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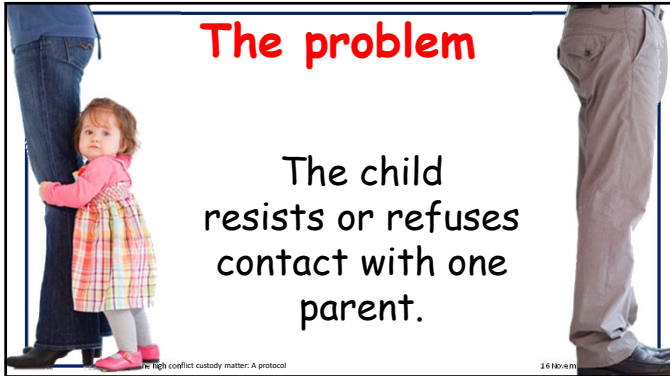
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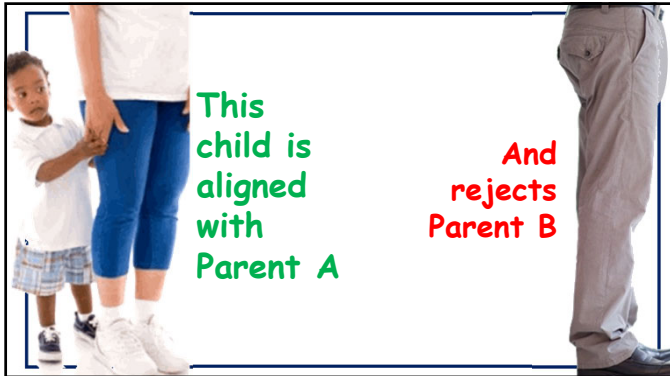
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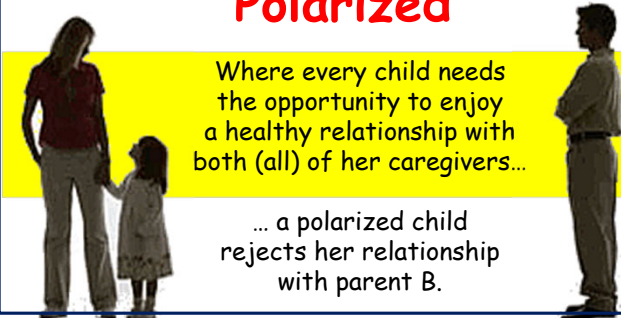
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**"Polarized"**

Where every child needs the opportunity to enjoy a healthy relationship with both (all) of her caregivers...

... a polarized child rejects her relationship with parent B.



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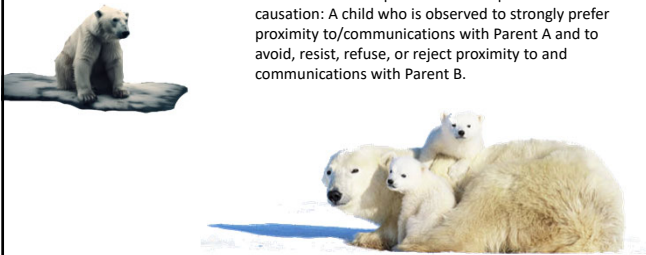
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**The polarized child**

A behavioral description without implication of causation: A child who is observed to strongly prefer proximity to/communications with Parent A and to avoid, resist, refuse, or reject proximity to and communications with Parent B.



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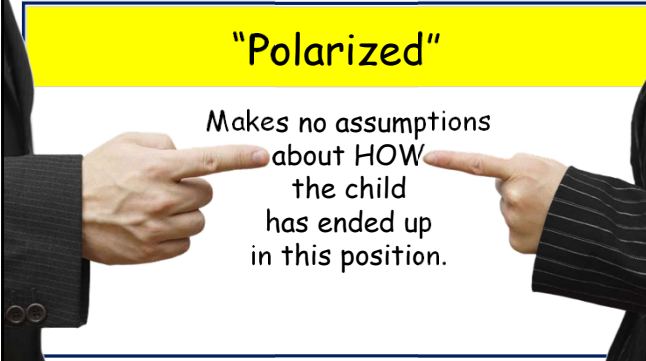
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**"Polarized"**

Makes no assumptions about HOW the child has ended up in this position.



