

Law You Can Use: Consumer Information Column

Law Addresses Underlying Issues of Parental Alienation

Q.: *What is parental alienation?*

A.: Parental alienation refers to one parent's behavior toward his or her child that emotionally and/or physically serves to distance the child from the other parent. The behavior can be unconscious or deliberate, and is sometimes called "parental estrangement." Grandparents, older siblings and aunts and uncles, in varying degrees, also may experience this type of behavior from a parent.

Q.: *In what circumstances is parental alienation most often seen?*

A.: Parents who are experiencing divorce or who have ended their marriages in bitter divorce often display this type of behavior. Parental alienation is more likely to occur if child support payments are inconsistent or non-existent, if the parents have disagreements over custody or parenting time, if the parties have serious differences regarding parenting styles, if the residential parent is remarried and wants to replace his or her ex-spouse with a new spouse or if the primary caretaker suffers from mental health issues.

Q.: *What are the signs of parental alienation?*

A.: Signs of parental alienation may include attempts to brainwash the child, attacks on the character of the other parent, or attempts to make the child feel fear, anger or shame for having a relationship with the other parent.

Q.: *Why is it important to recognize these signs?*

A.: A parent should learn to recognize this behavior for what it is and what it is not. When a child is being alienated from the other parent, it is wise to try to resolve underlying causes, such as nonpayment of child support and resentment from remarriage, in an effort to change the alienating behavior. If there are no underlying causes, parental alienation could be a sign of child abuse and should be further investigated.

Q.: *What does the law say about parental alienation?*

A.: In family law matters, parental alienation is considered an interference with visitation or shared parenting. The law recognizes that both parents are generally important to a child's well-being, and that neither parent should alienate the child's affection from the other parent. The court usually designates one parent to be the residential parent and legal custodian or the "primary caregiver," and that parent

typically will spend a greater amount of time with the child. A parent's status as primary caregiver does not mean that that parent is necessarily "preferred" over the other, however. If one parent alienates a child from the other parent, the alienated parent may ask the court for additional parenting time. The law also prohibits an angry parent from holding back on visitations even if the other parent has failed to pay child support. Both child support and time with each parent is important for children. If a child is deprived of support, it is not necessarily in the child's best interests to be deprived also of time with a parent.

Q.: *How do the courts regard parental alienation?*

A.: Parental alienation is an interference with parental rights, whether that interference is physical or psychological. When courts find evidence of parental alienation or estrangement, counseling is often recommended. They examine, in particular, the parents' ability to cooperate and make decisions jointly in the interest of the children. They also look at the parents' history of supporting and maintaining consistency with the child. The courts are primarily concerned with the child's well-being.

Some courts recognize a particular set of symptoms as being a syndrome called the Parental Alienation Syndrome (PAS). Many in the psychological community and in Ohio's courts do not recognize PAS. Nearly all persons in the legal and psychological community realize, however, that a parent sometimes alienates the other parent from their child. Even though they do not mean the same thing, the terms "parental alienation" and "Parental Alienation Syndrome" are sometimes used interchangeably. Because Ohio courts have not yet distinguished between the two terms, this name confusion can create difficulty in cases involving parental alienation.

Law You Can Use is a weekly consumer legal information column provided by the Ohio State Bar Association. This article was prepared by Nancy Fioritto Patete, a Cleveland attorney. Articles appearing in this column are intended to provide broad, general information about the law. Before applying this information to a specific legal problem, readers are urged to seek the advice of a licensed attorney.