

A structured rubric intended to guide evaluation and litigation when a child is observed to be aligned with Parent A and to resist or refuse contact with Parent B.

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<p>1. Incidental sensory, temporal, and proximal variables: Is the child’s apparent resistance/refusal of parent B associated with her subjective experience of otherwise incidental and immediate variables?</p> <p>At issue are those circumstances relevant to the child’s resist/refuse behaviors that are subjectively aversive, recent, and/or nearby. The child may not be aware of these factors and/or may not be able or willing to voice them. These include as examples transitions between care environments that interrupt preferred activities, that occur in a setting that the child finds embarrassing (e.g., at school in front of peers), and/or between environments with distinct and/or unfamiliar and/or subjectively aversive sensory experiences (e.g., unfamiliar smells, noises).</p>	
Questions	Relevant Considerations
(a) Is the child’s resistance recent and abrupt or chronic? If the former, what were the relevant proximal factors? If chronic, are there exceptions that might provide clues to overcoming resistance in the future?	i. Children who are emotionally immature, impulsive, and/or anxious are more likely to react to incidental temporal and proximal variables without consideration of consequence.
(b) Is the child’s resistance event- time- or place-specific? What are the qualities of the physical environment, time of day, day of week, concurrent activities, persons present, the child’s physical state (e.g., fatigue, hunger, clothing) and health associated with resistance?	ii. Does changing the time or place or conditions of transition reduce the child’s resistance? iii. Does changing the time or place or conditions of contact with Parent B (e.g., not going back to Parent B’s apartment; assuring that no one else will be present when Parent B and child are together) reduce resistance?
(c) Is the child’s resistance associated with access to peers, siblings, step- and half-siblings? ¹	iv. Have the child describe what she sees, hears, smells, tastes, touches, and feels in each caregiving environment.
(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)?	v. Use the Query Grid (Garber, 2007) in interview to explore the child’s subjective experience of each home and caregiver.
(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 familiarity, aversive or overwhelming?	vi. Determine how media, diet, peer, and other resource access differs between environments and how the child perceives these differences. vii. Would contact with the absent parent/sibs/friends via distance media reduce the child’s resistance? Would transitional objects diminish resistance (Garber, 2019b)? viii. Would simple changes of sensory experiences (e.g., adopting a familiar fabric softener, nightlight, or a familiar brand of peanut butter) reduce the child’s resistance?

¹ “... children might rather stay at one parent’s home not because they have an alignment toward that parent, but because their friends or significant other lives in the neighborhood. This is especially important for children who attempt to remove themselves from any ongoing parental conflict by spending more time with friends.” (Polak and Saini, 2015, p. 237).

<p>2. Child-specific variables. What characteristics of the child’s developmental status, temperament, personality, relative strengths and weaknesses, and experience are associated with her apparent contact resistance/refusal?</p> <p>At issue are qualities about the child herself that may be relevant to understanding apparent resist/refuse behaviors.² These variables are likely to impact the child’s functioning in other settings not related to the parents’ conflict or her transition between care environments. As examples these include differences of temperament, activity level and attention, history of trauma, social skills, and physical health. The latter can be as simple as being reassured that Parent B is aware of and prepared to help manage the care of the physical health need (e.g., menstruation, asthma, diabetes, medication administration).</p>	
Questions	Relevant Considerations
(a) Is the child’s resistance associated with temperament (e.g., rigidity, fragility, dependence; Planalp et al., 2019; Rothbart and Bates, 2006)?	i. How does the child understand the adult separation and the schedule of care? Does she understand and accept how long she will be in each parent’s care? Would visual props in each home (e.g., a color-coded wall calendar? Help?
(b) Does the child resist change, transition, and/or separation across contexts (i.e., not exclusively when transitioning between care environments)?	ii. Does the child generally manage change, transitions, and spontaneity well? What qualities of make some transitions easier than others and how can they be adapted to transitions between care environments?
(c) Is the child’s resistance due to diagnosed/diagnosable social, emotional, behavioral, cognitive differences and/or physical disability?	iii. Does the child have a history of trauma that is triggered at transition or by association with either separating from Parent A or joining Parent B?
(d) Is the child’s resistance due to a history of trauma not exclusively associated with either adult?	iv. Does the child resist transition through an impartial third party or institution (e.g., school) when both parents are not simultaneously present? v. Are the child’s responses about these variables the same across multiple interviews at different times of day, on different days of week, in the company of different adults, and in different physical settings? vi. School records, evaluations, and accommodation plans and/or psychological evaluation of the child may be relevant.

