



**JOINT COMMITTEE ON JUSTICE – GENERAL SCHEME OF FAMILY COURT BILL**

**SUBMISSION BY THE ALIENATED CHILDREN FIRST (ACF)**

**(FORMERLY ALIENATED PERSON SUPPORT (APS)) GROUP OF IRELAND**

**“ACF see limited benefit in changing the building and the brass plaque outside if we do not change what happens inside for the benefit of “the best interests of the child”. This submission draws attention to the Guiding Principles in Part 2 Head 5 (3) (4) & (5) of the bill as the core goals of resolution, mediation, minimising conflict, and most importantly ‘best interests of each child as primary consideration’, and ‘the views of the child’ that should be central to all family law proceedings, related matters, including policy and procedures and statutory bodies. The children of Ireland deserve their rights be protected to the best of our abilities.**

**This submission asks that we take this opportunity to protect children’s rights and focuses particularly on how the bill could address the plight of child victims of parental alienation.”**

**FEBRUARY 2021**

**Alienated Children First (formerly Alienated Person Support APS), [info@alienated.ie](mailto:info@alienated.ie)**

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## 1. Executive Overview

- 1.1. In April 2020 Judge Mary Larkin in Family Law Court in Ennis cited Parental Alienation in Irish Law in a relatively straight forward access denial case which was widely reported in many sources (despite the straight jacket of the in-camera rule) including the Irish Law Society Gazette<sup>1</sup>.
- 1.2. Alienated Children First (ACF) welcomes this invitation from the Committee on the General Scheme of the Family Court Bill. ACF makes this submission in its capacity as Ireland's victims' support group representing children, parents and extended families who are suffering denial of rights as a result of behaviours such as "children used as pawns", "contact failure" or "Parental Alienation" or abusive behaviours too frequently associated with "high conflict" separations. The group exists since 2009 as APS and has recently been extensively reformed as a Company Limited by Guarantee and since 2020 operates under the name Alienated Children First.
- 1.3. ACF draws the Committee's attention to the very significant and under addressed issues of children in separation "being used as pawns" and the damaging long term societal impact of the heartache, trauma, mental health<sup>2</sup> and financial distress caused by breaches of contact, custody and access orders which reportedly affects over 300,000 persons in Ireland<sup>3</sup>.
- 1.4. ACF recognizes significant progress by the State in recent years in Constitutional Amendment, particularly Article 42A and legislative changes including Children First Act 2015, Children and Family Relationships Act 2015 and Family Mediation Act 2017 addressing the significant issues of children's rights in family law in Ireland and the State's positive obligations

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<sup>1</sup> Law Society Gazette "Judge describes case as 'parental alienation'" April 2020

<https://www.lawsociety.ie/gazette/top-stories/judge-describes-case-as-parental-alienation/>

<sup>2</sup> (by way of example from over 1,000 research papers) New England Psychologist "Long term results of parental alienation to the alienated child" October 2020 <https://www.nepsy.com/articles/general/long-term-results-of-parental-alienation-to-the-alienated-child/>

<sup>3</sup> O'Sullivan, Parental Alienation Europe "Estimated Prevalence of Parental Alienation" <https://parentalalienation.eu/>

under the United Nations Convention on the Rights of the Child<sup>4</sup> and the European Convention on Human Rights in particular Article 8<sup>5</sup>.

1.5. ACF asks what steps the State will take to promote awareness and implementation of its obligations under the Constitution, the UNCRC and the ECHR at levels of government, legislative, statutory body, courts and legal system levels in the general scheme of Family Law Bill, future legislation and policy and procedure changes to protect the rights of children affected by Parental Alienation abuse in all its forms.

1.6. ACF note that the Family Law Bill is primarily jurisdictional and procedural in nature. The principle of making the Family Court more accessible and “user friendly to the parties”<sup>6</sup> is a welcome step for a “less adversarial” approach to child protection as recommended by O’Mahony<sup>7</sup>. We point out that while the Bill makes reference to many other statutes concerning “the best interests of the child” it does little by way of amendments to that legislation or policy to implement it effectively, specifically in

1.6.1. Children and Family Relationships Act 2015 Section 60 – concerning repeated access breaches and replacement access

1.6.2. Mediation Act 2017 – concerning use of court ordered mediation as a more constructive alternative to the adversarial nature of family proceedings and in recording and dealing with persistent offenders on breaches of access and related orders.

1.6.3. Children and Family Relationships Act 2015 - central registration of custody and access orders and arrangements similar to proposals for registration of Statutory Declarations and Court Ordered guardianship arrangements.

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<sup>4</sup> The June 2020 ACF / APS submission to the current UNCRC Reporting on Ireland in 2021 and the UNCRC’s response to Ireland with “List of Issues prior to submission of the combined fifth and sixth report of Ireland” 3<sup>rd</sup> November 2020 both accessible here <http://alienated.ie/parental-alienation-uncrc-childrens-rights-ireland/>

<sup>5</sup> European Court of Human Rights “Guide of European Convention of Human Rights – Article 8” [https://www.echr.coe.int/documents/guide\\_art\\_8\\_eng.pdf](https://www.echr.coe.int/documents/guide_art_8_eng.pdf)

<sup>6</sup> Family Court Bill General Scheme Part 2, Head 5 – Guiding Principles ss (3) (4) and (5)

<sup>7</sup> O’Mahony, C (2020), Annual Report of the Special Rapporteur on Child Protection p24, p64, p83 – ACF acknowledge that this was in the context of child care proceedings and that while the report included review of child abuse including sexual abuse and the policy and procedures on allegations of abuse the report did not extend beyond child care proceeding into family law proceedings. It is included here as false allegations of child abuse are a common feature of parental alienation and “high conflict” separations and ACF see considerable benefit for children of a common approach in both.

