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## Moving Toward Consensus: Joining Bernet and Baker, Emery, and Griffin to Better Understand the Dynamics of Parent-Child Contact Problems (PCCP)

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### ABSTRACT

The editors of *Family Transitions* have bravely and graciously invited this dialogue in an effort to clarify the state of the thinking and the science concerned with understanding and responding to the needs of the child who is aligned with Parent A and resists or refuses contact with Parent B<sup>1</sup> This article responds to the considered and insightful contributions of Griffin (2024), Emery (2024), and Bernet and Baker (2024). Many points of consensus are highlighted, most notably agreements that (1) the child's position within her conflicted family system is routinely associated with multiple, convergent contemporary and historical relationship pressures, (2) understanding a child's position within her conflicted family system requires consideration of the full spectrum of a child's relationship ecology in a manner consistent with a rubric propounded by Garber (2024), and (3) the Five Factor Model (Bernet & Greenhill, 2022) can only attempt to answer the question "is alienation afoot?" subsidiary to a broader inquiry into the full ecology of the child's experience.

### KEYWORDS

Alienation; five factor model; estrangement; enmeshment; parent child contact problems; resist/refuse dynamics

Points of potential agreement and points of disagreement are discussed as areas still in need of careful study. These primarily include (1) whether alienation can or should be correlated with DSM labels and thereby "diagnosed" within the child, (2) whether and how allegations of alienation should supersede consideration of the child's larger social/emotional ecology in the interests of safety, and (3) how the Five Factor Model must be revised so as reduce bias and recognize the co-occurrence of other relationship pressures.

We are grateful to Drs. Bernet, Baker, and Emery, Ms. Griffin, and to the editors of *Family Transitions* for this engaging colloquy. We are confident that we have more in common than not and that no matter our differences, we all share a primary interest in better understanding and developing the means to conceptualize, assess, and intervene with parent-child contact problems (PCCP) more

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<sup>1</sup>In the interest of efficiency, we refer to Parents A and B without any assumption of gender or marital status. We arbitrarily refer to their child using female pronouns..

competently. Clearly, all of the participants in this exchange are committed to supporting the well-being of children and their families. It is this passion and the divisions over these issues in our field that motivate this dialogue.

### Points of explicit agreement

In broad overview, all six authors agree that PCCP must be considered in its full ecology. Multiple relationship pressures and practical exigencies commonly co-occur and mutually potentiate the child's polarized position within the conflicted family system. Alienation is one among these many relationship pressures, all of which need to be carefully defined and operationalized moving forward. The Five Factor Model intends to operationalize only one of these many relationship pressures, that is, alienation.

### Complexity

Implicit across these articles and inherent in the family law process is the idea that children benefit developmentally, socially, and emotionally when they have the opportunity to enjoy a healthy relationship with both (all) of their caregivers. This foundational position has been amply demonstrated in psychology (e.g., C. Ahrons, 1981; C. R. Ahrons, 2007) and is commonly institutionalized in the law (e.g., California Family Code §3020(b); Florida Statute 61.13 (2a)(c)1; Code of the District of Columbia §16–914(2)).

Were it not for this single, central tenet, litigation concerned with PCCP (a.k.a., “resist/refuse dynamics”) would be about the rejected parent's wishes and rights, not the child's needs. Indeed, this was the case in bygone eras when children were considered their father's possessions (Mason, 2004) and later when children were unilaterally placed in their mother's uniquely tender care (Hyde, 1984). Fortunately, we seem to have outgrown these wildly sweeping all-or-nothing, binary heuristics. Unfortunately, complex ideas like “the best interest of the child” force us to confront ambiguity, to grapple with multiple, convergent, and sometimes conflicting pressures, and to leave the comfort of simple, linear *if . . . then* formula behind.

Because complex ideas such as the best interests of the child incorporate multiple variables, they require an individualized case-by-case analysis. Not only is the human brain not wired to readily engage in this type of non-linear analysis, but parents under stress are understandably eager to endorse rapid solutions that diminish their anxiety and reduce cognitive dissonance. This rush to judgment is compounded by log-jammed court calendars, zealous advocates, and parties' mutually exclusive confirmational biases. It is against this background that family law professionals are tasked to conceptualize each particular child's needs and resources. Needless to say, this is not easy even in the least complex family system.