² “The children’s temperaments impact the parenting dynamic. The children are not inanimate, stoic, or passive robots. They are maturing adolescents who interpret the world around them through the individual lens of their developmental stage, lived experience, and personality” KG v. HG, 2021 Nova Scotia Supreme Court 43 at item 69.

3. Parent A-Child dyadic variables. What characteristics of the Parent A-child relationship contribute to the child’s resistance/refusal of Parent B?	
At issue is the quality of the child’s relationship with aligned Parent A. This is a dyadic variable in that it asks about the parent-child relationship itself, <i>not</i> the qualities of either individual. It concerns the child’s subjective security in relationship with Parent A as a direct result of her experience with Parent A. For example, does the child anticipate that Parent A will be sensitive and responsive to her needs? ³	
Questions	Relevant Considerations
(a) Is the child’s resistance due to a relationship affinity appropriate to the child’s experience, development, and culture? ^{4,5}	i. Affinities emerge between parents and children normatively over the course of development often around shared characteristics, skills, interests, and/or needs. ii. If affinity between Parent A and the child is relevant, would Parent B’s adoption of the same quality, activity, or skill diminish resistance/refusal? iii. The chameleon child says and does what she believes her listener wants to see and hear in order to avoid rejection, anger, conflict, and/or loss of love (Garber, 2014). Beware that her disparate reports often fuel antagonistic parties’ confirmational biases. Reassurance and child or family therapy may help. iv. Beware that enmeshment and alienation are independent dynamics contrary to some
(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?	
(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” ⁸ or “If you tell the GAL you want to live with me I’ll get you a car.”	
(d) Does the child resist all separations from Parent A but manages separations from others?	
(e) Enmeshment: Are the interpersonal boundaries between Parent A and the child appropriate to the child’s developmental	

³ Both dyadic domains (that is, the Parent A-child relationship discussed in 3 and the Parent B-child relationship discussed in 4 correspond to attachment security as discussed by Sroufe et al., (2005) and as assessed by attachment measures in the general population when the child is between 18 and 48 months, noting that these otherwise very reliable and valid measures are not appropriate to this population or older children (Garber, 2009).

⁴ Friedlander and Walters 2010: “A child’s proclivity or affinity for a particular parent is a normal developmental phenomenon and can be related to temperament, gender, shared interests, identification with a parent’s physical and psychological attributes, the parenting style of a particular parent, and also attachment security with one parent.”

⁵ “A child may feel more emotionally connected with one parent than the other because they have similar interests (e.g., sports or art) or similar personality styles” (Droz & Olesen 2004, p. 74).

⁸ “[Mother] “... told the oldest son that she was considering suicide if she lost custody of the two boys.” (Jordana v. Corley, 220 N.W.2d 515, North Dakota, 1974

<p>capacities and the ambient culture?⁹ Is the child adultified, parentified, and/or infantilized in this relationship?</p>	<p>assertions that enmeshment is a feature or byproduct of alienation.⁶</p> <p>v. If parent A is directed to more appropriate adult resources, does that free the child to resume childhood and diminish resist/refuse of Parent B?</p> <p>vi. Enmeshment can feel very rewarding to a child creating disincentive for change.</p> <p>vii. Folie à deux is not a DSM 5 diagnosis. It is a very rare and extreme pathology requiring intense psychiatric evaluation and intervention (Suresh Kumar et al., 2005⁷).</p>
<p>(f) Do Parent A and the child share extreme and delusional beliefs suggestive of <i>folie à deux</i> (Johnston and Sullivan, 2020)?</p>	

⁹ “... [T]he child has had developmentally inappropriate difficulty separating from the parent... Often the child in these cases is highly attuned to the enmeshed parent’s neediness and dependence and assumes responsibility for protecting the parent. The child and parent are rarely aware of what is going on and believe that they share an excellent relationship” (Friedlander and Walters 2010 p. 105.)