- 1.6.4. Child Care Act 1991 (as amended) – as per communications (see later) from the Ministers for Justice and Children, Equality, Disability, Integration and Youth with regards to parental alienation behaviours being referred to Tusla and the potential use of Section 19 Orders for child victims.
- 1.6.5. Policy, procedures, training and qualifications for professionals dealing with children and parents in the family law context and dealing with the effect of parental alienation behaviours<sup>8</sup> as child abuse and its long term effects on the health and development of children and alienated parents and recognition of the behavior as domestic abuse and coercive control of alienated parents “there is an abundance of research demonstrating parental alienation as severe child abuse and domestic violence”<sup>9</sup>.
- 1.7. This submission reviews the key issues in Family Law affecting child and adult victims of Parental Alienation, the scale of the problem and the number of victims, specific issues that could be addressed by this bill, and concluding recommendations. ACF see limited benefit in changing the building and the brass plaque outside if we do not truly change what happens inside for the benefit of “the best interests of the child”.
- 1.8. Parental Alienation in Ireland is referenced by Irish case law as above, academic studies from O Shea & Conneely<sup>10</sup>, scholarly articles in Irish Family Law Journal by O Sullivan and Guildea<sup>11</sup>, the county council motions<sup>12</sup> and prominent media reporting in recent years. Some groups claim that Parental Alienation may be used by abusers to gain access to children but the vast majority of Parental Alienation is of children of loving parents with no such issues and this concern can be addressed by policies, procedures and

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<sup>8</sup> Tusla “Emotional Abuse” <https://www.tusla.ie/services/child-protection-welfare/definitions-of-child-abuse/#E>

<sup>9</sup> O’Sullivan and Guildea “Clinical and Legal Aspects of Parental Alienation” Irish Journal of Family Law (2020) 23(4) 101-108 also “When it comes to the empirical study of parental alienation, the more than 1,000 research and clinical studies reported in scientific journals and books regarding the definition, characteristics, incidence, prevalence rates and the effects of parental alienation can be considered robust. ”

<sup>10</sup> See note 27

<sup>11</sup> O’Sullivan and Guildea “Clinical and Legal Aspects of Parental Alienation” Irish Journal of Family Law (2020) 23(4) 101-108

<sup>12</sup> Motions calling on the Oireachtas to legislate on the issue of Parental Alienation have been passed by 30 out of 31 Irish local councils (Offaly County Council has a motion tabled) in 2020 and 2021 (many of them unanimously)

training for those dealing with the issue. In response we would highlight the greater abuse for the larger number of child victims from Parental Alienation that is not being addressed and the abusers who are protected and facilitated by the lack of progress in Ireland.

1.9. Parental Alienation was first mentioned in the Houses of the Oireachtas in 1999 and has been referred to over 30 times in the past two years<sup>13</sup>.

**1.10. The goal of ACF is for the greatest number of children to experience the best or optimal experience of shared parenting and minimizing their exposure to parental alienation abuse despite the regrettable situation of their family life.**

The contents are the opinions and experiences of the ACF authors and reviewers. Information has been condensed as much as possible and while as always we could use more time and space please appreciate the seriousness and enormity of the suffering of our children and that we do not even have a tiny fraction of the resources and none of the funding of the organisations we are dealing with. Any errors are our own and we make no apologies that we are all volunteers and most of us are parents and victims so please make allowances. Thank you.

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<sup>13</sup> Houses of the Oireachtas – Search facility  
<https://www.oireachtas.ie/en/search/?page=3&q=%22parental+alienation%22&sort=relevance&resultsPerPage=20>

## 2. Best Interests of the Child

- 2.1. “The fundamental legal principle that a child’s right to be heard on matters affecting their welfare is constitutionally protected. This right gives rise to an obligation for the relevant court to give due consideration to the child’s wishes for the best interests of a child is the paramount consideration”<sup>14</sup>.
- 2.2. But as O’Sullivan and Guildea highlight in the article, in practice the courts regularly rely on reports by Tusla, psychologists and others who have little or no training or support materials or experience in dealing with Parental Alienation behaviours. Thus the counter intuitive reaction is to remove the child from the conflict as much as possible or in the case of Tusla to issue standard form “case open and closed no action” letters in the absence of policy, guidelines or training. Baker refers to this in her judicial training on the topic as awarding the bank robber the proceeds of their crime simply because they were in possession of the proceeds when they were arrested<sup>15</sup>.
- 2.3. Often this effectively rewards an alienating parent for disrupting access even in the repeated blatant breach of court ordered arrangements or making false allegations against the targeted parent or manipulating the child to make such false allegations to justify such actions. Legal practitioners, Section 47 writers and psychologists are then faced with a traumatized targeted parent who is experiencing extreme frustration and concern facing statutory bodies failing to protect their children and reinforcing the hazard for the children. The response to this trauma by untrained individuals is often to view the victim negatively and not within the full context and this reinforces counter productive proposals.
- 2.4. O Sullivan and Guildea conclude “There is a knowledge base in the field of parental alienation that has been gathered through academic research and expert clinical observation and shared among experts but that is not yet routinely available to front-line clinicians”<sup>16</sup> and further in support of maintaining or reestablishing contact and access even in the face of a

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<sup>14</sup> O’Sullivan and Guildea “Clinical and Legal Aspects of Parental Alienation” Irish Journal of Family Law (2020) 23(4) 101-108

<sup>15</sup> Dr Amy Baker “Training Judges: A Lesson for them and me” Psychology Today 2018

<sup>16</sup> Ibid

determined alienating parent “There is no evidence that separating children for an alienating parent is traumatic”.<sup>17</sup>

- 2.5. We also draw the Commission’s attention to the difficulty in establishing empirical evidence of how courts deal with such issues under the reporting restrictions of the in camera rule, with a few notable exceptions such as the Ennis Family Law case in 2020 referred to earlier. This and the dearth of information available to judges leads to considerable legal uncertainty for legal practitioners advising their clients with inevitable implications for adding to the anxiety and tension of such proceedings. We draw the Commission’s attention to the Parental Alienation training commissioned by US family law judges from Dr. Amy Baker<sup>18</sup>.
- 2.6. Dr O’ Shea previously highlighted to the Oireachtas the approach to family law judicial training in Canada<sup>19</sup>.
- 2.7. As Baker states “Intervention isn’t a custody battle. Sometimes intervention means sanctioning the parent if the alienation occurs. Sometimes intervention means assigning a parental alienation-savvy parenting coordinator... The only thing that should be a given is that something needs to be done.”<sup>20</sup>.

