

When Evaluators Get It Wrong: False Positive IDs and Parental Alienation

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Allegations that a parent has manipulated a child to turn against the other parent raise complex issues challenging child custody evaluators, expert witnesses, and courts. A key issue relates to false positive identifications of parental alienation—concluding that parental alienation exists in cases where it really does not. Such mistaken conclusions fuel concerns about the application of parental alienation in family law cases and contribute to skepticism about the concept. This article discusses mistaken conclusions that a child is alienated and that a parent has engaged in a campaign of alienating behavior. The article emphasizes that evaluators should thoroughly investigate reasonable alternative explanations of the children's and parents' behaviors, including attention to seven criteria that distinguish irrationally alienated children from children whose negative or rejecting behaviors do not constitute parental alienation. Evaluators should also investigate various reasons for a child's preference for one parent. Further, alienating behavior—seen in different degrees of intensity, frequency, and duration—can reflect different motivations. Evaluators, experts, and judges who do not attend to the nuances of alienating behaviors are likely to reach false conclusions about the significance of the behaviors and make recommendations that do not serve children's best interests. Finally, evaluators should attend to their overt and covert judgment biases and to the complexity of parental alienation issues in order to reduce the likelihood of faulty opinions that a child is alienated, or that a parent has engaged in alienating behaviors.

Keywords: parental alienation, sex abuse allegations, child custody, estrangement, divorce

A New York court noted that three experienced experts “concluded that the mother had alienated the children.” But the court, rejecting the experts' conclusions, opined, “There is not an iota of evidence that any one of three daughters are alienated from their father” (*J.F. v. D.F.*, 2018). Were the experts wrong? The judge?

Allegations that a parent has manipulated a child to turn against the other parent raise complex issues, challenging child custody evaluators, expert witnesses, and courts. An extensive literature provides guidance to experts who evaluate parental alienation claims (Bernet & Freeman, 2013; Clawar & Rivlin, 2013; Drozd & Olesen, 2004; Ellis, 2008; Fidler, Bala, Birnbaum, & Kavassalis, 2008; Freeman, 2011; Lee & Olesen, 2001; Stahl, 2004). But less attention has been paid to the type of errors, such as those observed by the court in *J.F. v. D.F.*, that lead to false positive identifications of parental alienation (Brody, 2006; Lubit, 2019; Warshak, 2002). False positive identifications—concluding that parental alienation exists in a case where it really does not—fuel concerns about the application of parental alienation in family law cases.

Some law professors (Bruch, 2001; Dalton, Drozd, & Wong, 2006; Meier, 2009, 2019), mental health professionals (Dallam &

Silberg, 2016; Mercer, 2019a, 2019b; O'Donohue, Benuto, & Bennett, 2016; Walker, Brantley, & Rigsbee, 2004), and advocacy groups oppose any reliance on parental alienation in custody litigation (for a list of 11 advocacy groups, see Gershenzon, 2009). These critics promote public policy and laws to prohibit evidence of parental alienation from being considered by the court. For example, a legislative bill sought to exclude from the court's consideration any child custody evaluation report that mentions “parental alienation” (Assem. B. 612, 2009–2010 Sess., Cal. 2009).

Advocates of laws to prohibit evidence related to parental alienation argue that parental alienation is merely a ruse to deflect the court's attention from an abusive parent's responsibility for the children's resistance or refusal to spend time with that parent. This article does not share that extreme viewpoint or the proposed remedy of excluding parental alienation evidence. But parental alienation critics have raised valid concerns that expert witnesses make false positive identifications of parental alienation (Lee & Olesen, 2001). The greater the number of such errors, the more courts will view claims of parental alienation with skepticism. Conversely, greater accuracy in expert opinions on parental alienation will increase confidence of courts in the value of such opinions—conforming to public policy that promotes healthy parent–child relationships, even after divorce (see, e.g., Texas Family Code, § 153.001[a][1]). As such courts should consider all relevant evidence—including parental alienation-related evidence—while also attending to the risks of false positive identifications.

Attention to parental alienation has significantly increased since the late 1990s. During this time, the number of trial and appellate

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cases in which court-appointed evaluators testified on parental alienation or in which courts determined that parental alienation was material, probative, and relevant to the case has grown considerably (Lorandos, in press). There has also been an accumulation of knowledge about parental alienating behaviors and the psychology of alienated children (for a database of more than 1,300 publications, see Vanderbilt University Medical Center, n.d.), and of research on assessment instruments (Bernet, Gregory, Reay, & Rohner, 2018; Hands & Warshak, 2011; Huff, Anderson, Adamsons, & Tambling, 2017; Moné & Biringen, 2012; Rowlands, 2019a, 2019b). A review of 58 studies concluded that parental alienating behaviors and the presence of alienation in a child can be reliably identified (Saini, Johnston, Fidler, & Bala, 2016). However, no study has documented the prevalence and source of false positive identifications of parental alienation.

This article offers a framework to help evaluators and other testifying experts avoid these identification errors. This framework can also support policy initiatives that recognize the relevance of parental alienation concerns to child custody litigation and legislation. Further, this framework can guide attorneys who represent clients falsely accused of perpetrating their child's alienation. The article concludes with directions for future research to enhance understanding of the parameters of alienation and improve the quality of forensic practice in dealing with parental alienation issues.

A Note About the State of Parental Alienation Research

In light of the expanding literature, Harman, Bernet, and Harman (2019) argued that social scientists' understanding of parental alienation has moved from a "greening" stage of development into a "blossoming" stage accompanied by theory development, hypothesis testing, and integration of data and theories (Simpson & Campbell, 2013). Harman, Kruk, and Hines (2018) noted that typical for a field at this stage, the majority of empirical studies that explicitly address parental alienation have used cross-sectional designs, convenience samples, and retrospective reporting from alienated parents and adult children. Saini et al. (2016), in a similar critique, concluded that the 58 studies on parental alienation they reviewed were methodologically weak.

Although Saini et al.'s (2016) attempt to objectively rate the methodology of parental alienation empirical studies serves a worthwhile goal, their review ignored robust and methodologically rigorous research on psychological processes and parenting styles that characterize parental alienating behaviors and their impact on children. This research includes