⁶ “Enmeshment -lack of proper boundary between a parent and the child—is simply one behavior of the alienation dynamic” (Joshi, 2016, p. 6). However: “Dr. Baker noted that enmeshment can occur without parental alienation being present, although it can be a possible indicator of alienation” (C.J.J. v. A.J., 2016 BCSC 676 at item 250)

⁷ “The mother harboured strong persecutory delusions against her husband and his relatives. She accused her husband of frequently visiting her son in school, and abusing and torturing him physically... The child also harboured similar delusions and, in a separate interview, he too narrated the same story as his mother and showed the ‘scar marks’” (Suresh Kumar et al., 2005 p. 165.

4. Parent B-Child dyadic variables. What characteristics of the Parent B-child relationship contribute to the child's resistance/refusal of Parent B?	
At issue is the quality of the child's relationship with rejected Parent B. This is a dyadic variable in that it asks about the parent-child relationship itself, <i>not</i> the qualities of either individual. It concerns the child's subjective security in relationship with Parent B as a direct result of her experience with Parent B. For example, does the child anticipate that Parent B will be sensitive and responsive to her needs?	
Questions	Relevant Considerations
(a) Did the child ever have a relationship of any sort with Parent B?	i. Anger, confusion, resentment, and torn loyalties can complicate beginning a relationship with a never-met Parent B particularly as the child grows toward adolescence.
(b) Does the child experience Parent B's behavior, language, habits, beliefs, or activities as foreign, unacceptable, or embarrassing?	ii. Individual adult variables are identified in the rubric only to the extent that they bear on relationship variables. For example, a parent's substance abuse is irrelevant unless and until it bears on the parent-child relationship.
(c) Estrangement: Has the child directly experienced Parent B as insensitive, unresponsive, abusive, or neglectful toward her? ¹⁰	iii. Cultural, language, dietary, and religious differences (among many such variables) can contribute to a child's discomfort, confusion, embarrassment, and resistance or rejection of Parent B.
(d) Estrangement: Has the child directly experienced Parent B as insensitive, unresponsive, abusive, neglectful, destructive or threatening toward others (i.e., vicarious exposure) including animals and objects exposure.g., domestic violence, intimate partner violence)? ¹¹	iv. Evaluate Parent B's risk of objective harm to and around the child. Beware that the child's vicarious exposure to Parent B's inappropriate acts can motivate resistance even when the child herself is safe (Kelly and Johnston, 2001).
(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?	v. When the child's contact with Parent B is or has been supervised, how does the child understand why the supervisor is/was present? How if at all was that explanation scripted and by whom? Does the child's understanding contribute to negative attribution about/diminished security with Parent B (Birnbaum and Alaggia, 2006; Saini et al., 2017)?

¹⁰ Note that estrangement as operationalized in items 4(c) and (d) is a dyadic variable. That is, it emerges in the context of the Parent B-child relationship with no necessary contribution from Parent A. By contrast, alienation as discussed in 5 (f) and (g) is a systemic variable. That is, alienation requires consideration of the roles of both parents and the child.