### **Specific Questions / Recommendations:**

- A. ACF ask how the State will reflect the issues the UNCRC<sup>21</sup> has highlighted to Ireland regarding the legislative, policy and procedural questions on ascertaining and implementing true “the best interests of the child. ACF ask how this Committee and this bill can address these issues as support the victims of parental alienation abuse in family law.**
- B. What legislation, policy and policies and training will the State put in place for statutory bodies responsible for children’s health and welfare**

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<sup>17</sup> Ibid

<sup>18</sup> Dr Amy Baker “Training Family Court Judges About Parental Alienation: A Lot to think about” Psychology Today 2012 and “Training Judges: A Lesson for them and me” Psychology Today 2018

<sup>19</sup> Oireachtas Joint Committee on Justice and Equality “Report on Reform of the Family Law System” 2019 p27

<sup>20</sup> Baker “Family Court Judges” <https://www.amyilbaker.com/blog/family-court-judges.html> accessed February 2021

<sup>21</sup> UNCRC “List of Issues prior to submission of the combined fifth and sixth report of Ireland” November 2020



**(such as the HSE, CAMHS, Social Services, Tusla, Gardai, psychologists involved in relevant court reporting such as Section 47 reports, GALs, to have common definitions, training, awareness, appreciation and targeted policies to deal with situations where Parental Alienation is a factor or at risk of being a factor leveraging on the equivalents in other jurisdictions, such as Cafcass in the UK<sup>22</sup>? [Note this is the same question ACF submitted to UNCRC<sup>23</sup> and is raised by the UNCRC response to Ireland<sup>24</sup>]**

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<sup>22</sup> Cafcass Parental Alienation <https://www.cafcass.gov.uk/grown-ups/parents-and-carers/divorce-and-separation/parental-alienation/>

<sup>23</sup> APS/ACF "Submission to United Nations Committee on Rights of the Child Reporting on Ireland" June 2020

<sup>24</sup> UNCRC "List of Issues prior to submission of the combined fifth and sixth report of Ireland" November 2020

### 3. Custody and Access

- 3.1. Despite children’s constitutional, UNCRC and ECHR rights to family life and custody from both parents and access to both parents being supported by significant case law, constitution protection and Children and Family Relationships Act 2015, O’Shea and Conneely report empirical data on the significant issues on protecting these rights in “high conflict”<sup>25</sup> Irish court cases.
- 3.2. The in-camera rule and the lack of collection and collation of reliable and accessible empirical data by statutory bodies makes for a worrying over reliance on anecdotal or contradictory data claims. The need for reliable data for all parties, statutory, legal and parents was identified in the 2019 Oireachtas Report<sup>26</sup>.
- 3.3. The current Irish court based approach is a “winner takes all”<sup>27</sup> adversarial contest over joint custody and residency and access and has changed little in over 20 years<sup>28</sup>. If this was not detrimental enough for the “best interests of the child”, it is reinforced by the financial implications associated with the “winner” as the non-resident or non-primary carer usually has to leave the

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<sup>25</sup> (as per the ACF 2020 submission to the UNCRC) Drs Conneely and O’Shea carried out research observing family law cases in the District Court in 2017-2019 with consent from the Minister for Justice and Equality under regulation 2 (b) S.I. 337 of 2005. The researchers presented interim findings at a conference in May 2019, where they found that 37% of cases before the court where the dispute was in relation to access, involved parental estrangement or parental alienation. The researchers defined parental estrangement as “where there is conflict between the parents and the family law system contributes to the breakdown of the relationship between one parent and a child” and this presented in 13% of the cases where access was an issue. The researchers defined parental alienation as “where there is significant conflict between parents and the child is encouraged by one parent to align to that parent and reject the other” which presented in 24% of the cases where access was an issue. The researchers intend to publish their full findings ‘Access in the District Court’ early 2021 in the Irish Journal of Family Law including two important Irish High Court cases where parental alienation was discussed by Abbott J in A.B. v C.D. [2011] and Binchy J in C.G. v B.G. [2019]

<sup>26</sup> Report on Reform of the Family Law System “The Family Court Services process on average 11,600 cases involving guardianship, custody and access matters. Many of these cases will carry allegations of sexual and domestic violence; however, currently there is no gathering of data and no statistics regarding the number of cases that include such allegations, due to the in camera rule. Aside from the Law Reporting Projects and Special Rapporteur, there is little data available to discern patterns and outcomes. The Committee agreed there is a need to make it possible for the Courts Service to gather and release statistics in the public interest so as to give an indication of the percentage of cases involving allegations of sexual and domestic violence in the family courts.” p27 Oireachtas Joint Committee on Justice and Equality 2019

<sup>27</sup> The Journal.ie “Parents’ focus on ‘winning’ custody battles is harming Irish children” March 2019 <https://www.thejournal.ie/children-custody-4536415-Mar2019/>

<sup>28</sup> Irish Times “Playing dirty in custody battles” November 1998 <https://www.irishtimes.com/news/health/playing-dirty-in-custody-battles-1.215058> and Irish Times “Mother tells court she is denying ex-partner access to son over Covid-19 fears” April 2020 <https://www.irishtimes.com/news/crime-and-law/mother-tells-court-she-is-denying-ex-partner-access-to-son-over-covid-19-fears-1.4220233>

family home and then maintain the children and potentially the other partner in addition to providing for themselves, hopefully in accommodation which will not be deemed insufficient to allow child access, all at a time when the family “experience” considerable legal costs introduced by this approach. Dr. O’Shea<sup>29</sup> highlighted that this results in an enormous gender imbalance in outcomes for children when one gender becomes non-residential parent in 97% cases and that children are given “default access orders” of “every second weekend and one night during the week”<sup>30</sup>.

3.4. Dr. O’Shea highlighted the “negative impact” on children and families of the “imbalance in rights” from this default approach of the adversarial system. She noted the efficacy of involvement in “competent mediation”<sup>31</sup>.

3.5. The report quoted “members of the Committee” raising concerns about “lack of sanctions regarding breaches of access”<sup>32</sup> despite the provision introduced in the 2015 Act.

3.6. It is the experience of members of ACF that

- (i) The lack of sanctions for repeated breaches of access orders encourages further repeat behavior and further contempt for the court and its orders
- (ii) The lack of sanction for false accusations of abuse to remove custody and access and other excuses for breaches of access orders encourages repeat behavior and further contempt for the court and its orders and further the making of damaging false accusations and the abhorrent coaching of children to make the same.
- (iii) While the Law Society’s Family Law Code of Practice<sup>33</sup> also stresses the “best interests of the child” and the need to consider the family as a whole and the longer term outcome for the children and family it is ACF’s experience that some solicitor’s take an over adversarial approach including breaching of court orders and statutory offences<sup>34</sup>.
- (iv) While statutory bodies such as Tusla will engage on such accusations of abuse the target parent does not get the presumption of innocence and

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<sup>29</sup> Oireachtas Joint Committee on Justice and Equality “Report on Reform of the Family Law System” 2019 p39

<sup>30</sup> Ibid

<sup>31</sup> Ibid

<sup>32</sup> Ibid p40

<sup>33</sup> Family Law Code of Practice Law Society of Ireland 2017

<https://www.lawsociety.ie/News/News/Stories/new-family-law-handbook/#.YC42Omj7SUK>

<sup>34</sup> Reference Law Society Gazette April 2019 – Solicitors Disciplinary Tribunal “In the matter of Sandra Mahon [2018/ DT32]” “On 6 December 2018, the Solicitors Disciplinary Tribunal found the respondent solicitor guilty of misconduct in respect of the following complaint as set out in the applicant’s affidavit: 1) That she acted in an unprofessional manner and ignored a court order, in the absence of any evidence, which denied the applicant access to his children, 2) That she did not provide any evidence to justify her actions. The tribunal ordered that the respondent solicitor stand advised and admonished.”