- intrusive parenting (Barber, Stolz, & Olsen, 2005);
 - psychological child abuse (Harman et al., 2018);
 - children's exposure to interparental conflicts (Buchanan, Maccoby, & Dornbusch, 1991; Cummings & Davies, 2010; Davies & Cummings, 1994; Davies & Martin, 2014; Hetherington, Bridges, & Insabella, 1998);
 - gatekeeping (Ahrns, 1983; Austin, Fieldstone, & Pruett, 2013; Ganong, Coleman, & Chapman, 2016; Pruett, Arthur, & Ebling, 2007; Saini, Drozd, & Olesen, 2017);
 - suggestibility (Ceci & Bruck, 1995; Poole & Lindsay, 1995, 2001);
 - false memories (Loftus, 2003);
 - social influence and persuasion (Zimbardo & Leippe, 1991);
 - cognitive dissonance (Egan, Santos, & Bloom, 2007; Festinger & Carlsmith, 1959; Hart et al., 2009; Jonas, Schulz-Hardt, Frey, & Thelen, 2001);
 - the social psychology of ingroup inclusion and exclusion and intergroup conflict (Pickett & Brewer, 2005);
 - selective attention (Chabris & Simons, 2010);
 - boundary problems and parents with personality disorders (Dentale et al., 2015; Garber, 2011; Macfie, Kurdziel, Mahan, & Kors, 2017); and
 - family violence (Beeble, Bybee, & Sullivan, 2007; Drozd & Olesen, 2004; Jaffe, Johnston, Crooks, & Bala, 2008; Kelly & Johnson, 2008).
- That the methodologically rich literatures on children's suggestibility or the impact of being caught in the middle of interparental conflicts are not tagged as "parental alienation research" is no reason to overlook the relevance of this information to assessments and understanding of parental alienation. For example,
- Research on children's suggestibility and false memories (e.g., Ceci & Bruck, 1995; Loftus, 2003; Poole & Lindsay, 1995, 2001) demonstrates how adults, including parents, can manipulate children to wrongly believe they experienced bad events that never actually occurred. These studies highlight the importance of using validated protocols and avoiding leading and repetitive questions when interviewing children who allege that their rejected parent mistreated them (Poole, 2016; Poole & Lamb, 1998).
 - Research on family violence (e.g., Jaffe et al., 2008) demonstrates how some coercive and controlling spouses turned their children against the other parent either to persuade their ex-spouse into reconciling or to punish the ex-spouse by harming their relationship with the children. Other research on family violence (e.g., Kelly & Johnson, 2008) highlights the need to differentiate between various types of intimate partner violence and how each type may have a different impact on the children's relationship with the perpetrator of violence.
 - Research on selective attention (Chabris & Simons, 2010) helps to understand how a child's view of a parent can be skewed by being exposed to a drumbeat of criticisms of the parent with no attention to the parent's positive traits and the parent's contributions to the child's wellbeing.
 - Research on cognitive dissonance (e.g., Egan et al., 2007; Jonas et al., 2001) helps to explain why a child's alienation may become more entrenched if the child openly sides with one parent against the other (Warshak, 2003).
- Parental alienation research, like much research in parent-child relationships, would benefit from more high-quality studies, including longitudinal studies and the development of valid and reliable assessment instruments. Nevertheless, custody evaluators find peer-reviewed articles about protocols and procedures for understanding parental alienation useful despite the fact that many of these resources were based on accumulated clinical and professional knowledge (e.g., Drozd & Olesen, 2004; Kelly & Johnston, 2001; Lee & Olesen, 2001; also see American Psychological Association, 2017, Ethics Code Standard 2.04 stating: "Bases for Scientific and Professional Judgments. Psychologists' work is

based upon established scientific and professional knowledge of the discipline.”). In calling attention to errors that lead to false positive identifications, this article draws on empirical studies when available and supplements this grounding in research with observations and recommendations based on clinical and forensic practice.

Are All Identifications of Parental Alienation False Positives?

Proponents of public policy to prohibit courts from considering evidence of parental alienation dismiss the possibility of true positive identifications of parental alienation. These proponents maintain that parental alienation is merely a theory used by abusive parents to blame their children’s rejection on a “protective” parent and fool the court (Dallam & Silberg, 2016; Meier, 2009; Meier & Dickson 2017). However, a survey of 448 professionals involved in child custody cases found that child abuse was suspected, on average, in only 29% of cases with parental alienation allegations (Bow, Gould, & Flens, 2009). Also, notwithstanding significant methodological limitations, an analysis of 669 appellate decisions in cases where a parent alleged parental alienation found cross-allegations of abuse in only one third of the cases (Meier, 2019). Meier (2019) concluded that parental alienation claims should not be considered merely as a strategy to defend against abuse allegations.

Denying the reality of parental alienation runs counter to generally accepted findings that a parent can manipulate a child to reject the other parent. A survey of legal and mental health professionals reported 98% agreement that a parent can manipulate children to reject the other parent who does not deserve to be rejected (Baker, Jaffe, Bernet, & Johnston, 2011). Kelly (2010), drawing on professional experience and literature, affirmed the existence of a broad consensus among mental health and family law professionals that some children become pathologically alienated from a parent. *Parental alienation*, as a term, is linked to “QE52.0: Caregiver-child relationship problem” in the index of the eleventh revision of the World Health Organization’s (2018) *International Statistical Classification of Diseases and Related Health Problems (ICD-11)*, adopted by member states on May 25, 2019 (World Health Organization 2019). The *Diagnostic and Statistical Manual of Mental Disorders*, 5th edition, (*DSM-5*) includes the concept but not the term *parental alienation* under the heading “Relational Problems.” This category in the *DSM-5* refers to “unwarranted feelings of estrangement” as an example of a “parent–child relational problem” (American Psychiatric Association, 2013, p. 715), and includes the condition “child affected by parental relationship distress,” which applies “when the focus of clinical attention is the negative effects of parental relationship discord (e.g., high levels of conflict, distress, or *disparagement* [emphasis added]) on a child in the family” (American Psychiatric Association, 2013, p. 716). In addition to these indices of general acceptance there is an extensive social science literature on parental alienation (Harman et al., 2018, 2019; see also Vanderbilt University Medical Center, n.d. for an extensive database of publications; see also Lorandos, Bernet, & Sauber, 2013, for a bibliography of social science literature).

Professionals who deny the reality of parental alienation also assert that custody evaluators who accept the concept’s validity

dismiss without adequate investigation the possibility that a child rejects a parent because that parent has abused the child. Meier (2009) accused psychologists who specialize in assessing parental alienation syndrome of bias in favor of identifying alienation in all cases where a father is accused of child abuse and the children resist contact with him. Similarly, Dallam and Silberg (2016) asserted, “Many custody evaluators appear predisposed to attribute abuse allegations to vindictiveness, rather than exploring whether there is a factual basis for the child’s disclosure or the protective parent’s concerns” (p. 137).

In support of their indictment of custody evaluators, Dallam and Silberg cited a study by Saunders, Faller, and Tolman (2011). But the Saunders et al. study provided no evidence for the assertion; it simply made a similar and unfounded charge that instead of thoroughly investigating abuse accusations, evaluators automatically identify the accuser as an alienator. Bow et al. (2009) found the opposite: Evaluators and judges heavily weighted the importance of evaluating child abuse, domestic violence, and abandonment/neglect. Thus, the evidence does not support the viewpoint that all identifications of parental alienation in cases with abuse accusations are false positives.

The type of false positive identifications that concerns advocates who want to ban parental alienation evidence from courtrooms are cases in which a parent—who wants to keep a child from being placed in the custody of an abusive parent—is wrongly found to be using false allegations of abuse to disrupt the child’s positive relationship with the alleged abuser. In such circumstances, the child’s reluctance or refusal to spend time with an abusive parent is wrongly attributed to the other parent’s manipulations rather than understood as a reasonable rejection of the abuser. To support their concerns about these types of errors, Silberg and Dallam (2019) claimed that child custody evaluators, “blind to abuse,” falsely labeled 10 mothers of abused children as engaged in alienating behaviors. But Silberg and Dallam failed to provide case citations that would allow for independent analysis of their claims.