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“...even if there is proof [of] 'rejection' (lack of access by a parent), that fact alone does not lead to the conclusion of alienation.”

J.F. v. D.F. 2021  
61 Misc 3<sup>rd</sup> 1226(A) NY

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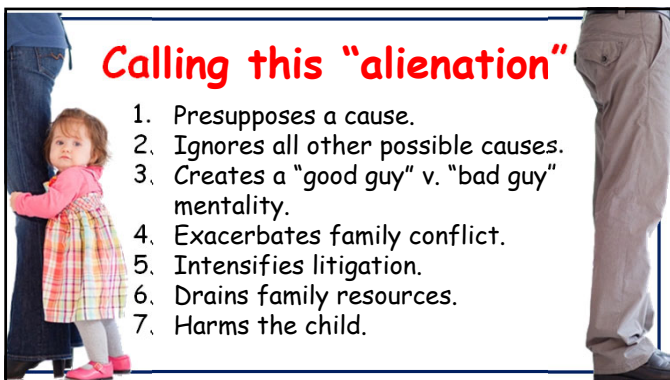
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**Calling this “alienation”**

1. Presupposes a cause.
2. Ignores all other possible causes.
3. Creates a “good guy” v. “bad guy” mentality.
4. Exacerbates family conflict.
5. Intensifies litigation.
6. Drains family resources.
7. Harms the child.

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**Calling this “alienation”**

induces a **confirmational bias** that can taint independent evaluation, GAL investigation, mediation, and litigation.

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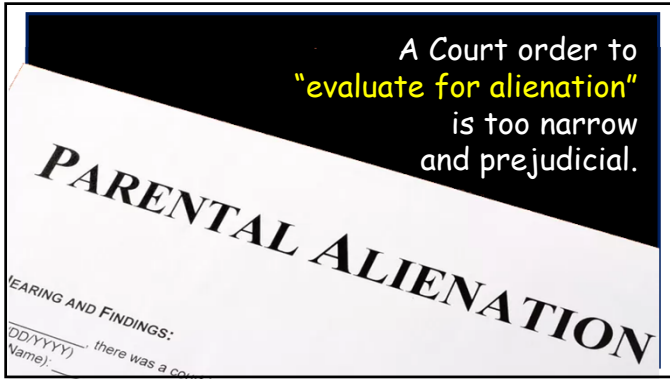
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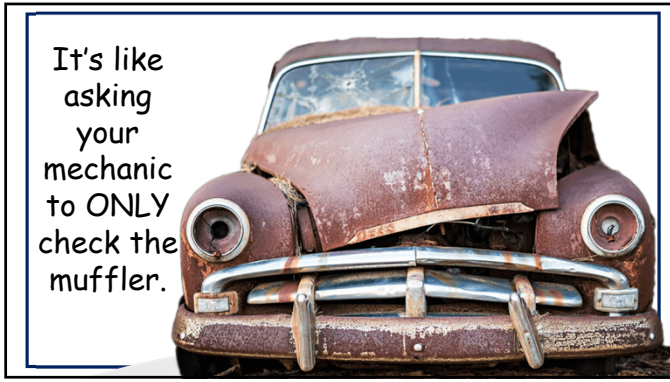
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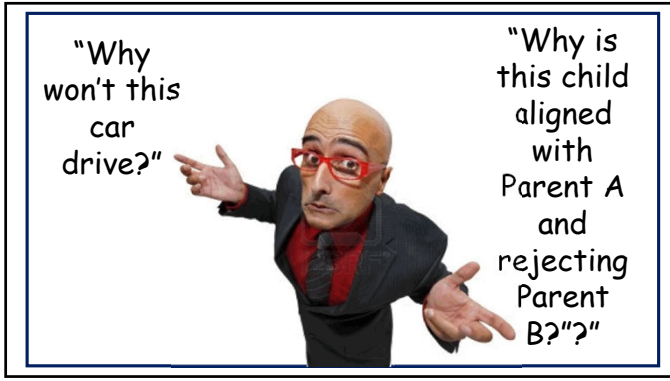
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“Specific to the court’s wish to understand and remedy the rea: syst enli eva chil idei qua con opportunity to enjoy a healthy relationship with both/all caregivers.”