<https://www.lawsociety.ie/globalassets/documents/gazette/gazette-pdfs/gazette-2019/april-2019-gazette.pdf>

often faces a reverse burden of proof in the face of removal of access while a statutory body in effect enforces a sanction on a targeted parent for potentially criminal offences without any reference to ECHR Article 6 rights to fair process. If and when access is restored there is rarely an acknowledgment of innocence or the stigma faced by the target parent who has often had enquiries made by Tusla and/or Gardai from schools, medical and even other family members. On the return scenario from the targeted parent, Tusla dismiss false allegations and resulting parental alienation with a form letter “does not meet the criteria for intervention”<sup>35</sup> despite the Minister writing to several members that Tusla is the relevant statutory body for such abuse. ACF have yet to have one single case where Tusla have engaged beyond the standard dismissal form letter.

- (v) Legal practitioners frequently advise against requesting Enforcement Orders or equivalent replacement access because the particular judge will take a negative view of such application as echoed in the Committee’s statement “However, stakeholders stated that little information is readily available regarding such procedures, and thus sanctions are rarely imposed by judges.”<sup>36</sup>
- (vi) As access breaches are usually associated with the residential parent and the issues raised above on maintenance and costs, the financial burden of legal and other costs associated with repeated access breaches adds to the negative stress of the situation and often leads to parents abandoning further attempts to overcome the frustration of access issues associated with parental alienation. The in camera rule frustrates reporting of empirical data on this topic but one member’s experience of a Circuit Court judge’s comments on their fifth application for breach of court ordered access on an application for costs “Your client should have been made aware that I don’t award costs in family law cases” (in this case the barrister had already removed requests for enforcement orders and replacement access in advance due to prior knowledge of the judge’s negative position on such applications).
- (vii) Despite legislation and language used in Section 47 and Section 32 reports and access orders, passports and holidays are also a frequent issue in cases of parental alienation. Language such as “Passports will be readily supplied for holidays and not used for duress” are ignored and passports are withheld disrupting holidays, in breach of the rights of the child, the extended family and to deliberately cause unnecessary distress and cost. On the other side the residential parent in possession of the passport can take the child out of the jurisdiction without consent or notice,

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<sup>35</sup> O’Sullivan and Guildea “Clinical and Legal Aspects of Parental Alienation” Irish Journal of Family Law (2020) 23(4) 101-108 “Tusla....complaint....file has been closed on intake”

<sup>36</sup> Ibid p 39

in breach of access orders and a statutory offence<sup>37</sup> but without fear of sanction from the court or the DPP<sup>38</sup>.

### **Specific Questions / Recommendations:**

- A. What legislation, judicial guidelines, policy and policies and training will the State put in place for statutory bodies responsible for protection and enforcement of children’s rights with regards to custody and access, equal treatment of parents, protection for victims of parental alienation and “high conflict” separations and equality of arms and access to justice for parents and children regardless of gender?**
- B. ACF ask that the Committee consider the following suggestions and recommendations or effective alternatives under this heading of custody and access:**
- 1) A central repository for all custody and access orders similar to that proposed for Guardianship by Court Order or Statutory Declarations which can then be accessed by relevant bodies such as courts, Gardai, Tusla, Social Services, HSE, CAMHS, psychologists involved in relevant court reporting such as Section 47 reports, GALs). ACF ask that the Department of Justice and the Committee consider that court or family mediation services as provided for in the Mediation Act 2017 are a suitable repository for such information and a logical reinforcement of the intention of the act**  
**“The underlying objective of the Act is to promote mediation as a viable, effective and efficient alternative to court proceedings, thereby reducing legal costs, speeding up the resolution of disputes and reducing the stress and acrimony which often accompanies court proceedings.”<sup>39</sup>**
  - 2) Amending Section 60 Enforcement Orders<sup>40</sup> to be the default that must be applied for rather than an exception and allowing for judicial discretion to depart from this default where reasonable circumstances justify and for reasons to be provided for this justification to protect victims of repeated abuse of access orders. This empowers other agencies such as Gardai, Tusla and court mediation with the potential to engage short of further court proceedings.**

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<sup>37</sup> Section 16 Non-Fatal Offences Against the Person Act, 1997 -

<sup>38</sup> Section 16(5) “Any proceedings under this section shall not be instituted except by or with the consent of the Director of Public Prosecutions.” ACF is not aware of any instance of the DPP consenting in the case of a Garda complaint of parental alienation access breach and removing the child from the jurisdiction without consent.

<sup>39</sup> Department of Justice “Information Note on Mediation Act 2017”

[http://www.justice.ie/en/JELR/Pages/Mediation\\_Act\\_2017](http://www.justice.ie/en/JELR/Pages/Mediation_Act_2017)

<sup>40</sup> Children and Family Relationships Act 2015 amending Section 12 of the Guardianship of Infants Act 1961

- 3) Amending Section 60 (4)<sup>41</sup> with regards to breaches of access orders to make replacement access, costs associated with the breach (including legal costs) and parental programs and or family counselling similarly the default position with judicial discretion to depart with the giving of reasons.**
- 4) Amending Section 60 with regards to reporting of all breaches of court orders and registering of such breaches with the mediation service. The objective to enable court appointed mediation to have all information available for court appointed mediation or mediation as alternative to court attendance and that a consistent and complete picture is available to all statutory bodies responsible for the welfare of the child. (This last point is not only not currently available as the information is in separate silos that do not talk to each other, but in-camera, privacy, GDPR and other statutory concerns mean that statutory bodies routinely refuse access to it and the same information is collected from scratch many times over often with major inconsistencies due to accidental omissions or deliberate omissions in “high conflict” cases.**
- 5) The central repository of such information with the mediation service or other body be available for anonymised reporting and the production of empirical data for research for understanding of the scale of the issues of victims of custody and access breaches and the associated issues of “children used as pawns” or parental alienation. This will also allow for agencies such as Gardai, HSE, psychologists, Tusla and domestic violence support organisations to scale and budget for the problem which is currently hidden.**
- 6) In “the best interests of the child”, policy and procedures for statutory bodies such as Tusla, HSE, psychologists and family practitioners be reviewed and amended to allow for early and effective identification of children involved in issues listed above in order to minimise the abuse and the harm to them, similar to the CAFCASS guidelines cited previously. In particular that Tusla practices and guidelines be amended to include identification and addressing “children used as pawns” and parental alienation in order that their employees can be trained in dealing with the issue. In addition, that Tusla policy and practices allow for intervention by way of Section 19 Supervision Orders<sup>42</sup> to enable early intervention to minimise harm to child victims of such behaviours. Currently ACF, on advice from the Minister of Justice to individual members of ACF, are engaged with the Office of the COO of Tusla on this point. Tusla have informed us that they currently only engage where the child has to be removed from the home for intervention and that in their opinion courts will only consider the high bar or Section 19(1) as**