This article addresses a wider scope of potential false positive identifications of parental alienation than those that involve allegations of abuse. Among the situations discussed are those in which an evaluator might wrongly interpret a parent’s behaviors as alienating behaviors when alternative explanations merit consideration, and situations in which an evaluator might mistakenly label a child as alienated when the child does not actually reject a parent—such as the court opined in *J.F. v. D.F.* (2018). The article is neither a primer nor a comprehensive review of the literature on evaluating parental alienation claims. Instead, it presupposes familiarity with basic child custody evaluation guidelines and procedures and offers a framework to help evaluators, other experts, and courts avoid certain types of false positive identifications of parental alienation. Before discussing specific situations sometimes mistaken for parental alienation, and to avoid confusion about the meaning of terms used in this article, the next section clarifies the difference between a parent’s alienating behaviors and a child’s state of being alienated and then describes the range of behaviors corresponding to different levels of severity of these problems.

Alienating Behaviors and Parental Alienation

False positive identifications of parental alienation can occur with respect to a parent's alienating behaviors, a child's alienation from a parent, or both. *Alienating behaviors* refer to the activities of a parent and others that have the capacity to damage a child's relationship with the other parent and contribute to the child's rejection of the other parent. These behaviors have been identified in caselaw (Lorandos, in press) and in the social science literature (Baker & Darnall, 2006; Clawar & Rivlin, 2013; Fidler et al., 2008; Harman et al., 2018; Kelly & Johnston, 2001; Waldron & Joanis, 1996; Warshak, 2010). False positive identifications of alienating behaviors occur when a parent's behavior is mistakenly interpreted as undermining or potentially undermining a child's positive regard for the other parent.

Parental alienation refers either to the state of the relationship between a child and a parent whom the child rejects without good cause, or to the child's attitudes and behaviors that reflect an unreasonable aversion to a parent with whom he or she formerly enjoyed normal relations. Even when the child credits genuine negative behavior by the parent as the reason for rejecting the parent, parental alienation is manifested if the degree of rejection is out of proportion to the alleged wrongdoing, particularly when considered in the context of the history of the parent's love and devotion to the child's welfare (Kelly & Johnston, 2001). A parent can engage in alienating behaviors, such as persistently disparaging the other parent, without the child becoming alienated from the parent who is the target of denigration (Bernet, Wamboldt, & Narrow, 2016; Gardner, 2001; Rowen & Emery, 2018). Conversely, a child's alienation from a parent can arise from factors independent of, or in combination with, the favored parent's behavior.

This article uses the terms *parental alienation* and *alienated child* to refer only to a disturbance in which the child's rejection of a parent is disproportionate to the rejected parent's behavior. If the child's experience of the parent reasonably justifies the child's rejection—for example, the child is reacting to abuse, gross mistreatment, severe mental illness, witnessing domestic violence, or volatile, erratic behavior due to substance abuse—the term *parental alienation* does not apply in this article.

Levels of Severity of a Parent's Alienating Behaviors

Alienating behaviors and a child's alienation from a parent fall on a continuum of severity (Lee & Olesen, 2001; Rand, 1997). Mild alienating behaviors are those that occur occasionally, such as incidental bad-mouthing and criticisms of the other parent with no consistent attempt to undermine the child's overall positive relationship with the parent who is the target of criticism. Even in healthy marriages children will occasionally hear one parent express dissatisfaction and anger toward the other (Cummings & Davies, 2010). Parents are most apt to expose children to mild alienating behaviors in the immediate aftermath of the parents' separation (Wallerstein & Kelly, 1980). Mild alienating parents are likely to regret their behavior, are open to recognizing the potential harm to their children, and are able and willing to offset their negative behavior by sufficiently supporting their children's positive relationship with the other parent.

Moderate alienating behaviors are consistent attempts by one parent or another person to undermine the child's relationship with

the other parent. Such behaviors convey very negative themes about the other parent, such as the ideas that the other parent is dangerous, does not really love or want the children, and is worthless as a parent (Kelly & Johnston, 2001). Moderately alienating parents have difficulty recognizing the inappropriateness of their behavior.

Severe alienating behaviors are those that take on the complexion of a hostile campaign against a parent, fueled by recurring harsh unmitigated criticism. In the extreme, severe alienating behaviors aim to destroy the child's relationship with the other parent (Clawar & Rivlin, 2013). Some alienating parents explicitly require their child's allegiance and enforce such a requirement by reprimanding and punishing the child who asks to spend time with the other parent, or who does not express sufficiently negative views about the other parent, or who does not firmly refuse contact with the other parent (Harman et al., 2018). Severe alienating parents hold a fixed, rigid negative view of the other parent, and some believe, or claim to believe, that the other parent has seriously mistreated the child despite disconfirming evidence. Some severe alienating parents engage in restrictive gatekeeping, blocking the other parent's access to the child and failing to comply in good faith with court-ordered parenting time schedules (Austin & Rappaport, 2018).

Levels of Severity of a Child's Parental Alienation

Behaviors of children who are moderately and severely alienated are distinguished from behaviors that may lead to alienation. Those latter behaviors may represent other types of parent-child relationship problems that occur in the midst of a contentious divorce. Thus, a child may occasionally criticize or complain about a parent, even occasionally protest spending time with a parent, without the child being alienated from that parent (Lee & Olesen, 2001). Further, a mildly alienated child may show similar behaviors. For example, a mildly alienated child consistently complains about a parent and protests or resists spending time with that parent. But when the child and parent are together, apart from the parent with whom the child appears aligned, the child warms to the rejected parent. The child's negative thoughts, feelings, and behavior abate until the child returns to the aligned parent's orbit. This article focuses on false positive identifications of what the professional literature refers to as a moderately alienated child and a severely alienated child.

A moderately alienated child more strongly resists contact with the other parent and remains for the most part primarily oppositional, withdrawn, or contemptuous when in that parent's possession, perhaps occasionally treating the parent better. A moderately alienated child usually is on a trajectory to become more severely alienated (Warshak, in press).

A severely alienated child harbors hatred toward—and sometimes intense fear of—the other parent. The child either firmly refuses or grudgingly accepts contact with the parent, the latter action often to forestall the court from imposing sanctions on, or reducing the child's time with, the alienating parent. In such cases, the child persistently and intensely acts oppositional or extremely withdrawn toward the rejected parent and may remain in constant contact with the other parent via texts, e-mail, social media postings, and phone conversations. A severely alienated child may attempt to support the aligned parent in a custody dispute by

falsely accusing the rejected parent of abuse or removing litigation-related documents from the rejected parent's home. Also, the child may steal or destroy the rejected parent's treasured possessions and property, threaten to harm the parent, or run away (Kelly & Johnston, 2001; Warshak, 2010).

Negative Behavior Is a Necessary But Not Sufficient Sign of Parental Alienation

Negative behavior toward a parent, such as denigrating, complaining, and resisting contact, is insufficient by itself to identify a child as alienated. In some instances, parents, child representatives (e.g., amicus attorneys), and expert witnesses incorrectly label a child as alienated based on the child's negative behavior toward a parent. For example, in *J.F. v. D.F.* (2018), cited earlier, the court found that the father and his three expert witnesses made this mistake.