## **Binary thinking**

Binary either/or propositions are the Sirens' call of our field and we, like the Argonauts, are destined to crash and burn if we heed them.

Rarely in the complex world of human relationships are things so simple. All participants in this colloquy agree that understanding a child's position within her larger family system means mapping out the relative contributions of many convergent and subjective relationship pressures and dynamics. Emery (2024) cautions against endorsing a "false dichotomy between victim and innocent in divorced family life." This arises when litigation seeks to cast one parent as "good" and the other as "evil."

We applaud our colleagues' explicit acknowledgment that the FFM was never intended to present a binary "if not estrangement, then alienation" formula just as we grieve the reality that many professionals and many courts misuse it in exactly this manner. The mistake is understandable, of course, because the appeal of a simple either/or formula purported to be Daubert-worthy amidst the *Sturm und Drang* of family law acrimony is tremendous. We hope that the publication of this colloquy serves as the death knell of all such simplistic and destructive heuristics. In particular, we thank Drs. Bernet and Baker for their strong declaration against this misuse of the FFM.

## **Definitions**

Ms. Griffin is correct to observe that science requires that all involved establish consensual definitions of the matters at hand. In the present context this includes "alienation," "estrangement," "enmeshment," "alignment" and "dynamics" among many others. There can never be enough clarity and definition in our very murky and ambiguous field.

Bernet et al. (2022) and Garber et al. (2022) have each gone to great lengths to define and differentiate many of these terms, allowing that these two works (and others like them) often invoke significantly different meanings. Although the five articles that comprise this exchange have not explicitly sought to clarify definitions, we endorse and encourage language that describes observable behaviors rather than language that infers or implies thoughts, feelings, and/or motives. For example, we strongly recommend that contact refusal not be referred to generically as "alienation" in the belief that the implied motive colors all that follows. By extension, we strongly advise courts against ordering evaluations "to determine whether alienation is occurring." The question, instead, must more generally seek to "determine why this child is aligned with Parent A and resisting/refusing contact with parent B."

We note additionally that even objectively observable behaviors occur in a broader interpersonal and historical context. Casting such behavior in this context has a direct bearing on understanding the purpose, meaning,

intention, and impact of that behavior within and beyond the family system. We urge concerned professionals not only to focus on observable behavior without implying motivations and to take great care to describe such behavior in the context of the child's larger social and emotional ecology.

### ***Domestic violence and coercive control***

We agree and share our colleagues' caution that one of the many variables relevant to understanding PCCP is the child's experience of domestic violence (a.k.a., intimate partner violence) and adult-adult coercive control (Hardesty et al., 2015). We are wary of the schism that has developed among family law professionals as to the primacy of these dynamics within the larger spectrum of variables associated with PCCP.

We strongly assert and agree with our colleagues that the child's safety must always come first. This can mean erring on the side of caution by acting to assure safety first and addressing broader, theory-driven, and systemic questions later. We acknowledge, however, the dilemma of the slippery slope between imminent threats of bodily harm at one extreme and a child's vague reference to feeling "unsafe" at the other, with the risks associated with psychological abuse including alienation somewhere in between.

Ultimately, we believe that defining which risks are intolerable and thereby deciding when and how to act in the interest of immediate safety must be made on a case-by-case basis. When an evaluator or the court determines that intervention is necessary in the interest of safety, we recommend keeping in mind that (1) making changes in a child's parenting plan (even temporarily) can have a sweeping impact on the child and the system at large, (2) even the suggestion of safety risks is likely to be emotionally triggering for all involved, creating a self-perpetuating and escalating feedback loop of fear-protection-more fear, (3) we are all vulnerable to anchoring and confirmatory biases and must establish means to minimize their effects, and (4) there is no clear threshold separating imminent threats of harm that require immediate intervention from those somehow less imminent and less harmful threats that may require no more than careful inquiry in the context of the ongoing evaluation process.