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<sup>41</sup> Ibid

<sup>42</sup> Section 19 Child Care Act 1991 (as amended)

the for such intervention. ACF have reminded Tusla that the primary legislation allows for ss 19(2) and 19(3) criteria to be applied and that Section 19 allows for Tusla to visit the home, advise and support parents short of the need to remove children and that in the opinion of ACF this would be less adversarial and have a greater efficacy and benefit for the overall family situation and the children in particular. But Tusla currently do not interpret the legislation this way and it is not reflected in their policy or budget.

- 7) To have common definitions, training, awareness, appreciation and targeted policies to deal with situations where Parental Alienation is a factor or at risk of being a factor leveraging on the equivalents in other jurisdictions, such as Cafcass in the UK<sup>43</sup>? [Note this is the same question ACF submitted to UNCRC<sup>44</sup> and is raised by the UNCRC response to Ireland<sup>45</sup>]

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<sup>43</sup> Cafcass Parental Alienation <https://www.cafcass.gov.uk/grown-ups/parents-and-carers/divorce-and-separation/parental-alienation/>

<sup>44</sup> APS/ACF "Submission to United Nations Committee on Rights of the Child Reporting on Ireland" June 2020

<sup>45</sup> UNCRC "List of Issues prior to submission of the combined fifth and sixth report of Ireland" November 2020

#### 4. Alternative Dispute Resolution and Mediation

- 4.1. Despite much research and academic commentary and support within the Department's previous publications on the considerable benefits and efficacy of mediation and alternative dispute resolution this is a regrettably much underused solution to family law in general and to custody and access disputes in parental alienation cases in general.
- 4.2. There is a considerable body of research and commentary that the adversarial approach appeals to high conflict individuals to pursue revenge for perceived wrongs including "weaponizing" children and their access and custody and further into abusive behaviours including parental alienation. Academic and legal commentary reflects on the association between adversarial personality disorders such as Narcissistic Personality Disorder (NDP) which will thrive on maximizing the conflict of the adversarial system<sup>46</sup>.
- 4.3. The best outcome for children in case of family separation is a working loving "shared parenting"<sup>47</sup> arrangement or failing that a working shared parenting arrangement<sup>48</sup>. At completely the other end of the scale is an abusive adversarial parental conflict with parental alienation, bitterness and ongoing "weaponizing" of children and repeated returns to court over breaches of court orders.
- 4.4. The Mediation Act 2017 would appear to offer an excellent opportunity to enable the efficacy of less adversarial intervention short of "lawyering-up", jockeying for position and getting entrenched for full court battle. But it is the experience of ACF members that legal professionals and judges are quick to dismiss mediation and opt for the established adversarial approach. This is

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<sup>46</sup> O'Neill "Parental Alienation can happen to either parent" March 2020

<http://www.familylawireland.ie/parental-alienation/#:~:text=Another%20definition%20is%20%E2%80%9CParental%20alienation,can%20happen%20to%20either%20parent.>

<sup>47</sup> Treoir "Shared Parenting" <https://www.treoir.ie/groups/shared-parenting/>

<sup>48</sup> OneFamily "Child Contact Centre Evaluation" p20 2013 "Commitment to contact by **both** parents, mutual understanding and acceptance of both resident and non-resident parents' roles, parenting style and quality, are all found to influence the quality of that experience for the child (Logan & Smith, 2005; Trinder et al., 2002). While the absence of fathers from children's lives has been mooted as a significant problem for children's healthy development (Lamb, 2004), Holt's (2013) Irish research echoed findings in other jurisdictions, that the mere presence of fathers in children's lives not enough to promote children's well being (Amato & Gilbreth, 1999). Silverstein and Bengston (1997) and Holt (2013) found that the frequency of contact in their study was a poor substitute for relationship quality, concluding that a narrow numeric focus on contact activity ignores the qualitative and relational aspects of the contact experience."

<https://www.onefamily.ie/wp-content/uploads/Final-Child-Contact-Centre-Evaluation-December-2013.pdf>



not “in the best interests of the child” as the scars of battle and perceived injustices usually encourage long term bitterness and reinforce the likelihood of disruptive behaviours including access breaches and parental alienation.

- 4.5. ACF speculate that this could be because the legal professionals are not trained in the child welfare issues concerned and the long term implications for the children and have no vested interests in the long term best outcome for the children. They fall back on the “winner takes all” and “all is fair in love and war” adversarial system that they are familiar with in other areas of law. This is damaging or completely destructive of the desired outcome in the best interests of the children: a working shared parenting arrangement.
- 4.6. O’Neill<sup>49</sup> cites alternative dispute resolution in particular co-mediation including counselling with suitably trained professionals who are familiar with the scenario and the personality issues associated with Parental Alienation.