Such an error may reflect difficulty defining the threshold of parental alienation, a difficulty common to other psychological problems that occur on a continuum of severity (Clark, Cuthbert, Lewis-Fernández, Narrow, & Reed, 2017). But even severe negative behaviors must be evaluated in a wider context to determine whether and to what extent the behaviors signify that the child is irrationally alienated. Other than ruling out rejection of a parent that is justified by the parent's behavior, the current literature offers little guidance to evaluators and courts on how to determine whether a child's negative behaviors toward a parent are pathognomonic of parental alienation. Drawing on parental alienation literature cited throughout this paper (e.g., Fidler & Bala, 2010; Kelly & Johnston, 2001), seven criteria distinguish negative behaviors of moderately or severely alienated children from negative behavior that does not indicate moderate or severe levels of parental alienation. When compared with a child whose negative behavior does not reflect parental alienation, a child with moderate or severe parental alienation displays negative behavior that meets all of the following criteria.

1. The behavior is chronic rather than temporary and short-lived (but can include an ongoing pattern of intermittent alienation that recedes in the presence of the rejected parent but returns when in the presence of the favored parent).
2. The behavior is frequent rather than occasional.
3. The behavior occurs in most situations rather than only in certain situations.
4. The behavior occurs without displays of genuine love and affection toward the rejected parent.
5. The behavior is directed at only one parent.
6. The behavior does not reflect typical dynamics for the child's stage of development.
7. The behavior is disproportionate to, and not justified by the rejected parent's past or current behavior.

When Children's Negative Behavior Is Not Parental Alienation

If a child's negative behavior does not meet the seven criteria listed above, the behavior does not indicate moderate or severe parental alienation. Thus, evaluating a child's negative behavior according to these seven criteria can help reduce mistaken identifications of parental alienation. Examples of situations in which children treat a parent negatively but their behavior does not meet the seven criteria are: (a) normal reactions to parental separation; (b) behavior reflecting a difficult temperament or emotional problems; (c) reluctance to leave a parent who needs emotional support; (d) situation-specific resistance to being with a parent; (e) feeling closer to or having more rapport with one parent; (f) feeling more comfortable in one's parent's home, either because of differences in parenting styles or in the emotional atmosphere of the home; and (g) typical adolescent psychological functioning. In each of these situations, a child's negative behavior can be mistaken for parental alienation.

Normal reactions to parental separation. Some children express anxiety and sadness about their parents' separation by acting defiant and belligerent (Amato & Keith, 1991; Hetherington & Kelly, 2002). Normal reactions to parental separation fail to meet the criteria for alienated behavior. The reactions are temporary rather than chronic, occasional rather than frequent, are accompanied by displays of genuine love and affection, and are directed at both parents.

Parents who worry about how the breakup will affect their relationship with their child may prematurely conclude that their child's hostility is a sign of alienation. Or a parent may exaggerate the children's behavior to support a false accusation of parental alienation. Regardless of the accuser's motives, a child's temporary and occasional displays of hostility may be a short-term reaction to the disruption in the family rather than a harbinger of alienation (Hetherington, 1979). Even a child who infrequently resists leaving one parent's home to be in the other parent's home may be attempting to manage anxiety rather than signaling the deterioration of a parent-child relationship. If the parents mishandle the child's occasional negative behavior, this could contribute to a longer-term problem. Instead of indulging the child's attempts to control the parenting time, parents would do better to help the child manage the feelings that provoke resistance.

Behavior reflecting a difficult temperament or emotional problems. Some children have more than average difficulty adjusting to stress, new situations, or transitions (Hetherington, 1979; Hetherington et al., 1998; Kagan & Snidman, 1991; Tschann, Johnston, Kline, & Wallerstein, 1989; Turecki, 2000). They protest when asked to shift activities and do not readily comply when it is time to leave one parent's home to be with the other parent. Other children act withdrawn, irritable, oppositional, or aggressive with both parents, other adults (e.g., teachers), and peers.

If parents do not communicate adequately with each other, each may falsely conclude that the negative behavior occurs only in their home and that their children are becoming alienated. Such behaviors fail to meet the criteria for alienated behavior because the behaviors are temporary not chronic, occur in specific situations, mainly during transitions, are accompanied by displays of genuine love and affection, and are directed at both parents.

Reluctance to leave a parent who needs emotional support.

Some children are reluctant to spend too much time away from a parent because the children sense that the parent is lonely without them and needs their emotional support (Garber, 2011). Such reluctance does not meet the criteria for alienated behavior when the children welcome spending time with the other parent if they are assured that the parent who needs their emotional support has other sources for support (i.e., the reluctance occurs only in certain situations), and when the children display genuine love and affection toward their other parent. However, a parent who conveys to the children that he or she needs the children's emotional support and discourages rather than encourages them to spend time with their other parent, may eventually foster the children's alienation. Wallerstein and Blakeslee (1989) referred to this dynamic as the "overburdened child."

Situation-specific resistance to being with a parent. In some cases, a child has a generally positive relationship with a parent but resists spending time with that parent under certain circumstances. For instance, a teenage girl may welcome spending time with her dad but does not want to be around the father's girlfriend or new wife. In such a case, the child is not alienated from her father (Ahrns, 2004). Such resistance to spending time with a parent does not meet the criteria for parental alienation. The behavior is not chronic, it occurs only in certain situations, and it is accompanied by displays of genuine love and affection for the parent. If the girl's feelings are not handled sensitively, for example, if the mother encourages the girl's resistance, or the father reacts too angrily, the problem could escalate into parental alienation.

Feeling closer to or having more rapport with one parent.

At various points in a child's life, the child may feel closer to one parent or have an easier rapport with one parent (Friedlander & Walters, 2010; Lee & Olesen, 2001). Behavior that reflects such affinity between a parent and child does not meet the criteria for alienated behavior when the child shows genuine love and affection for the other parent. Being less preferred is a far cry from being hated.

Unnecessary tension in the parent-child relationship could result if the less preferred parent confuses this situation with alienation and does not gracefully accept the child's greater compatibility with one parent. In one example, a girl complained that her father acts displeased when the girl misses her mother and wants to touch base with a phone call. This girl wanted her father to know that she loves him and enjoys spending time with him, but sometimes she just wants to speak with her mother (Schatz, Levison, & Barach, 2010). A child who is challenged to defend a preference for one parent may have difficulty articulating the reasons for the preference and instead try to justify the preference by reciting a list of grievances about the less-preferred parent.

Feeling more comfortable in one parent's home. Some parents and custody evaluators mistakenly conclude that any expression of preference to live primarily with a parent means that the child is becoming alienated from the less preferred parent. In addition to feeling a greater affinity for one parent, a child's preference could be a rational response to differences between parents in their relationship styles and in the emotional atmosphere that parents create in their homes (Kelly & Johnston, 2001). If the child's preference is accompanied by genuine love and affection

for the other parent, the child's behavior does not meet the criteria for parental alienation.