In this regard, we regrettably cannot endorse Ms. Griffin's (2024) recommendation that the FFM can be used as an *initial* screening device to rule out alienation. Not only do our many detailed criticisms of the model's current iteration stand,<sup>2</sup> we believe that none of the many potential sources of PCCP can be assessed in isolation. Thus, we must act to rule out imminent harm the same way that an ER doctor administers epinephrine to eliminate life-

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<sup>2</sup>In January, 2024, Drs. Simon and Garber met with Dr. Bernet, Ms. Griffin and Mr. Ashish Joshi, an attorney with a specific interest and expertise in parent-child contact problems, to discuss and work toward greater consensus in understanding PCCP. Out of this came an agreement that the FFM is a wonderful start but the model needs to be more fully developed, defined, and perhaps additional factors could/would be added. This work is ongoing, and the reader is advised to "stay tuned"

threatening anaphylaxis. However, once the patient is stabilized, we must step back to thoroughly evaluate all possible contributors to the family's distress and dysfunction, wary of how that initial intervention may have an iatrogenic affect relevant to all that follows.

### **Points of potential agreement**

A number of critical issues raised in our initial “Sorting Hat” article relevant to assessing PCCP and the FFM were not uniformly and explicitly addressed by all respondents and/or elicited mixed responses. We summarize some of these here in the belief that consensus about these topics may still be reached:

#### ***Parallel process***

Ms. Griffin wisely warns against the risk that concerned professionals can become polarized in a manner that echoes and exacerbates the family's conflicted position. In our experience, this damaging dynamic is all too common. We have written about the tremendous importance of impartiality, balance, self-care in its many forms, and about compassion fatigue and burn-out elsewhere (Garber et al., 2022).

More generally, the field is increasingly aware of the risk to the “siloe” professional whose singular source of information creates an echo chamber that amplifies and antagonizes system-level dynamics (Albrecht, 2002; Tett, 2015). We assert that across roles, professionals who are genuinely invested in serving the best interest of the child must be collaborative, work proactively to maintain a systemic perspective, and practice the child-centered and conciliatory behaviors that we preach.

Maintaining balance and avoiding a siloe perspective means minimizing bias. For the evaluator, investigator, or adjudicator faced with PCCP, this means taking a systemic perspective and remaining open-minded to the many co-occurring pressures common to these families. We look forward to the development of balanced, systemically informed, and child-centered tools for the identification of each of the dynamics that are together encompassed under Garber's rubric.

#### ***Diagnosis***

We renew our assertion that family system dynamics must be *identified* but cannot be *diagnosed*. Only Ms. Griffin explicitly agrees when she writes that, “the term ‘diagnose’ should be reserved for a medical model and is inappropriate for the identification of alienating factors” (2024; p. XXX).

Language carries important and often implicit meaning that shapes thinking and behavior (Athanasopoulos et al., 2009; Kay & Kempton, 1984;

Koerner, 1992). Central to our thesis and to our efforts to conceptualize the patterns that characterize family relationships is an emphasis on “dynamics, not diagnoses” (Garber et al., 2022). We believe that references to “diagnosing” relationship pressures invoke the medical model, its search for pathology that resides *within* an individual, and its default to remedies that treat only that individual. This fuels good guy/bad guy binary thinking, exacerbates conflict, prolongs litigation, and yields interventions that are inappropriate and often harmful to the system at large.

The ecological model views the family – not any individual – as the focus of assessment and the target of intervention. While individual strengths and weaknesses such as the pathologies cataloged in the DSM and the ICD may be relevant, the system is far greater than the sum of its parts. The questions addressed by family law are routinely about relationship “fit” and the patterns of behavior, thinking, and feeling that characterize them.

### ***The child’s subjective experience***

We strongly believe that there can be no universal definition of the social/emotional impact of any particular experience for all children. The effect of an experience on an individual can only be understood through the lens of that individual’s particular attributions, resilience, and history (Creamer et al., 2005).

This observation is at least as subtle as it is important to this discussion. It bears, for example, on understanding the concept of “justified rejection” (a.k. a., estrangement) and thus on the FFM. The child who refuses to spend time with her father because he has a gun collection might be seen as reacting disproportionately until one understands that she survived a school shooting and is terrified of guns. To assume that something as familiar as a vaccination is benign or that something as egregious as physical abuse is traumatic is to impose our assumptions, heuristics, culture, beliefs, values, and prejudices where they don’t belong.<sup>3</sup> An ecological perspective requires, instead, that the child’s thinking, feelings, and behavior must be understood in the larger context of her experience.