#### **Specific Questions / Recommendations:**

- A. To have common definitions, training, awareness, appreciation and targeted policies to for meaningful alternative dispute resolution options working with or preferable within the Family Law Court for those deal with child and adult dealing professionals in situations where “high conflict” or Parental Alienation is a factor or at risk of being a factor leveraging on the equivalents in other jurisdictions, such as Cafcass in the UK<sup>50</sup>? [Note this is the same question ACF submitted to UNCRC<sup>51</sup> and is raised by the UNCRC response to Ireland<sup>52</sup>]**
- B. To have court ordered mediation be the default situation with mediators reporting to the court as per Section 16s and 17 of the Mediation Act 2017 with judicial discretion to depart from this norm with reasons for such departure given to the parties.**
- C. Consistent with “the best interests of the child”, to have such mediation incorporate and report to the court if appropriate the “true voice of the child” established by suitably trained and certified (including parental alienation if suspected to be a factor) child assessment professionals and have facility to include child information from, Tusla, schools, HSE and other professionals as well as any Garda dealings. (It is ACF experience that such**

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<sup>49</sup> Ibid

<sup>50</sup> Cafcass Parental Alienation <https://www.cafcass.gov.uk/grown-ups/parents-and-carers/divorce-and-separation/parental-alienation/>

<sup>51</sup> APS/ACF “Submission to United Nations Committee on Rights of the Child Reporting on Ireland” June 2020

<sup>52</sup> UNCRC “List of Issues prior to submission of the combined fifth and sixth report of Ireland” November 2020

**information currently exists in information silos which are not shared for policy reasons to the detriment of a full picture being established for the best interests of the child.**

## 5. Parental Alienation and Professionals dealing with Children

5.1. O' Sullivan and Guildea highlight that "there is no accreditation body to provide certainty regarding the expertise of the parental alienation practitioner they are dealing with"<sup>53</sup>. Their findings mirror the experiences of ACF members that many Section 47 writers, HSE psychologists, and other child care professionals do not have specific experience but will insist that that they can make recommendations or treatments without such specialist training. This frequently leads to what O'Sullivan and Guildea term "sub-optimal outcomes in alienation cases"<sup>54</sup> which ACF would consider a serious understatement.

5.2. It is noted that Caidreamh in Cork proactively organized in March 2020 parental alienation training for legal practitioners<sup>55</sup>. While this is to be welcomed as an example of better practice, the lack of formal standards and any accredited training or certification requirement for professionals is reflected in O'Sullivan and Guildea's findings. Even worse, in the experience of ACF members, is that most such professionals are usually self-employed or fee based and the financial incentive to take on a case involving parental alienation without relevant experience is strong. Often a targeted parent asking about the professional's experience of parental alienation will be dismissed as disruptive questioning of an intervention that is supposed to help their child. Section 47's incurr costs of several thousand Euros with questionable benefit and legal fees of high conflict cases case be in excess of €100,000. Such dissipation of family assets at a difficult time can hardly be "in the best interests of the child".

5.3. Baker et al are clear that intervention in a parental alienation scenario without the prerequisite training can lead to counter intuitive results and further alienation and reinforcing the alienator.

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<sup>53</sup> O'Sullivan and Guildea "Clinical and Legal Aspects of Parental Alienation" Irish Journal of Family Law (2020) 23(4) 101-108

<sup>54</sup> Ibid

<sup>55</sup> Caidreamh "Understanding and Working with Children and Families Affected by Parental Alienation – Practitioner Training" International Experts and Authors, Karen Woodall and Nick Woodall, Family Separation Clinic, UK Basic and Advanced Training – MARCH 2020 <http://caidreamh.ie/upcoming-training-2019/>

5.4. The Minister for Justice and the Minister for Children, Equality, Disability, Integration and Youth have both referred victims to Tusla on this matter<sup>56</sup>. However, Tusla do not have any reference to Parental Alienation in their current Child Protection and Welfare Practice Handbook<sup>57</sup>. Although they have different statutory functions, ACF would draw the Committee's attention to the approach taken by Cafcass<sup>58</sup> to dealing with Parental Alienation in Family Law situations in another common law jurisdiction.

**Specific Questions / Recommendations:**

- A. To have common definitions, training, certification, awareness, appreciation and targeted policies to deal with child and adult victim dealing professionals in situations where Parental Alienation is a factor or at risk of being a factor leveraging on the equivalents in other jurisdictions, such as Cafcass in the UK<sup>59</sup>? [Note this is the same question ACF submitted to UNCRC<sup>60</sup> and is raised by the UNCRC response to Ireland<sup>61</sup>]**

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<sup>56</sup> See example letters in Section 10 of this document

<sup>57</sup> Tusla Child and Family Agency "Child Protection and Welfare Practice Handbook"  
[https://www.tusla.ie/uploads/content/Tusla\\_Child\\_Protection\\_Handbook2.pdf](https://www.tusla.ie/uploads/content/Tusla_Child_Protection_Handbook2.pdf)

<sup>58</sup> Cafcass: "Parental alienation - Cases where children are resisting or refusing spending time with a parent"  
<https://www.cafcass.gov.uk/grown-ups/parents-and-carers/divorce-and-separation/parental-alienation/>

<sup>59</sup> Cafcass Parental Alienation <https://www.cafcass.gov.uk/grown-ups/parents-and-carers/divorce-and-separation/parental-alienation/>

<sup>60</sup> APS/ACF "Submission to United Nations Committee on Rights of the Child Reporting on Ireland" June 2020

<sup>61</sup> UNCRC "List of Issues prior to submission of the combined fifth and sixth report of Ireland" November 2020

## 6. Additional Reporting / International Comparison

### 6.1. Parental Alienation in Case Law

- 6.1.1. Ennis Family Law “Parental Alienation” case referred at opening of this document.
- 6.1.2. Doughty et al of Cardiff University reviewed research and case law<sup>62</sup> commissioned by Cafcass was published in 2018 (before the Irish Conneely and O’Shea research) reviewing family law cases involving Parental Alienation and resulted in updated procedures by Cafcass for dealing with such cases.<sup>63</sup>
- 6.1.3. In January 2018 in BB v ZS Reynolds J. cited parental alienation and noted with concern the harm caused to the child.<sup>64</sup>
- 6.1.4. In the UK in-camera rules have been selectively relaxed to allow for awareness of Parental Alienation in particular cases (such as in the S case<sup>65</sup> and the H case<sup>66</sup> and the A case<sup>67</sup> and others)

### 6.2. Political and Media Coverage on Parental Alienation

- 6.2.1. As per note 10 but repeated here for emphasis: Motions calling on the Oireachtas to legislate on the issue of Parental Alienation have been passed by 29 out of 31 Irish local councils (Galway and Offaly County Council have motion tabled and under discussion) in 2020 and 2021 (many of them unanimously). Although local stories were submitted to councilors to support the motion these were frequently replaced by personal family stories of the councilors themselves showing the extent of the issue.

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<sup>62</sup> Review of research and case law on parental alienation - Julie Doughty, School of Law and Politics  
Nina Maxwell and Tom Slater, School of Social Sciences Cardiff University  
<https://gov.wales/sites/default/files/publications/2018-05/review-of-research-and-case-law-on-parental-alienation.pdf>

<sup>63</sup> Cafcass: Parental alienation - Cases where children are resisting or refusing spending time with a parent  
<https://www.cafcass.gov.uk/grown-ups/parents-and-carers/divorce-and-separation/parental-alienation/>

<sup>64</sup> B.B. v Z.S. [2018] IEHC 15, paragraph 27. Reynolds J “The retention of the child in this jurisdiction has now resulted in considerable parental alienation for the applicant, a position which simply cannot be endorsed by this Court”.