Regarding relationship styles, the less preferred parent, although he or she may love the children and meet their physical needs, may have a relationship style that makes the children less comfortable around that parent. For example, the parent's style may be less warm than the preferred parent, creating discomfort in both adults and children who deal with the parent. And the less preferred parent may not be as prone to see things from the child's point of view. The preferred parent may be better able, motivated, and inclined to sensitively meet the child's needs on a daily basis. These contrasting styles may result in the children perceiving the less-preferred parent as insensitive, intrusive, rigid, or overbearing (see, e.g., Barber, 1996).

In the past, with both parents in the home, the children were able to forge a rewarding relationship with the less emotionally sensitive parent. The other parent served as a buffer and a resource to meet some of the children's emotional needs, and the children were able to gain the benefits that the relationship with each parent offered (Hetherington, 1979). But after the separation the children could express a preference for the warmer parent and initially show some reluctance to spend prolonged periods of time with the other parent. If the less preferred parent responds rigidly to the children's preference, such as insisting on equal time with the children, this could drive the children to focus on, and perhaps exaggerate, what they perceive as a less comfortable relationship style. In such a case, the children may appear to be overreacting when they are attempting to amplify their voice in the custody deliberations.

Such problems challenge parents, the evaluator, and the court to create a structure and schedule of parent-child contacts that provide the best opportunity for the children to benefit from their time with each parent rather than avoid one parent. In the long run, maintaining loving relationships with both parents pays dividends to the entire family (Braver & Lamb, 2018; Nielsen, 2018).

Regarding the emotional atmosphere in the home, one parent may be better at child rearing—at least with a child of a certain age—or have a more consistent history of providing a healthy environment that fostered the child's sense of comfort and security. For example, one parent's home may offer more structure, greater security, and stability, and the home's emotional climate may be more favorable or predictable. In contrast, the nonpreferred parent and/or his or her new partner may be less child-focused, more volatile, or may tolerate a degree of chaos that unsettles an anxious child (Repetti, Taylor, & Seeman, 2002; Siqueland, Kendall, & Steinberg, 1996). In the past the nonpreferred parent may have suffered a psychological disturbance or abused alcohol or drugs and been unavailable during that period to consistently meet the child's physical and psychological needs. That period of unavailability might have resulted in the child feeling less secure in this parent's home even if the parent is now sober or has overcome the psychological difficulties.

Typical adolescent psychological functioning. As children enter adolescence and develop increasing autonomy, the nature of their attachment to their parents changes, as do their thoughts about and behavior toward their parents. The nature of developmental changes is not universal and is moderated by such factors as the security of childhood attachment relationships (McElhaney, Allen, Stephenson, & Hare, 2009), socioeconomic status (Lam-

born, Dornbusch, & Steinberg, 1996), level of environmental risks (Smetana, Campione-Barr, & Daddis, 2004), and culture. In contemporary attachment theory, healthy autonomy occurs in the context of close relationships with parents (McElhaney et al., 2009). Nevertheless, in families where parents live together or are separated, adolescents' striving toward autonomy generally involves spending less time with their parents and expressing more emotional negativity toward them (Kim, Conger, Lorenz, & Elder, 2001). Evaluators should keep this normative adolescent behavior in mind when considering the significance of adolescents' preferences and behaviors in the context of custody litigation (Lund, 1995). Such behavior does not meet the criteria for parental alienation because it is accompanied by genuine expressions of love and affection, is directed at both parents, and reflects the dynamics of the child's stage of development.

Scholars dispute whether and to what extent deidealization of parents characterizes healthy adolescent development. But several studies have found that middle to older adolescents are much more likely than younger children to deidealize and criticize their parents, and securely attached teens may be the most likely to do so (McElhaney et al., 2009). Along with increasing awareness of their parents' flaws, teens' behavior changes. They increasingly regulate their own activities and push back on parents' rules and preferences, adding to the intensity of parent-child conflicts during early and middle adolescence (Laursen, Coy, & Collins, 1998; McElhaney et al., 2009).

For purposes of evaluating parental alienation, it is essential to note that despite typical transformations in the way teens view and relate to their parents, these changes rarely involve severing relationships or entirely rejecting parents (McElhaney et al., 2009). For instance, a boy complains that his mother's questions are annoying and that she nags him. This, by itself, does not mean that the boy is alienated from his mother. But the boy's father could exploit such a normal developmental mother-son conflict by encouraging the boy to stop seeing his mother. An example of the difference between developmentally normal mother-son conflict and irrational rejection of the mother is that no matter what type of complaints a nonalienated boy makes about his mother, when his mother gives him a gift on his birthday and holidays, he accepts the gifts and shows appreciation. Severely alienated boys often reject the gift and act like they want nothing from their mother while at the same time treating their father with affection and respect.

Nonalienated teens occasionally treat parents with affection and respect and generally acknowledge both parents on the parents' birthdays and Mother's and Father's Day. And when they express negative attitudes toward their parents, nonalienated teens use less harsh terms than alienated teens. For instance, a normal teen boy complains that his parents are boring and wants them to stop telling him what to do. In contrast, alienated teens fail to acknowledge one parent on the parent's birthday and Mother's Day or Father's Day (Warshak, 2015a). Alienated teens consistently express negative attitudes toward one parent and not the other parent and, especially severely alienated teens, express raw hatred and act cruelly toward the rejected parent. Often the negativity extends to other relatives, such as grandparents, aunts, uncles, and cousins, whereas nonalienated teens, especially early adolescents, usually do not treat other relatives with whom they have had a relationship with the disdain they sometimes show to both their parents (Matthews & Sprey, 1985; Van Ranst, Verschueren, & Marcoen, 1995).

People normally acknowledge positive vacation memories (Mitchell, Thompson, Peterson, & Cronk, 1997), but alienated children tend to rewrite history and deny past pleasurable interactions with the rejected parent (Clawar & Rivlin, 2013; Warshak, 2015a).

When a child and rejected parent give conflicting accounts of past events and of their past interactions, a custody evaluation can shed light on the extent to which each person's account is factual. In addition to in-depth forensic interviews of the child and parent that probe for details and discrepancies, a comprehensive custody evaluation seeks relevant information from collateral sources. Such sources include interviews with people who have observed the child and parent together, such as teachers, health care providers, coaches, stepparents, and relatives. A competent custody evaluation also seeks relevant information from reviews of documents such as videos, photographs, and correspondence (e.g., greeting cards) that may depict the child relating affectionately with the parent whom the child now rejects.

Avoiding False Explanations for a Child's Rejection of a Parent

If a child's negative behavior does not occur in one of the circumstances just described (i.e., normal, temperamental, situation-specific, feeling closer to one parent, feeling more comfortable in one parent's home, typical adolescent behavior) and the behavior meets the first six criteria common to a child with parental alienation (e.g., chronic, frequent, directed at one parent), the next step is to understand the basis for the child's rejection of the parent. It is a mistake to leap to the conclusion, without considering reasonable alternative explanations, that a child's rejection of a parent is irrational, or that the parent with whom the child is aligned has perpetrated the child's alienation (Lee & Olesen, 2001). Concerns about this type of error are behind efforts to create public policy to exclude parental alienation evidence in court (e.g., Meier, 2019). The evaluator should consider the evidence offered to support the claim that the other parent is engaging in alienating behaviors, and that the child's negative attitudes and behavior are the direct result of the alienating parent's influence. In doing so, the evaluator should consider four reasonable alternative explanations for the child's rejection of the parent:

Justified rejection—the rejection could be fully warranted by the behavior of the rejected parent.