¹¹ "Some rejected parents are rigid, controlling and somewhat harsh, and have a chronically distant parenting style; some are passive; others are immature or narcissistic and have difficulty being attuned to the child's feelings and needs; while still others have problems managing their anger and disappointment." (Friedlander and Walters 2010 p. 106)

<p>5. Systemic variables. What characteristics of the relationship among Parent A, Parent B and child(ren) contribute to the child’s resistance/refusal of Parent B?</p> <p>At issue is the child’s experience of the relationship between the two adults obtained via direct observation and/or as communicated by either adult or a third party about the adult relationship. This is a systemic variable in that it asks about the quality of the three interwoven relationships, not the qualities of any individual or subsidiary dyad. It concerns the child’s subjective security in relationship with each parent as a direct result of her direct experience with each of them and the direct and indirect verbal, emotional, and behavioral messages that she receives from either about the other.</p>	
Questions	Relevant Considerations
(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?	i. Children who experience conflict between their parents reasonably fear and act to avoid being present when the parents are together. Many of these children blame themselves for the adult conflict.
(b) Is the child’s resistance to Parent B an effort to avoid “culture shock” (Garber, 2016)?	ii. Children who experience very disparate care environments and particularly those who are required to transition frequently between such homes reasonable resist transitions as too emotionally and cognitively stressful (i.e., “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.	iii. Beware that parents can create an implicit “bidding war” for the child’s time and affections particularly when the child has a voice in her schedule of care. This can cause parents to gradually abandon healthy parenting structures (rules, limits, boundaries) so as to entice the child away from the other parent.
(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?	iv. Ask the child explicitly how she understands the separation, the conflict, where this information comes from, and what each parent has told her about the other.
(e) How does the child interpret Parent A’s non-verbal (e.g., vocal tone, body language) reactions to Parent B?	v. Any adult’s pressure (e.g., bribery, threats) is a selfish and destructive act that speaks to that person’s willingness and ability to put the child’s needs first.
(f) Is the child escaping the adult conflict by arbitrarily picking sides? ¹²	vi. Assess parenting styles using Baumrind’s typology (e.g., Baumrind, 1991; 2013): permissive, disengaged, authoritative, authoritarian.
(g) Alienation: 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.	vii. Beware that parents’ competitions to win a child’s time and affections can take many forms, not just leaning toward permissiveness. As examples, some children value greater authority and stricter limits, greater emphasis

¹² “The child who has rejected one parent no longer has to navigate the emotional minefield between the two parents and does not have to risk losing the one parent that they have come to believe they need the most, or the parent they feel needs them the most. The avoidant response is adaptive for the child as it achieves security and relative peace, albeit at the high price of losing a relationship with the rejected parent.” (Friedlander and Walters, 2010, p. 101).

	on diet, health, academic performance or sports.
<p>6. Extra-Systemic variables. What relationship dynamics and/or practical pressures outside of the family system bear on understanding and resolving the child’s polarized position within the family system?</p> <p>At issue are the child’s secondary relationships (e.g., extended family, neighbors, friends, teachers, coaches, clergy) and those exigencies (e.g., co- and extra-curricular commitments; travel time between homes; access to resources local to each home) that can contribute to PCCP and be misattributed to one or the other parent’s misdeeds. The likely significance and scope of these variables increases as the child ages toward autonomy and begins to invest emotionally outside of family.</p>	
Questions	Relevant Considerations
(a) Who among the child’s full range of relationships is directly or indirectly influencing the child’s emotions and behavior?	<p>(i) Keep in mind that the child’s “full range of relationships” likely includes people who are seldom or never physically present as when distant relatives communicate via media and when unfamiliar people communicate via social media, gaming platforms, and internet channels.</p> <p>(ii) How if at all have other adults (e.g., grandparents, uncles, aunts, step-parents) aligned with Parent A or Parent B and are exerting emotional or practical pressures even if the parent is unaware?</p> <p>(iii) Does the child have any peer and/or media models of healthy relationships with both parents when apart?</p>
(b) Have the child’s professional helpers (e.g., therapist, school counselor, prescribers) become siloed such that they are (implicitly) contributing to the child’s polarized position? (see AFCC, 2010).	
(c) What real or imagined activities and/or social commitments does the child fear s/he will miss if absent while in the other parent’s care? What consequences does the child fear will be associated with any such absence?	
(d) How if at all is the child identified with his/her peer group and fears rejection, criticism, embarrassment if absent while in the other parent’s care?	
(e) What is the child’s experience of other families’ divorces? Does the child perceive alignment with one parent and rejection of the other to be normative? Acceptable? “Cool”?	