“... an evaluation intended to ... identify the circumstances and precipitant(s) of any change in the quality of those relationships ....”

family ill if the (1) to in the specific child’s

Garber, B.D. (2019). Sherlock Holmes and the case of resist/refuse dynamics: Confirmatory bias and abductive inference in family law. Family Court Review, 58 (2), 386-402.

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A long and conflicted history finally teaches us to refer to observable behaviors rather than inferred causes:

**Resist/Refuse Dynamics (RRD)**

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“Polarized” describes a DYNAMIC:

A **DYNAMIC** is a pattern of thoughts, feelings and/or behavior that occurs **between** people, that is, in a relationship.



Garber, B.D., Prescott, D., and Mulvey, C. (2022b). The family law professional's field guide to high conflict litigation: Dynamics, not diagnoses. American Bar Association.

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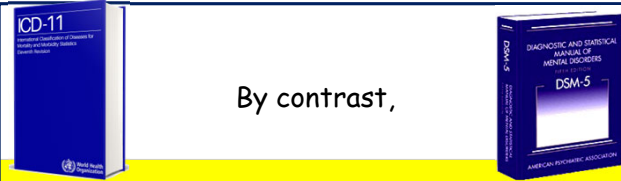
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By contrast,

a **DIAGNOSIS** describes a pattern of thoughts, feelings and/or behavior **within** an individual

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Applying the diagnostic model to relationship questions is invalid and misleading.

It's a bit like trying to measure time with a tape measure.



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Family law questions are about **Dynamics** not **Diagnoses**

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**The History**  
 in very short form

British Common Law tort  
 "alienation of affections"

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Psychiatrist Richard Gardner  
 imported "alienation"  
 to apply to RRD  
 = **Parental Alienation Syndrome**  
 (PAS)

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PAS  
 and the subsequent  
 Parental Alienation Disorder (PAD)

- Gender-specific (dad = victim)
- Presumes **binary** good guy/bad guy

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**PAS posits that RRD is  
BINARY:**

|   |    |  |
|---|----|--|
| <p><b>Alienation:</b></p> <p>Parent A is exposing the child to negative words, actions, and expressed emotions about Parent B</p> | OR | <p><b>Estrangement:</b><br/>(aka "justified rejection")</p> <p>Parent B is insensitive, unresponsive, abusive or neglectful to or around the child</p> |
|---|----|--|

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 "...when abuse or neglect have not occurred, it is highly probable—to 99% clinical certainty—that alienation is the cause of the rejection."

Gettlieb, L. J. (2019). Reunification Therapy for Severe Parental Alienation or for an Unreasonably Disrupted Parent-Child Relationship. Online program description access 20 February, 2020, at [http://endparentalalienation.weebly.com/uploads/3/1/0/9/31091731/12-22-2019\\_tprff\\_treatment\\_protocol\\_x\\_4\\_6\\_18\\_ent\\_protocol\\_for\\_severe\\_alienation\\_rejection.pdf](http://endparentalalienation.weebly.com/uploads/3/1/0/9/31091731/12-22-2019_tprff_treatment_protocol_x_4_6_18_ent_protocol_for_severe_alienation_rejection.pdf)

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**Binary model**

|   |  |
|---|--|
| <p>"...the overly simplistic focus on the brainwashing parent as the primary etiologic agent."</p> <p style="font-size: x-small;">Kelly, J. B. and Johnston, J. R. (2001). The alienated child: A reformulation of Parental Alienation Syndrome. Family Court Review, 39(3), p. 250</p> | <p>"... it is futile and counterproductive to approach these families looking for a pure 'bad guy'"</p> <p style="font-size: x-small;">Ludolph, P. S., &amp; Bow, J. N. (2012). Complex alienation dynamics and very young children. Journal of Child Custody: Research, Issues, and Practices, 9(3), p. 173</p> |
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**Both the DSM and ICD  
declined to include PAS/PAD**

Don't be misled by arguments that alienation is implicit in the DSM, e.g.,

- V995.51 Child psychological abuse
- V61.29 Child affected by parental relationship distress

These labels are not "alienation" and are not even diagnoses. They are **"Other conditions that may be a focus of clinical attention"**

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A small but very vocal group of professionals continue to advocate for this binary either/or approach albeit parsed as a **"Five Factor Model"**

Bernet, W., & Greenhill, L. L. (2022). The Five-Factor Model for the diagnosis of parental alienation. *Journal of the American Academy of Child & Adolescent Psychiatry*, 61(5), 591-594.