Child-driven alienation—the degree of rejection, primarily child-driven and independent of the favored parent's behavior, could be an unjustified, disproportionate reaction to the rejected parent.

Mixed contributions to parental alienation—the rejection could have strong rational and strong irrational components, and it may reflect a mixture of essential contributions from both parents.

Parental alienation linked to alienating behavior—the rejection could be primarily the result of the favored parent's alienating behavior and influence.

The discussion of these four alternative explanations follows.

Justified Rejection of a Parent

The child's rejection could be a reasonable reaction to the rejected parent's personality and behavior. Children who are chronically mistreated by a parent may welcome their parents' separation as an opportunity to escape the mistreatment. When these children know they no longer have to spend time with an aversive parent and do not fear retaliation if they reject that parent, they may resist or refuse contact.

When reacting to a sustained pattern of abuse by one parent or witnessing a parent's violence toward the other parent, the justification for the child's rejection is apparent. Nevertheless, some abused children prefer to remain with an abusive parent, a preference that reflects a strong though unhealthy bond accompanied by the hope that the parent will improve (Baker & Schneiderman, 2015; Block, Oran, Oran, Baumrind, & Goodman, 2010; Goldsmith, Oppenheim, & Wanlass, 2004; Koppitz, 1968). Less clear are cases where the rejected parent is accused of an isolated instance of abuse or violence, or of a pattern of ongoing harsh, psychologically controlling, or insensitive parenting that does not constitute abuse. For instance, a study of 131 ninth and tenth graders found those whose mothers undermined their age-appropriate autonomy felt more alienated from their mothers than did teens whose mothers promoted their autonomy (McElhaney & Allen, 2001). But this effect did not hold for adolescents whose families lived in high-risk environments. Thus, an evaluator should attend to multiple factors before assuming that a child's alienation is justified by what might seem like less than optimal parenting. Avoiding all contact with a firm or controlling parent who does not mistreat the children is not a reasonable option and is unlikely to serve the children's best interests.

In determining whether a child's rejection of a parent is justified it is important to consider when the rejection began. When there were serious problems in the parent-child relationship a long time prior to the parents' breakup, and these problems are traced to the quality of the rejected parent's interaction with the child rather than to the other parent's alienating behaviors during the marriage, the child's rejection is more likely to be justified (Johnston, Roseby, & Kuehne, 2009). Most instances of unreasonable parental alienation in the family law context occur in the period surrounding and following the parents' separation. However, sometimes a past good relationship could derail when the quality of parenting substantially deteriorates in the immediate aftermath of a separation (Wallerstein & Kelly, 1980). Thus, evidence of a prior good relationship does not automatically discount the possibility that a child's rejection of a parent is justified. For instance, a child might want to avoid a parent who, in the immediate aftermath of the marital separation, relentlessly denigrates the other parent. Although some children join in the campaign to denigrate the parent, and thus become alienated, other children experience the bad-mouthing as aversive and they resent it, a phenomenon termed *blowback* (Warshak & Otis, 2010).

Child-Driven Alienation

A child, especially an adolescent, can develop an aversion to a parent that, while unjustified, is independent of, and in some cases contrary to, the wishes of the parent with whom the child maintains a positive relationship (Warshak, 2010). For example, some chil-

dren become disillusioned upon discovering that a parent has been dishonest, such as engaging in an extramarital affair. The parent's indiscretion, by itself, does not justify the cessation of the parent-child relationship when considered in the context of a lifetime of the parent's love and support.

Cases of purely child-driven alienation are rare. Even when the alienation originates within the child, in most instances the favored parent contributes to the problem. Thus, the evaluator should examine how the favored parent has dealt with the situation. For example, the favored parent can help children find a better way to cope, or the parent can exacerbate the problem by supporting the children's overreaction (Kopetski, 1998a). The favored parent can reinforce the child's rejection by agreeing that it is completely warranted by the rejected parent's behavior. In the extreme, the favored parent can convey to the children that they are better off without a relationship with the other parent (Kelly & Johnston, 2001). Or, the favored parent can adopt a *laissez-faire* attitude by not intervening and stand by passively while the children make a poor choice that results in unnecessary and tragic estrangement from a loving parent (Darnall, 1998).

Mixed Contributions to Parental Alienation

Thus far, this section has described the rational rejection of a parent who mistreats the child as well as the irrational rejection of a parent driven primarily by the child's dynamics. But, some disrupted parent-child relationships reflect a mix of factors, none of which clearly outweighs the others. The child holds a combination of realistic and distorted perceptions of the rejected parent, but the perceptions do not warrant the degree of animosity that the child expresses about the parent.

A genuine mixed case, also called a "hybrid" case (Friedlander & Walters, 2010), includes strong rational and strong irrational components. If the rational components of the child's rejection of a parent are overlooked or insufficiently weighted, this leads to mistakenly identifying the favored parent as the primary contributor to the child's rejection. This occurred in a New York case in which the father's retained expert testified that a 9-year-old girl's refusal to spend time with her father was the result of the mother's severe alienating behavior (*A.E. v. S.E.*, 1990). The expert did not implicate the father's behavior as a cause of the daughter's negative behavior toward her father. The court-appointed evaluator, Richard Gardner, testified that although the mother engaged in some mild to moderate alienating behavior, the father's treatment of the mother, and his rigidity and insensitivity to his daughter's needs, were primary contributing factors to the problems in the father-daughter relationship. The court found that the facts of the case supported the custody evaluator's opinion and that the father's expert essentially falsely identified the mother's behavior as severe alienating behavior.

All children can find something reasonable to criticize in their parents. Normally this does not result in the rejection of a relationship. Thus, merely hearing some valid complaints about a rejected parent in a case where the other parent has engaged in alienating behavior is not sufficient to conclude that the behavior of both parents has contributed substantially to the child's alienation (Kopetski, 1998b). In mixed cases of alienation, the rejected parent has acted in some manner that could reasonably disappoint or anger a child to the extent that the child's initial reactions are

understandable. But with time, with sensitivity from the rejected parent, and with proper support from others, the parent–child relationship would recover were it not for the favored parent’s interference. Distinguishing cases of parental alienation primarily linked to one parent’s alienating behaviors, versus rejection of a parent that is linked to significant contributions from both parents, requires consideration of the timing of the onset of the alienation, the nature of the rejected parent’s behavior, the nature of the favored parent’s behavior, the child’s attitudes and behavior, and the quality of the rejected parent’s relationships with other children (Warshak, 2015c).

