

Parental Alienation: How does the Court approach cases where a child is being taught to hate the other parent?

The term parental alienation is a relatively new concept for the Family Court although many involved with looking after the welfare of children in family cases will have been aware of the consequences for the alienated parent in Family Court cases long before now.

Whilst there is no prescriptive definition of the term parental alienation in current legislation, it is recognised by the Children and Family Court Advisory and Support Service (CAFCASS) as “when a child's resistance or hostility towards one parent is not justified and is the result of psychological manipulation by the other parent”. This may well result in a child resisting or rejecting spending time with one parent post separation which could eventually lead to the permanent estrangement of the child and the alienated parent. The impact of parental alienation can be devastating for the alienated parent and their extended family.

It can be difficult to always spot behaviours that amount to parental alienation as some parents are very subtle in their approach which can make it tricky for professionals such as CAFCASS officers to identify signs of alienation. The following are some of the factors which are usually present in cases involving parental alienation:

1. Belittling or speaking negatively of the other parent in front of a child.
2. Coaching a child to have negative views of the other parent.
3. Prohibiting a child to engage in discussion about the other parent.
4. Making false statements and repeated allegations against the other parent which prove to be without merit.
5. Falsely creating the impression that the other parent dislikes or does not love the child.
6. Limiting contact, texts, video calls and emails etc. between a child and the other parent.

There is no clear cut approach for the Court in dealing with cases involving parental alienation as each child and their circumstance differ from case to case. The issue of alienation is usually brought to the attention of the Court via a report from CAFCASS setting out recommendations as to what is required in order to advance the case. One possible recommendation could be for a rule 16.4 Guardian and a solicitor for the child to be appointed to represent the interests of a child throughout Court proceedings. It is also possible for the Court to be asked to consider making an Order for the psychological assessment of a suspected alienator in some circumstances.

If you are concerned about any of the issues raised in this article please do not hesitate to contact our family department on 01384 371622 or alternatively via email post@wjclaw.co.uk to arrange an appointment.