### ***Derision or alienation?***

Emery (2024) summarizes his extensive research finding that children who experience Parent A deriding Parent B rarely, if ever, reject Parent B. In fact, Emery notes a “boomerang effect” such that the derisive parent is more likely to be rejected.

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<sup>3</sup>This is yet another reason why carefully crafted, non-leading, open-ended interviews with children are essential to the evaluation process, why tools like the Query Grid (Garber, 2007) are invaluable, and why we must interpret the results of judicial *in camera* interviews with tremendous care (Birnbaum & Bala, 2010).

Much as we enjoy Dr. Emery's endorsement of the ecological model and his agreement with our criticism of the FFM, we believe that an important distinction needs to be made between (1) a child's experience of one or both parents' derisive words, (2) alienation, and (3) PCCP or resist/refuse dynamics.

We do not read Drs. Bernet and Baker's paper nor interpret the FFM generally as suggesting that a child's experience of Parent A's derisive words about Parent B constitutes alienation or is in and of itself sufficient to result in PCCP. Indeed, the authors assert that, "... alienating behaviors are extremely common (perhaps in 86% of families with contested child custody) ... while parental alienation occurs in only a fraction (perhaps 20%) of those children" (2024 p. xxx; citation excised).

If we assume that derisive language is synonymous with "badmouthing" then we can be clear that Dr. Emery and colleagues have studied child behavior associated with one among the 17 parental alienating behaviors encompassed under Factor 4. The FFM requires that some of these behaviors must be present along with evidence of Factors 1, 2, 3, and 5. Because Dr. Emery's research does not report which among his subjects rejected a parent who was not "inadequate" with whom they once had a "positive" relationship and who themselves evidenced any of the eight "manifestations" of alienation, we cannot know whether his findings contradict the FFM. It may be that children who *only* experience Parent A's derisive remarks about Parent B boomerang and that the presence of other variables (including but not only those identified by the FFM) shifts a family's dynamics toward alienation. In this conceptualization, co-parental derision is a subset of the many variables that (are intended to) define alienation, which is itself one among the many variables that together can be associated with PCCP.

### **Points of contention**

We consider this colloquy successful not only by virtue of identifying many points of agreement, but also for helping us to clarify areas of continuing disagreement. The latter helps to define how and where and why further study is necessary and provides fertile ground for continuing dialogue.

### ***A house made of bricks, not straw***

Although Drs. Bernet and Baker (2024) acknowledge a number of points of agreement with our "Sorting Hat" paper, their overarching criticism is that we have constructed an artificial argument for the sake of tearing it down and thereby claiming success. With apologies for any ambiguity or



hyperbole we may have committed, nothing could be further from the truth.

It was and remains our position that the FFM and the ecological model are mutually compatible. We do not disparage the FFM as being “less comprehensive or less useful” than the ecological model (Bernet & Baker, 2024, p. xx). We wholeheartedly agree that the FFM and the ecological model have very “different scopes of interest” (Bernet & Baker, 2024, p. XX). We believe that this exchange has clarified that the ecological model delineates the broad frame within which an evaluation of PCCP should occur while the FFM seeks to identify whether one among the many variables encompassed within the ecological model is present.

Our criticisms of the FFM are not illusory or self-serving whatsoever. Although we admit to having very high (and perhaps sometimes even unrealistic) standards for both evaluation and research, we offer no apologies on this count. We believe that scientist/practitioners must bring the highest standards to bear when presuming to intervene in another human being’s life, particularly that of a child.

### ***CPS and dispositive sources***

It is deeply disturbing to recognize how frequently Child Protective Service (CPS) investigations produce false positive or false negative results. Drs. Bernet and Baker are correct when they observe that the unreliability of these reports risks undermining any legal proceeding and -more to the point- doing harm to the children whom we are all committed to serve. However, Drs. Bernet and Baker are incorrect when they write that we, “imply that proponents of the FFM might rely exclusively on CPS determinations to diagnose parental alienation.”