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**The 5FM is ambiguous,  
deeply flawed,  
biased against Parent A  
(that is, predisposed  
to identify alienation)  
circular, and  
lacking empirical support.**

Garber, B.D. and Simon, Robert (in review, 2023). Beyond the sorting hat: Deconstructing the "Five Factor Model" of Alienation.

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**The Five Factor Model**



Joshi, A. (2021). Litigating Parental Alienation. American Bar Association: Washington D.C

Bernet, W. (2020). The Five-Factor Model for the Diagnosis of Parental Alienation. Feedback 6 (Summer): 3-15.

Bernet, W., & Greenhill, L. L. (2022). The Five-Factor Model for the diagnosis of parental alienation. Journal of the American Academy of Child & Adolescent Psychiatry, 61(5), 591-594.

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**The Five Factor Model**

**IF...**

1. The Child Manifests Contact Resistance or Refusal, i.e., Avoids a Relationship with one of the Parents, AND
2. The Presence of a Prior Positive Relationship Between the Child and the Rejected Parent, AND
3. The Absence of Abuse, Neglect, or Seriously Deficient Parenting on the Part of the Rejected Parent, AND
4. The Use of Multiple Alienating Behaviors on the Part of the Favored Parent, AND
5. The Child Exhibits Many of the Eight Behavioral Manifestations of Alienation.

**... THEN alienation** Bernet and Greenhill (2022)

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**The Five Factor Model**

Some FFM proponents do acknowledge that there is more to RRD than binary alienation v. estrangement.

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**The Five Factor Model**

"There are several causes of contact refusal, and it is necessary to conduct an evaluation to **determine whether the cause in a particular case is PA** or some other issue **within the child or the family.**"

Bernet and Greenhill (2022) p. 591

Why default to alienation???

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**The Five Factor Model**

The FFM itself is riddled with illogic and creates a false and destructive dichotomy



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1. The Child Manifests Contact Resistance or Refusal, i.e., Avoids a Relationship with one of the Parents



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"This might involve complete contact refusal, or it might involve agreeing to contact but resisting/refusing attempts on the part of the parent for communication, affection, and interaction. In these situations, the child may be physically present but is not emotionally present."

Baker, A. J. L. (2020). Parental alienation and empirical research. In D. Lorandos & W. Bernet (Eds.), *Parental alienation: Science and law* (pp. 207-253). Charles C Thomas Publisher, Ltd.

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If parent A alienated Suzy from Parent B her entire life, then Parent B could never have had a positive relationship with Suzy, which means that Parent A was not alienating!

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1. Define "Abuse" and "Neglect"? Jurisdictions vary.

2. There is no objective measure of what is and is not scary (e.g., children with prior trauma)

3. 5FM ignores vicarious trauma (e.g., child witness IPV)

4. Half-life of child abuse? When does protective gatekeeping become alienation?

5. CPS has HUGE error rates (false positives and false negatives)

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"... the median estimated false positive and false negative error rates were 0.18 and 0.36, respectively"

Herman, S., & Freitas, T.R. (2010). Error rates in forensic child sexual abuse evaluations. *Psychological Injury and Law*, 3(2), 133-147.

See also: Hershkowitz, I., Fisher, S., Lamb, M. E., & Horowitz, D. (2007). Improving credibility assessment in child sexual abuse allegations: The role of the NICHD investigative interview protocol. *Child Abuse & Neglect*, 31, 99-110.

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4. The Use of Multiple Alienating Behaviors on the Part of the Favored Parent



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Factor 4: Seventeen adult strategies of alienation

- 1. Bad mouthing
- 2. Limiting contact
- 3. Interfering with communication
- 4. Interfering with symbolic communication
- 5. [Contingent] withdrawal of love
- 6. Telling the child that the parent is dangerous
- 7. Forcing the child to chose
- 8. Telling the child that the parent does not love him/her/them
- 9. Confiding in the child
- 10. Forcing the child to reject the parent
- 11. Asking the child to keep secrets from the parent
- 12. Confiding in the child
- 13. Referring to the parent by his/her/their first name
- 14. Referring to step-parent as "Mom" or "Dad"
- 15. Withholding medical, academic, and other important data from the parent
- 16. Changing the child's name to remove association with the parent
- 17. Cultivating dependency/undermining the parent's authority

Baker, Amy J. L. and Darnall, Douglas(2006). Behaviors and Strategies Employed in Parental Alienation. Journal of Divorce & Remarriage,45:1,97-124

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5. The Child Exhibits Many of the Eight Behavioral Manifestations of Alienation.