Parental Alienation Linked to Alienating Behavior

When a child’s aversion to a parent has no strong realistic elements, and when there also is evidence of alienating behavior by the parent with whom the child is aligned, the alienating behavior likely played a key role in creating the child’s problem. Such situations are sometimes referred to as “pure alienation” because there is no reasonable basis for the alienation, and the alienating behavior by the favored parent is sufficient to explain the deterioration of the child’s relationship with the rejected parent (Friedlander & Walters, 2010). In these cases, one usually sees a stark contrast between the child’s current alienated relationship and the past normal relationship with the parent who is now rejected. The presence of a prior positive relationship is one component of a five-factor model for identifying most cases of parental alienation (Bernet, in press). Bernet’s other four factors include the child resists or refuses contact with a parent; the rejected parent has not perpetrated abuse, neglect, or seriously deficient parenting; the child exhibits many or all of eight behaviors generally thought to characterize an alienated child; and the favored parent has engaged in multiple alienating behaviors.

Evaluating Alienating Behavior

A parent’s attempts to undermine a child’s positive regard for the other parent are relevant to evaluating a child’s psychological best interests. Statutes of a majority of states (e.g., Texas Family Code, § 153.134[a][3]) and caselaw (e.g., *Rosenstock v. Rosenstock*, 2018) include as best-interests factors, some version of a “friendly parent” provision—generally the obligation to foster a positive relationship between the child and the other parent. For example, New York caselaw has held that “Parental alienation of a child from the other parent is an act so inconsistent with the best interests of a child as to, per se, raise a strong probability that the offending party is unfit to act as custodial parent.” (*Doroski v. Ashton*, 2012; see also *Avdic v. Avdic*, 2015; *Bennett v. Schultz*, 2013; *Halioris v. Halioris*, 2015). Even if a child is not yet showing evidence of identifying with the parent’s negative opinion about the other parent, the evaluator and the court may conclude that if the child remains exposed to alienating behavior, the child’s relationship with the parent being undermined is at risk for deteriorating (Lee & Olesen, 2001; Ludolph & Bow, 2012). If the child has already become alienated and resists or refuses contact with a parent, denigrates the parent, or acts irrationally afraid of spending time with the parent, it is essential to evaluate the context of the other parent’s alienating behavior.

Alienating behavior—seen in different degrees of intensity, frequency, and duration—can reflect different motivations. Evaluators, experts, and judges who do not attend to the nuances of alienating behaviors are likely to reach false conclusions about the significance of the behaviors and make recommendations that do not serve children’s best interests (Lee & Olesen, 2001).

Angry Behavior Typical in the Period Surrounding a Separation

Studies of divorcing parents have reported that in the period leading up to the breakup through the immediate aftermath, many spouses experience a toxic brew of anger mixed with a decline in self-control. This potion can result in volatile and aggressive verbal and sometimes physical behaviors, uncharacteristic of the spouses’ normal functioning but typical for people going through a highly stressful divorce (Hetherington et al., 1998; Johnston & Campbell, 1993; Kelly, 1982; Kelly & Johnson, 2008).

A manifestation of such hostility during this period may occur when one parent denigrates the other in front of the children. For the majority of parents, conflict will abate in the first 2 years postseparation (Hetherington et al., 1998; Kelly, 2014). Looking back, these parents regret their behavior and are astonished that they acted in such a vindictive manner. One study referred to this phenomenon as “not-me behaviors” (Hetherington & Kelly, 2002).

If a parent engages in alienating behaviors immediately after the separation, the evaluator should consider whether such behavior is typical or likely transitory. Relevant to this assessment is the intensity and persistence of the parent’s negative behaviors and whether the behaviors are part of a pattern that continues during the litigation or were occasional lapses of judgment. Also relevant is the extent to which both parents engage in similar bad-mouthing of each other. If parents engage in mutual alienating behaviors and their behavior is being examined soon after separation, the evaluator should consider whether the offending behavior results from the stress of the separation and litigation and whether the behavior is likely to continue. The evaluator should assess the parent’s level of awareness of engaging in alienating behaviors and insight into the actual and potential impact of such behaviors on the child (Darnall, 1998; Johnston, Walters, & Friedlander, 2001). The evaluator should also assess whether alienating behaviors are abating, remaining stable, or increasing. A parent who holds fixed beliefs that the other parent is dangerous, does not really love or want the children, and is worthless as a parent, is less likely to spontaneously modify severe or moderate alienating behaviors when compared with a parent who does not hold such fixed beliefs and who engages in mild alienating behaviors (Kelly & Johnston, 2001).

Sources of False Positive Identifications of Parental Alienation

False positive identifications related to parental alienation can take three forms: erroneously concluding that a child is alienated, as decided in *J.F. v. D.F.* (2018), failing to recognize that a child’s rejection of a parent is a justifiable response (e.g., *A.E. v. S.E.*, 1990), and wrongly concluding that the parent has engaged in a campaign of alienating behavior (*A.E. v. S.E.*, 1990; Lee & Olesen, 2001). Just as some courts have found that some experts’ conclu-

sions that a parent abused a child were biased and incredulous (e.g., *M. v. S.*, 2018), courts have found that some experts failed to adequately consider reasonable alternative explanations to the opinion that a child was alienated, or to the opinion that a parent had engaged in alienating behavior (e.g., *A.E. v. S.E.*, 1990). Such failures can be traced to poor understanding of parental alienation, insufficient efforts to reduce bias, or both.

Poor Understanding of Parental Alienation

A poor grasp of parental alienation issues results in evaluators wielding the concept of parental alienation like a blunt sword (Lee & Olesen, 2001). In some instances, these evaluators improperly apply a list of potential alienating behaviors as a diagnostic checklist. Several authors have compiled such lists (e.g., Baker & Darnall, 2006; Clawar & Rivlin, 2013, pp. 29–63; Fidler et al., 2008, pp. 250–252; Waldron & Joanis, 1996; Warshak, 2010, p. 198). But many of the behaviors on these lists do not on their own justify labeling a parent as an alienating parent. It is essential to consider the context in which the behaviors occurred and their frequency, severity, and duration. Two instances of a behavior, in the context of otherwise positive coparenting behaviors, carry different significance than ongoing displays of the behavior in the context of a campaign to destroy a child's relationship with the other parent. For example, Baker and Darnall (2006) include, as a form of bad-mouthing, the strategy of referring to the other parent by first name when talking with the child. Warshak (2015b) described the manipulation of names as one of the least ambiguous signs of alienating behavior. But using the other parent's first name when speaking with the children on two occasions, in the immediate aftermath of a separation, at the height of anger, and followed by a return to normal usage of "your mom" or "your dad," does not mean the parent is alienating the children.

In addition to misusing a list of alienating behaviors as a diagnostic checklist, some evaluators interpret an act by a parent as alienating behavior when it only superficially resembles an alienating behavior. For example, most lists of potential alienating behaviors include emotionally manipulating a child to resist spending time with the other parent, such as making a child feel guilty about maintaining a positive relationship with the other parent (e.g., Baker & Darnall, 2006). An example of emotional manipulation is when Parent A conveys to the children that he or she is despondent when the children spend time with Parent B, that to keep the Parent A happy the children need to forgo their time with Parent B, and that Parent B is cruel for insisting on exercising parenting time (Johnston et al., 2001). A potential result of such manipulation is that the children feel guilty for leaving Parent A to have contact with Parent B, they worry about Parent A's emotional state when they are with Parent B, and they blame Parent B for Parent A's alleged despondency. The children resolve the emotional turmoil associated with spending substantial time in Parent B's home by eventually resisting or refusing contact with that parent. As opposed to such a clear indication of alienating behavior, evaluators in three cases on which this author consulted leapt to the conclusion that the mother in the case was emotionally manipulating her children when she told them she would miss them during their vacation with their father. This error could have been avoided if the evaluators considered the overall pattern of behavior and attended to the intensity and motivation behind the

mother's statement to her children. Instead, the evaluators assumed that the mother's isolated statement, open to multiple benign interpretations, was evidence of alienating behavior.