Setting aside our objection to using the word “diagnose” to refer to relationship dynamics, this criticism bears exclusively on the ambiguity of Factor 3 (*Parent B is not abusive, neglectful . . .*), the difficulty we all have defining, measuring, and documenting inadequate parenting, and the subjectivity of the impact of such experiences. We are perfectly clear that the FFM requires that all five factors must be confirmed in order to “diagnose” alienation. Our concern is that Factor 3’s reliance on jurisdiction-specific definitions of abuse and neglect risks makes the definition of alienation equally jurisdiction-specific, notwithstanding Ms. Griffin’s allowance that perhaps alienation should be defined by the law rather than by psychology.

With this in mind, we don’t hesitate to broaden our call for clarity of definitions to include “abuse” and “neglect,” ever mindful of the subjective nature of trauma. Indeed, we believe that advocating for an ecological approach for evaluating PCCP and the development of dynamic-specific

assessment protocols (of which the FFM may become one) is likely to help improve the validity and reliability of CPS determinations.

### ***Is the FFM biased in favor of identifying alienation?***

We refer to the FFM as setting a very low bar for the identification of alienation and very high bar for the identification of estrangement (and no bar whatsoever for other co-occurring dynamics, such as alignment). Drs. Bernet and Baker (2024) find this position unfounded and pejorative. They argue that the reverse is true – that the FFM sets a very high bar for the identification of alienation – because the FFM requires that all five factors must be fulfilled for this purpose.

We respectfully submit that the number of criteria required to identify a phenomenon has no necessary bearing on Type I or Type II errors. Indeed, in this case, (a) the criteria necessary to fulfill Factor 1 (*child resists or refuses contact*) are so vague that every child likely qualifies at some time in the course of development; (b) allowing that photographs and videos of happy times together fulfill the criteria necessary for Factor 2 (*the child once had a positive relationship with Parent B*) determines little more than the mood in the moment thus captured and nothing about the quality of the relationship or the “fit” between parent and child at the time (Arredondo & Edwards, 2000); (c) the criteria for Factor 3 (*Parent B is not abusive, neglectful, or inadequate*) are jurisdiction-specific, vague, and fail to acknowledge the child’s subjective experience such that short of obvious extremes, this criterion appears extremely unlikely to ever achieve inter-rater reliability; and because (d) Factor 4 (*parental alienating behaviors*) and Factor 5 (*child manifestations of alienation*) are drawn from the self-report of self-selected participants with an ax to grind. No matter its proponents’ good intentions and broad considerations, in practice the FFM thus becomes a weapon with the faux sheen of objectivity even while it is bent by rejected parents and their zealous advocates to serve their specific needs.

Is this criticism hyperbolic? Are we asking more of the FFM than, for example, the DSM requires of its diagnoses? Perhaps, but that does not mean that our criticisms are invalid. Once again, we assert unapologetically that we have an obligation to establish the highest standards in matters that so profoundly shape children’s lives.

Are we holding the FFM and the ecological model to different standards? Not at all. We eagerly disclose the shortcomings of the rubric intended to guide an ecological evaluation (Garber, 2024) in the hope of motivating research and thereby refining the model over time. We have no doubt that these tools of family law will never achieve the measurement reliability and validity common to physics or medicine, but we see no reason not to aim in that direction.

### ***Who is responsible for parent B's missteps?***

It stands to reason that as mature adults we are each responsible for our own failings (and deserving of credit for our successes). Thus, we highlight those proponents of the FFM who attribute Parent B's parenting errors to Parent A in what we see as a transparently biased effort to identify alienation (that low bar we discussed above) and to protect the binary nature of the formula.

Rather than respond to the substance of this concern by simply acknowledging that alienation can occur even when the rejected parent is flawed, Drs. Bernet and Baker create their own strawman all-or-nothing binary argument. They allege that we “wrongly imply that proponents of the FFM say that *all* of Parent B's misbehaviors should be attributed to Parent A” (2024, p. XX; emphasis added). We do not.