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**Factor 5: Eight manifestations of alienation in children**

- 1. Campaign of denigration
- 2. Weak, frivolous or absurd rationalizations for the denigration or deprecation
- 3. Lack of ambivalence
- 4. The in dependent thinker phenomenon
- 5. Cruelty toward the alienated parent with no remorse or guilt
- 6. Reflexive support of the alienated parent
- 7. Presence of borrowed scenarios
- 8. Spread of animosity to the friends and/or extended family of the alienated parent

Amy J. L. Baker and S. Richard Sauber, editors, Working with Alienated Children and Families: A Clinical Guidebook (New York: Routledge, 2013), 62.

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- 1. Studies alleging to validate these variables are cross-sectional and retrospective, contaminated by participant self-selection and investigator bias.
- 2. We don't know if or how any of these variables proactively might contribute to resist/refuse "polarized" outcomes.

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**"the absence of methodologically sound empirical validation ... gives evaluators a strong warning that the presence of these behaviors cannot be equated with PA just because they have been promulgated to be PA."**

Madelyn, S. M. (2022). Assessing causes of children's parent rejection in child custody cases: Differentiating parental alienation from child sexual abuse, psychological maltreatment, and adverse parenting. In R. Gellner, J. W. White, L. K. Hamberger, A. Rosenbaum, V. Vaughan-Eden, & V. I. Vieth (Eds.), Handbook of interpersonal violence and abuse across the lifespan: A project of the National Partnership to End Interpersonal Violence Across the Lifespan (NPEIWL) (pp. 1607-1628). Springer Nature Switzerland AG.

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"the collection of retrospective data on subjects should not be confused with longitudinal data collection because the former is subject to distortions due to faulty recall and observers' knowledge of future outcomes."

Saini, M., Johnston, J. R., Fidler, B. J., & Bala, N. (2016). Empirical studies of alienation. In L. Dwork, M. Saini, & W. Olesen (Eds.), *Parenting plan evaluations: Applied research for the family court* (pp. 374-430). Oxford University Press.

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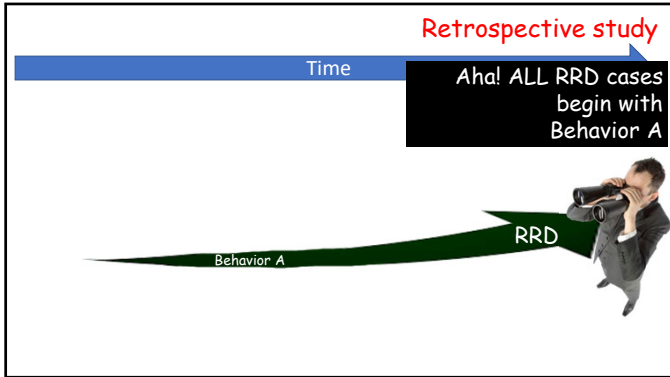
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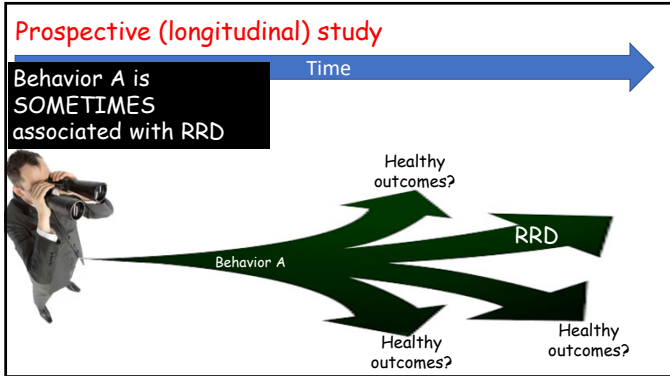
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Approaching RRD  
 from a binary  
 "good guy/bad guy"  
 perspective is illogical, invalid,  
 ignores many obvious variables,  
 fuels acrimony  
 and harms the child

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"At issue ...  
 is our ability and willingness  
 to look beyond simple and appealing  
 either/or, black/white arguments  
 to **wrestle with the full complexity  
 of human relationships.**"

Garber, B.D. (in press, 2023). A structured rubric for evaluating the many convergent factors that can contribute to parent-child contact problems (PCCP). Family Court Review.