Another example of a situation where a simplistic understanding of a specific behavior has resulted in false positive conclusions about alienating behavior is when parents give children a cell phone and instruct them to call when they feel like speaking. The significance of this behavior depends on the context in which it occurs and how the phone is subsequently used. For example, in some instances an alienating parent has given a young child a cell phone, planted in the child the false belief that the other parent is dangerous, instructed the child to call 911 if the other parent did anything that displeased the child, and repeatedly encroached on the children's time with the other parent by calling and texting frequently (e.g., *McRoberts v. Superior Court of Los Angeles Cnty.*, 2012). These are examples of alienating behavior. But in some cases, evaluators simplistically labeled as alienating behavior the act of a parent giving the child a cell phone and instructing the child to call when he or she wanted to touch base with the parent. If such behavior is not part of a pattern of attempts to undermine the child's relationship with the other parent, most likely the isolated act should not be interpreted in hindsight as alienating behavior.

Insufficient Efforts to Reduce Bias

Custody evaluators and other expert witnesses are at particular risk for reaching poorly reasoned conclusions about parental alienation allegations if they gather, examine, and analyze the data through a biased lens. Most evaluators know that cognitive biases can influence their work. But most evaluators also have a "bias blind spot," believing they are less vulnerable to bias than their peers (Pronin, Lin, & Ross, 2002; Zapf, Kukucka, Kassin, & Dror, 2018). Also, most evaluators hold the misguided idea they can mitigate bias by exercising willpower to set aside their preexisting beliefs and expectations (Zapf et al., 2018). Research on biases leaves no doubt that cognitive biases operate automatically, outside of awareness, and they cannot be avoided simply through introspection and conscious effort (Pronin & Kugler, 2007; Wilson & Brekke, 1994). Expert witnesses should be able to show how, why, and at what point during the evaluation they settled on their conclusions and dismissed alternative explanations of the data (Zervopoulos, 2015). Some witnesses, expressing overt and covert judgment biases, tend to see all cases through a single lens, opining on alienation issues without adequately testing rival hypotheses to explain the data (Warshak, 2015a). Some zealous advocates overtly bias their analyses, conclusions, and testimony by cherry-picking case evidence and literature, glossing over limitations in the data and evidence that supports opposing views (Zervopoulos, 2015).

Hindsight bias can lead an evaluator, or an expert who reviews the case file, to overemphasize a parent's past mistakes or less than ideal parenting moments, misinterpreting parenting lapses as part of a campaign of alienating behavior. A confirmatory bias can lead an expert witness to seize on a parent's behavior that superficially resembles alienating behavior and interpret it out of context to support the view that the parent is alienating the children against their other parent (Lee & Olesen, 2001). Or, the expert focuses on a child's angry words or negative behavior toward a parent to

support the view that the child is irrationally alienated, dropping the context that the child has a generally good relationship with the alleged rejected parent. In such cases the experts fail to consider the criteria and situations discussed earlier that offer alternative explanations of a child's apparent rejection of a parent. Instead, such experts search for data that seem to confirm that a child is alienated, or that a parent has engaged in alienating behavior, and overlook disconfirming data (for a discussion of biased reasoning in parental alienation cases, see Milchman, 2017).

Suggestions for Research

This article's observations about false positive identifications of parental alienation were drawn from caselaw, clinical and qualitative research, empirical studies, and the author's extensive experience evaluating and consulting on child custody cases with parental alienation claims. The majority of empirical studies that explicitly address parental alienation have relied on convenience samples and retrospective reporting from alienated parents and adult children. Greater understanding of the developmental course of parental alienation, drawn from longitudinal prospective studies of random samples of divorcing couples, will help evaluators better understand the significance and likely outcome of children's and parents' behaviors in litigated cases.

Either because of poor understanding of parental alienation, bias, or both, some false positive identifications reflect exaggerated significance placed on a parent's or a child's behavior. More work is needed to refine understanding of the elements of parental alienation that can be assessed with high levels of interrater agreement. Errors could be reduced, or at least more easily recognized, if evaluators had well-validated and reliable instruments to assess alienating behaviors and signs of a child's irrational alienation. Promising avenues of research along these lines include Rowlands's (2019a, 2019b) work on a parental alienation scale and Bernet et al.'s (2018) work on assessing the degree to which a child holds ambivalent versus polarized views of each parent.

Studies that document the prevalence of various sources of false positive identifications will direct the attention of evaluators and those who review evaluations to the most frequent types of errors. This information will also guide efforts in professional development and education of custody evaluators. Also needed is research on how evaluators can reduce the influence of bias on their analyses and conclusions. The goal of such research is to establish training procedures and assessment protocols that help evaluators recognize their vulnerability to bias and the fallibility of relying on introspection and willpower to reduce bias (Zapf et al., 2018). Such protocols should include specific procedures to ensure that evaluators avoid premature conclusions without considering reasonable alternative explanations of data.

Conclusions

Allegations that a parent has manipulated a child to turn against the other parent raise complex issues that present formidable challenges to child custody evaluators and courts. These allegations require a thorough investigation of all reasonable explanations of the behavior of the children and parents. Evaluators should consider the seven criteria that distinguish irrationally alienated children from those whose behavior superficially resembles paren-

tal alienation. Evaluators must also investigate various hypotheses for a child's preference for one parent other than the explanation that a child is irrationally alienated from the less-preferred parent. When the evidence suggests the appearance of alienating behavior by the preferred parent, the evaluator should examine the intensity, frequency, duration, and motivation for the behavior. These differences can mitigate or complicate the impact of the behavior on custody evaluators' opinions and on court decisions.

Advocates who seek to ban evidence and testimony related to parental alienation base their opposition on the possibility of false positive identifications. Yet this possibility no more invalidates the need to consider parental alienation explanations of case data than do false positive identifications of child abuse invalidate the importance of carefully evaluating such claims. The solution to judgment errors lies not in restricting the range of permissible hypotheses, but in bringing critical thinking to bear on case facts. Lawyers and judges can best counter expert opinions based on inadequate data and deficient reasoning by exposing deficits in the expert's qualifications, methods, and inferences (Zervopoulos, 2015). Toward that end, ongoing training for lawyers, judges, and mental health experts should be developed to address these concerns.

Attention to false positive identifications in practice and research may bridge the divide between some proponents who consider parental alienation an underrecognized form of family violence highly relevant to custody litigation, and some who fear that the application of parental alienation in the courtroom harms victims of family violence (see Rand, 2010, for a description of this divide).

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