever tried to interfere in the relationship with the stepfather / stepmother. 39 participants noted that the father or mother had already tried to intervene in the stepson / stepfather or stepchild / stepmother relations.

One participant reported that such intervention was necessary to protect children from their stepfather / stepmother, because they behaved improperly, and three participants claimed that this behavior was, in their opinion, normal, since the stepmother relationship with his father began at

that time when he was still married to the participant's mother.

One participant pointed out that his mother only let go of taunts about the look of her stepmother, since her humiliation gave her pleasure, without giving any other more serious examples.

One participant reported that his mother was always jealous of her father's relationship with his lovers, but she never interfered. The participant noted that he was really offended by the mother for inaction, instead of being defended in, as he points out, "terrible" conflicts between the maternal grandmother and the father.

So, 39 participants clearly noted that their father or mother made attempts to harm their relationship with a new partner (step) of another father / mother or stepfather / stepmother, without proper grounds for this. Of these, 15 specifically referred to such actions by the mother and 11 by the father.

Valente [11] indicates that if previously mixed families arose after the death of one of the spouses, now it happens much more often after divorce and separation. Thus, a stepfather or stepmother does not occupy the free space of a father or mother, but enters a family where there is already a father or mother, becoming an additional player in the family game. Mixed families, therefore, represent today not only the house in which the child lives, but, very importantly, the space in which he rotates, creating a true family circle.

Some authors, such as Grosman (Grosman) and Alkorta (Alcorta), even consider that the terms stepmother, stepfather and stepson / stepdaughter go down in history should be replaced with the terms mother by kinship through marriage, father by kinship through marriage and child by kinship through marriage [10], which denotes the new composition of family members.

To the question "Do you feel that your grandfather or grandmother made attempts to influence your relationship with the father / mother (...)", out of 134 participants 73 answered only "No", three answered that "does not apply", three noted that they did not know their grandparents, one indicated that he had never been in contact with grandparents, and three reported that their grandparents had already died.

20 participants claimed that their grandparents never interfered in their relationship with their father / mother. One participant reported that the maternal grandfather and grandmother were removed from him only at the time when he lived with his father, but this did not affect the participant's life. Another participant pointed out that the intervention of the grandparents was to provide advice and attempts to help the relations between the grandchildren and the mother.

One participant indicated that his grandmother never interfered with his father, but he was unhappy with his mother's family, accusing her of having children from different husbands, and this prompted the mother to alienate her father.

28 participants noted that grandparents tried to harm the relationship of the father or mother with the children. Of these, two participants justified the intervention of grandparents, because the father was a cruel person or had a bad attitude towards his mother.

Grandfathers and grandmothers, as Sousa correctly indicates [12], are currently playing an important role in terms of relations between family members, as well as in terms of family law, as they increasingly take part in the proceedings in domestic courts. on alimony, custody and relations with progenitors.

However, grandfathers and grandmothers themselves often get into a parents dispute during a divorce, practicing alienation from the parents or suffering from its consequences. In divorces, when one of the spouses is a minor, his parents have a decisive influence on the relationship with their children / grandchildren. Conversely, many grandparents suffer from divorce because they lose contact with their grandchildren and may even be rejected for various reasons related to parents' anger [12].

Considering the real influence of grandparents on raising children and adolescents, Brazilian legislators have already taken steps to ensure that grandparents were also responsible for forcing their grandchildren to alienate their parents, as evidenced by *chapter 2* of Act No. 12.318 / 210.

Considering that current legislation has recognized that grandparents can be active subjects of acts of alienation from parents, it should be recognized that they can also be objects of such practice.

### **Selected final provisions**

The questionnaire raised questions aimed at assessing the level of knowledge among survey participants about the phenomenon of parental alienation, as well as studying specific situations of living in reconstituted families, such as the relationship of parents and children with stepfathers, stepmothers, brothers and sisters in new relationships.

An analysis of the above questions and the corresponding answers to them will form the second part of this article, which will be published in the next issue of the journal.

At this stage, it can be noted that the term "parental alienation" does not cover the entire complexity of the phenomena in modern families, which was the reason for the justification of the term "compulsory family alienation" as an expression that more accurately describes this problem.

The proposed term aims to establish the necessary distinction between "alienation from parents" as a generic concept and its types, such as "syndrome of parental alienation", "compulsory parental alienation" and "compulsory family alienation".

The first term includes a set of symptoms inherent in children and adolescents who are programmed to reject or fear one of their relatives.

The second term involves the behavior of a parent who specifically attempts to harm the other parent who lives with the children.

Finally, the third term - "forced family alienation" implies the behavior of one or several relatives, which is aimed at violating the fundamental right to family cohabitation of children and teenagers and other family members [13].

In the next article, we will analyze the remaining questions posed in the framework of the questionnaire in question, the answers to which will make it possible to substantiate the expediency of introducing a new term "forced family alienation".

Citation link



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