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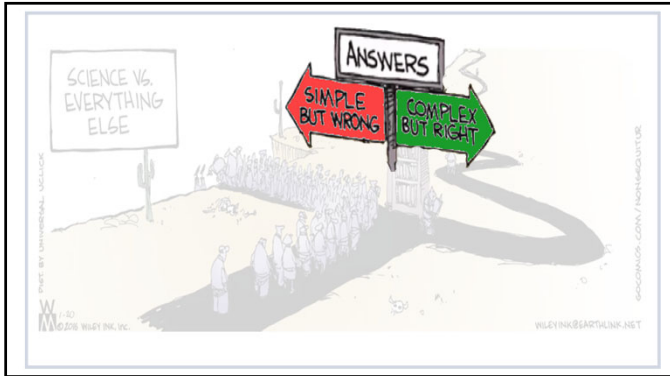
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# The Science

"... uncomplicated or pure cases of alienation in which neither estrangement nor enmeshment were identified as playing a significant role, were relatively infrequent...."

Friedlander, S., & Walters, M. (2010). When a child rejects a parent: Tailoring the intervention to fit the problem. *Family Court Review*, 48(1), 98-111.

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RRD is associated with "... a multi-factor explanation of children's rejection of a parent with both the aligned and rejected parents contributing to the problem, together with role reversal in parent-child relationships"

Johnston, J. R., Walters, M. G., & Oleson, N. W. (2009). Is it alienating parenting, role reversal, or child abuse? A study of children's rejection of a parent in child custody disputes. *Journal of Emotional Abuse*, 5(4), 191-218.

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# Best Practice

"Children are at greater risk when parent-child contact problems are not effectively addressed and when family law professionals and others echo and intensify the polarization within the family. This problem may be exacerbated by ... gendered and politicized assumptions that either parental alienation or intimate partner violence is the determinative issue"

15 August, 2022 by the Association of Family and Conciliation Courts (AFCC) and the National Council of Juvenile and Family Court Judges

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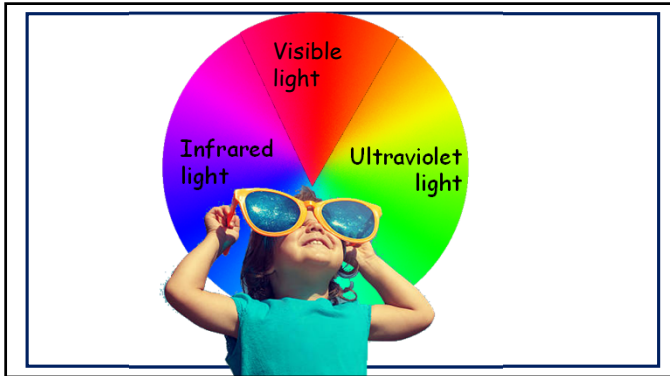
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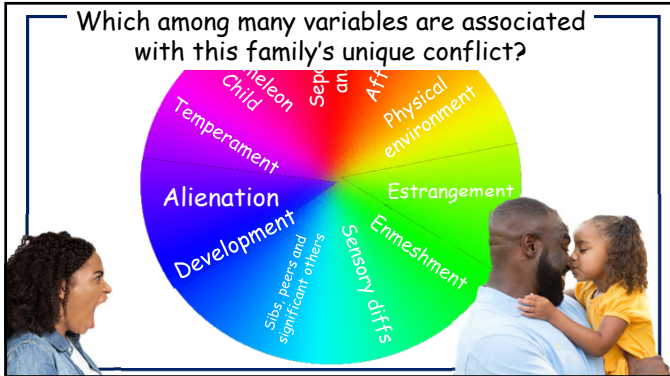
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**The rubric requires consideration of **six domains** of variables**