Our concern is not whether all or none of a rejected parent's misdeeds might be provoked by the aligned parent. Our concern, instead, is that allowing Parent B to attribute *any* of his or her missteps to Parent A belies the biased and linear nature of the FFM.

Systems are cybernetic. Every cause is an effect, and every effect is a cause creating chaotic Escher-like non-linear interactions. In our view, if every family member is not held accountable for his or her or their own behaviors then all sense of responsibility and accountability is lost. To wit: if *any* of Parent B's “inadequate” parenting can be attributed to Parent A, why then can't at least some of Parent A's alienating behaviors be attributed to Parent B?

### ***The hybrid dilemma***

We believe that all involved in this colloquy agree that at least some PCCP cases are characterized by the co-occurrence of alienation, estrangement, alignment, enmeshment and likely other factors yet to be identified. Indeed, we take the position consistent with a number of studies that PCCP is routinely associated with the co-occurrence of alienation, estrangement, alignment, and enmeshment (albeit in varied proportions) together with numerous other ecological factors.

After carefully reading the three scholarly works written in response to our “Sorting Hat” paper, we remain dumbfounded over the simple fact that Factor 3 of the FFM (“The Absence of Abuse, Neglect, or Seriously Deficient Parenting on the Part of the Rejected Parent” [Bernet & Greenhill, 2022, p. 592]) plainly makes the co-occurrence of alienation and estrangement impossible. Drs. Bernet and Baker's response on this point concerning “resolved” domestic violence yielding to subsequent alienation confuses the point and highlights our further concern about the FFM's temporal ambiguity.

## Summary and future directions

Differences of theory and practice are commonplace among professionals. Given that family law is about helping others to resolve their differences, family law professionals have a particularly pronounced responsibility to model the kind of open dialogue, rational thinking, mutual respect, and forward-looking focus that we require of others. We are grateful to Drs. Bernet, Baker, and Emery, to Ms. Griffin, and to the editors of this journal for fulfilling this responsibility so eloquently.

Parent Child Contact Problems (PCCP) are endemic in today's family courts. Like much of science, our ability to identify, evaluate, and respond to these dynamics has evolved haltingly but inevitably over time. We believe that this series of papers ushers in the next step of this evolution.

For all of our differences, the authors included in this colloquy agree that PCCP must be evaluated ecologically. This means carefully considering the full spectrum of the child's social and emotional experience, anticipating that multiple relationship pressures and practical exigencies are associated with each family's unique circumstances, and crafting remedies toward the goal of allowing the child to enjoy a healthy relationship with both (all) of her caregivers.

All of the authors involved in this process endorse a rubric intended to guide such evaluations (Garber, 2024). The rubric requires consideration of six domains: incidental proximal and temporal variables, child-specific variables, Parent A-child variables, Parent B-child variables, systemic variables, and extra-systemic variables.

Our agreement extends further to call for clear definitions and operationalizations of the variables captured within each of these domains. Our goal should be to develop reliable and valid tools with which to identify relevant dynamics including but not limited to enmeshment, estrangement, and alienation.

Finally, we agree that the FFM is an excellent first step toward operationalizing alienation as one variable under the umbrella of the ecological model. We agree that both the FFM and the ecological model generally will benefit from additional research, elaboration, and validation. We emphatically agree that the FFM cannot and must not be mistaken as a means of answering the question, "why is this child aligned with Parent A and resisting/refusing contact with Parent B?" The FFM is intended, instead, only as a means of determining whether alienation is present.

Although we disagree about many of the details of the FFM, we believe that this exchange has opened doors for its continuing definition and refinement. At issue are critical questions about the temporal parameters of each factor, the model's frequent if unintended application as an either/or binary approach to PCCP, the validity of the seventeen

adult behaviors and eight child manifestations, and how the model explains the frequent co-occurrence of variables that it casts as mutually exclusive.

The details of these areas of ambiguity and disagreement are the fertile soil in which we will continue to grow refinements and redefinitions fed by carefully crafted research, diverse experience, and case law, but they must not cloud the larger picture. Family law is now ready to move beyond binary, linear, and antagonistic conceptualizations to learn to embrace the complex, multiply determined, and chaotic nature of relationships systems.

## Disclosure statement

No potential conflict of interest was reported by the author(s).

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