<sup>65</sup> Re S (Parental Alienation: Cult) [2020] EWCA Civ 568  
<https://www.familylawweek.co.uk/site.aspx?i=ed210729>

<sup>66</sup> Re H (Parental Alienation) [2019] EWHC 2723 (Fam)  
<https://www.familylawweek.co.uk/site.aspx?i=ed203996>

<sup>67</sup> Re (A Child - Termination of Contact) [2019] EWHC 132 (Fam)  
[www.familylawweek.co.uk/site.aspx?i=ed199338](http://www.familylawweek.co.uk/site.aspx?i=ed199338)

6.2.2. Parental Alienation has been covered extensively in mainstream Irish and international media with a very significant increase in 2020 and 2021 and the bibliography gives just a small sample including Irish Law Society Gazette, Irish Times, Examiner, Independent, Journal.ie and a number of regional papers too many to include in this submission as well as radio coverage in particular East Coast FM featured parental alienation on the morning show in January 2021 and had so many responses that they covered different angles on the same topic over the next ten days, including alienated grandparents and extended family, psychologists, Samaritans, a barrister, adults who had been alienated as children and many more.

6.3. International Comparison and Best Practice – This merits a full review in its own right and so is not covered in this submission. Several references to non-Irish research papers and other jurisdictions’ child agencies and judicial training and guidelines dealing with parental alienation have also been referenced.

6.4. Review of the in-camera rule

6.4.1. While ACF fully appreciate the necessity for privacy in family law matters there is a considerable argument for the review of certain aspects where its pedantic and over enthusiastic application is contrary to “the best interests of the child” and detrimental to reviewing and improving the operation of family law.

6.4.2. Where contact and access arrangements require the involvement of bodies involving the children, including Tusla, schools, health care professionals and others, some will refuse to view court orders due to the in camera rule even where they are trying to support the child in an access issue involving parental alienation, such as a court order saying while parent is due to pickup a child on certain days. Targeted parents can then find themselves brought before a judge alleging breach simply for giving a school principal copies of orders so that the school management can try to protect themselves and the school.

6.4.3. Perjury is rarely prosecuted in this jurisdiction (though ACF is aware of the draft bill on the topic) but it is anecdotally endemic in family court. In the words of a family law professor “in family court there are three truths,

his truth, her truth and the real truth”. The lack of consequences for false allegations and exaggerations do not encourage honesty, probity or civility in family law matters. More serious allegations of criminality, deception or financial fraud used to gain advantage had no consequences as complains with Gardai were historically met with “it’s a civil matter” dismissals. This lacuna in the law has changed after the case of Judicial Review 918<sup>68</sup> where the applicant was given leave in the Supreme Court where the application was considerably reworded and then approved in the High Court. Lack of formal reporting has made it difficult for subsequent applicants, but it is at least referenced in the BW<sup>69</sup> case.

6.4.4. ACF is aware of the Social Welfare and Revenue seeking access to court orders regarding maintenance when there are considerable discrepancies in claims and records. Even where the recipient would be happy to supply the orders to these bodies in order to clarify matters they have to refuse because of potential consequences under the in camera rule and potential impact on access of children involved if they are found in contempt. There are concerns that such refusals can be viewed negatively by the bodies concerned.

6.4.5. ACF request that the Committee consider making recommendations for review of the in-camera rule in order to allow for

6.4.5.1. More efficient and effective access to empirical data for reporting and research such as that by O’Shea and Conneely.

6.4.5.2. Reporting of custody, access and financial matters (such as used to be published until a decade ago) so that legal practitioners, applicants and other can have more certainty before applying to court (and this may also have the benefit of making setting more

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<sup>68</sup> Judicial Review 918 “The Court doth grant a Declaration that a prosecution for a criminal offence allegedly occurring during the course of civil proceedings heard in a court of law otherwise in public (in camera) is capable of being investigated and prosecuted in due course of the law” also Irish Legal News “Alleged perjury during in camera hearings can be prosecuted” August 2019 <https://www.irishlegal.com/article/alleged-perjury-during-in-camera-hearings-can-be-prosecuted> and Irish Times “Alleged perjury during ‘in camera’ hearings can be investigated, court rules” August 2019 <https://www.irishtimes.com/news/crime-and-law/alleged-perjury-during-in-camera-hearings-can-be-investigated-court-rules-1.3989943>

<sup>69</sup> B.W. v Ireland & anor [2019] IEHC 241

realistic expectation encouraging mediation and less adversarial applications) and less legal uncertainty of “it depends on the judge”.

6.4.5.3. Codifying the outcome of Judicial Review 918 in Family Law as well as in the draft perjury bill to encourage more veracity and civility in family law claims as well as encouraging legal practitioners to support more realistic claims and the need for evidence to support them.



## **7. In conclusion:**

- 7.1. ACF accepts that there is still some discussion around the details and definitions of Parental Alienation but that should not prevent the State engaging with the issue in order to support the considerable number of children and families whose rights are affected and addressing the lack of judicial guidelines and inter-departmental policies and procedures to protect and monitor children affected by the issue. False allegations of parental alienation can be as destructive as false allegations of other forms of domestic abuse and it is important to have due process for all forms of abuse.
- 7.2. There is long established anecdotal evidence and despite the strictures of the in-camera rule, emerging empirical evidence that “contact failure” or Parental Alienation is a substantial problem for a significant number of children in Ireland.
- 7.3. The effects on children “used as pawns” in these situations is traumatic and long term personally and significant for society in not breaking this circle of learned negative behaviours and domestic violence.
- 7.4. Despite positive recent developments in the Constitution and legislation the State is lagging considerably behind international best practice on follow through policy and implementation in this area.
- 7.5. The ACF welcomes the first step of establishing a Family Law Court but reminds the Committee that if the new establishment follows the same policies and procedures then little will change for the victims of Parental Alienation abuse.
- 7.6. ACF recommends urgent and significant attention to address the issue of “best interests of the child” in circumstances of Parental Alienation and request further engagement with the government departments and statutory bodies to assist
- 7.7. ACF thanks the Commission for the opportunity to have this submission considered. We trust that the information contained herein has been illuminating for all concerned in highlighting the scale of the issue, the level of abuse in Ireland and the individual and societal and ongoing cost of not addressing the issue. We trust that our questions, suggestions and recommendations have been of assistance to the Committee and trust that

we can be part of the solution with the government departments and statutory bodies within this process and the UNCRC Reporting on Ireland.