1. Incidental sensory, temporal, and proximal factors
2. Child variables
3. Child-Parent A dyadic variables
4. Child-Parent B dyadic variables
5. Systemic variables
6. Extra-systemic variables

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**1. Incidental sensory, temporal, and proximal variables**

| Is there evidence of?  | <input checked="" type="checkbox"/> |
|--|-------------------------------------|
| (a) Is the child's resistance recent and abrupt? If so, what triggers?   |                                     |
| (b) Is the child's resistance event- time- or place-specific?  |                                     |
| (c) Is the child's resistance associated with access to peers, siblings, step- and half-siblings?  |                                     |
| (d) Is the child's resistance related to her negative experience with or expectations about a third party or animal associated with Parent B (e.g., new partner, neighbor, pet)?   |                                     |
| (e) Is the child's resistance related to sensory (i.e., visual, olfactory, auditory, tactile, and/or gustatory) experiences at transition or anticipated in Parent B's care that may be subjectively aversive or overwhelming? |                                     |

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Sounds?  
Smells?  
Textures?



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Avoiding the war  
that erupts at  
transition, not  
Parent B  
him- or herself



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**2. Child variables**

| Is there evidence of?   | <input checked="" type="checkbox"/> |
|---|-------------------------------------|
| (a) Is the child's resistance associated with temperament?  | <input type="checkbox"/>            |
| (b) Does the child resist change, transition, and/or separation across contexts (i.e., not exclusively when transitioning between care environments)? | <input type="checkbox"/>            |
| (c) Is the child's resistance due to diagnosed/ diagnosable social, emotional, behavioral, and/or cognitive differences?                              | <input type="checkbox"/>            |
| (d) Is the child's resistance due to a history of trauma not exclusively associated with either adult?  | <input type="checkbox"/>            |

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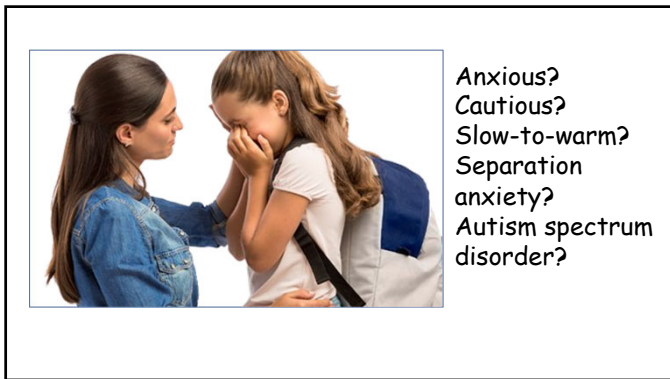
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Anxious?  
Cautious?  
Slow-to-warm?  
Separation anxiety?  
Autism spectrum disorder?

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### 3. Child-Parent A dyadic variables

| Is there evidence of?   | <input checked="" type="checkbox"/> |
|---|-------------------------------------|
| (a) Is the child's resistance due to a relationship affinity appropriate to the child's experience, development, and culture?   | <input type="checkbox"/>            |
| (b) Is the child saying and doing what the Parent A needs to hear and see in order to maintain love and/or avoid anger and rejection? Does the child respond in a similarly chameleon-like manner with others?                                      | <input type="checkbox"/>            |
| (c) Is the child's resistance associated with Parent A's threats, promises, and/or bribes as in "If you don't tell the evaluator you want to live with me I'll kill myself" or "If you tell the GAL you want to live with me I'll get you a car."   | <input type="checkbox"/>            |
| (d) Does the child resist all separations from Parent A but manages separations from others?  | <input type="checkbox"/>            |
| (e) <b>Enmeshment:</b> Are the interpersonal boundaries between Parent A and the child appropriate to the child's developmental capacities and the ambient culture? Is the child adultified, parentified, and/or infantilized in this relationship? | <input type="checkbox"/>            |

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Garber, B.D. (2014). The chameleon child: Children as actors in the high conflict divorce drama. *Journal of Child Custody*, 11, 1-16.

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### 4. Child-Parent B dyadic factors

| Is there evidence of?   | <input checked="" type="checkbox"/> |
|---|-------------------------------------|
| (a) Did the child ever have a relationship of any sort with Parent B?   |                                     |
| (b) Does the child experience Parent B's behavior, language, habits, beliefs, or activities as foreign, unacceptable, or embarrassing?  |                                     |
| (c) <b>Estrangement:</b> Has the child directly experienced Parent B as insensitive, unresponsive, abusive, or neglectful toward her?   |                                     |
| (d) <b>Estrangement:</b> Has the child directly experienced Parent B as insensitive, unresponsive, abusive, neglectful, destructive or threatening toward others including animals and objects (i.e., vicarious exposure)?    |                                     |
| (e) If the child has direct or vicarious negative experiences associated with Parent B, do these constitute trauma that trigger extreme anticipatory anxiety, dissociation, flashbacks, resistance and/or refusal of contact? |                                     |

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Direct experience of insensitive, unresponsive care



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Vicarious experience of insensitive, unresponsive care



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### 5. Systemic variables

| Is there evidence of?  | <input checked="" type="checkbox"/> |
|--|-------------------------------------|
| (a) Is the child's resistance to Parent B associated with an avoidance of the (emotional, verbal, and/or behavioral) conflict that erupts when the two adults are face-to-face?  |                                     |
| (b) Is the child's resistance to Parent B an effort to avoid "culture shock"?  |                                     |
| (c) Does the child experience the culture in one home as more aversive than the other? For example, teenagers may gravitate toward a permissive parent's home and away from an authoritarian's parent's home.  |                                     |
| (d) How has each parent scripted the adult separation, the adult conflict, and the other parent's role in the child's life for the child?  |                                     |
| (e) Is the child escaping the adult conflict by arbitrarily picking sides?   |                                     |
| (f) <b>Alienation:</b> Is this child's resistance/refusal of Parent B associated with her exposure to Parent A's (direct or indirect; intended or incidental) negative words, behaviors, and/or emotions about Parent B? This includes Parent A's effort to enroll the child as her spy, courier, or go-between to the extent that these actions communicate that Parent B is not safe or trusted. |                                     |

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### 6. Extra-systemic variables

| Is there evidence of?   | <input checked="" type="checkbox"/> |
|---|-------------------------------------|
| (a) Extended family influences including grandparents, step-parents, uncles, aunts, siblings? |                                     |
| (b) Professional helper bias including teachers, coaches, clergy, and THE SILOed THERAPIST    |                                     |
| (c) Is the child missing desired activities in Parent A's community while with Parent B?      |                                     |
| (d) Is the child avoiding undesirable activities in Parent B's community while with Parent A? |                                     |
| (e) How do media and other models influence the child's choices?                              |                                     |

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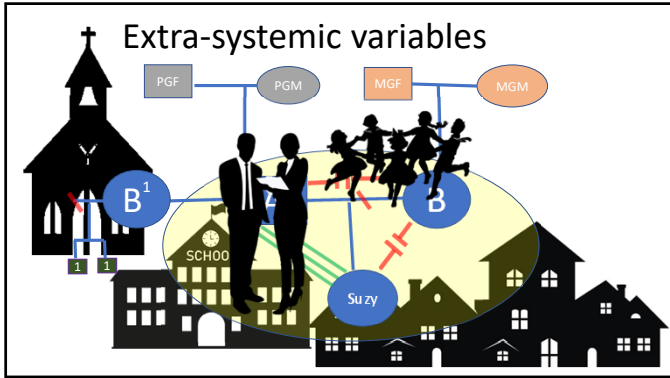
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The silo-ed therapist is one common example of an extra-systemic influence that must be addressed.

Greenberg, L. R., Gould, J. W., Gould-Saltman, D. J., Stahl, P. (2003). Is the child's therapist part of the problem? What judges, attorneys, and mental health professionals need to know about court-related treatment for children. Family Law Quarterly, 37, 241-271.

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Always start by asking the right question

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What combination of pressures is causing this child to align with Parent A and reject Parent B?

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Its only by understanding the full spectrum of dynamics and practical pressures the bear on a particular child -the child's social ecology- that we can begin to prescribe appropriate remedies.



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 Thank you,  
 Ben Garber, PhD  
[www.FamilyLawConsulting.org](http://www.FamilyLawConsulting.org)  
 603.314.8841 voice  
 603.386.6083 eFax

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