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**9. Sample Victims Experiences (short versions)**  
**(removed for privacy and legal reasons in the published version)**

## 10. Ministers' Letters Exhibit [author's note – these were all to mothers]

From: **Ministers Office** <[no-reply@cloud.gov.ie](mailto:no-reply@cloud.gov.ie)>  
Date: Thu 21 Jan 2021, 10:33 a.m.  
Subject: DJE-MO-[Redacted for Privacy],  
To: [Redacted for Privacy]

Minister's Reference: DJE-MO-[Redacted for Privacy],

Dear [Redacted for Privacy],

Thank you for correspondence to the Minister for Justice, Ms. Helen McEntee T.D regarding parental alienation. The Minister has asked me to reply on her behalf. I would like to apologise for the delay in issuing this reply.

The Minister is aware of the concerns that have been raised in relation to parental alienation as an issue. This is a complex area and in order to better inform further discussion, the Minister intends to arrange for research to be carried out by the Department next year.

In the meantime, there have been a number of recent actions by the Department across the area of family justice.

A Family Justice Oversight Group has been established by the Department, and this group will agree a high-level vision and key medium and longer-term objectives for the development of a national family justice system in parallel with the establishment of a dedicated Family Court structure as envisaged by the forthcoming Family Court Bill.

A Family Court Bill is currently being drafted following approval of the General Scheme of the Bill by Government. The Family Court Bill, the enactment of which is a commitment in the Programme for Government, will be a key element in the development of a more efficient and user-friendly family court system that puts families at the centre of its activities, provides access to specialist supports and encourages the use of alternative dispute resolution in family law proceedings. The development of sensible, comprehensive and sensitive family law procedures, particularly for vulnerable families, will be central to the new system. In the preparation of the General Scheme of the Family Court Bill, account has been taken of the Report of the Joint Oireachtas Committee on Justice and Equality which published its Report on Reform of the Family Law System just a year ago.

While there is no specific legislative provision regarding parental alienation in Irish family law, section 246 of the Children Act 2001 does provide for an offence of frightening, bullying or threatening a child in a manner likely to cause unnecessary suffering or injury to the child's physical, mental or emotional health or wellbeing. There are also legislative provisions in place to deal with child welfare particularly regarding the relationship between a child and his/her parents or guardians, providing the framework for a legal response to a wide spectrum of child welfare issues.

The Children and Family Relationships Act 2015 inserted a new Part V into the Guardianship of Infants Act 1964 which sets down the factors and circumstances that the court shall have regard to when determining what is in the best interests of the child. These factors include the benefit to the child of having a meaningful relationship with each of his or her parents. Section 11D of the 1964 Act obliges the court in proceedings under section 11 to consider whether the child's best interests would be served by maintaining personal relations and direct contact with each of his or her parents on a regular basis. Section 25 of the 1964 Act also requires the court, as it thinks appropriate and practicable, to take into account the child's wishes in custody and access matters, having regard to the age and understanding of the child.

Section 12A of the 1964 Act (inserted by section 58 of the Children and Family Relationships Act 2015) provides that in making any order under the Act, the court may impose such conditions as it considers to be necessary in the best interests of the child. It is a matter for the courts when making

orders under the 1964 Act in relation to matters such as the guardianship, custody or upbringing of, or access to, a child to consider whether or not any conditions should be attached to such orders.

There has also been an amendment to family law legislation to assist parents who need to return to court because the other parent has breached a court order in relation to custody of or access to a child. Section 56 of the Children and Family Relationships Act 2015 inserted a new section 18A into the Guardianship of Infants Act 1964 and this provides that where a parent or guardian of a child has been granted custody of or access to the child under the 1964 Act, but he or she has been unreasonably denied such custody or access by another guardian or parent, that person may apply to court for an enforcement order.

I wish you well and hope the above information is of some assistance.

Yours sincerely,

Patrick McCabe  
Private Secretary to the Minister for Justice

An Roinn Dlí agus Cirt Department of Justice

51 Faiche Stiabhna, Baile Átha Cliath 2, D02 HK52 51 St Stephen's Green, Dublin 2, D02 HK52



From: Minister Rabbitte Office <[minister\\_rabbitte@health.gov.ie](mailto:minister_rabbitte@health.gov.ie)>

Date: 16/02/2021 11:49 (GMT+00:00)

To: [redacted for privacy]

Subject: FW: DJE-MO-[Redacted for Privacy], Ref: LD5[Redacted for Privacy],

16 February 2021

[redacted for privacy]

Dear [redacted for privacy]

Anne Rabbitte T.D., Minister for Disabilities has asked me to refer to your recent letter concerning Parental Alienation.

Minister Rabbitte had enquiries made with her colleague, Ms Helen McEntee TD, Minister for Justice and a reply has been received. I attach below a copy of this reply for your attention.

I hope that this information will be of some assistance to you.

Yours sincerely

Adrian McLaughlin

Private Secretary

**Lavinia Davis**

*Minister Anne Rabbitte's Office*

*Minister for Disabilities*

**An Roinn Sláinte** Department of Health

**Bloc 1, Plaza Miesach, 50 - 58 Sráid Bhagóid Íochtarach, Baile Átha Cliath, D02 XW14**

Block 1, Miesian Plaza, 50 - 58 Lower Baggot Street, Dublin, D02 XW14

**From:** Ministers Office <[no-reply@cloud.gov.ie](mailto:no-reply@cloud.gov.ie)>

**Sent:** Friday 12 February 2021 18:20

**To:** Minister Rabbitte Office <[minister\\_rabbitte@health.gov.ie](mailto:minister_rabbitte@health.gov.ie)>

**Subject:** DJE-MO-[Redacted for Privacy],

Minister Anne Rabbitte T.D.

[minister\\_rabbitte@health.gov.ie](mailto:minister_rabbitte@health.gov.ie)

12th February 2021

**Minister's Reference:** DJE-MO-[Redacted for Privacy],

Dear Minister Rabbitte,

I am writing to you concerning your correspondence on behalf of your constituent, [redacted for privacy], regarding Parental Alienation.

First and foremost, I appreciate the significant distress that family separation and those engaged in family court proceedings can experience - such as the traumatic and stressful situation that the constituent describes.

I am aware of the concerns that have been raised in relation to parental alienation as an issue. This is a complex area and in order to better inform further discussion, I intend to arrange for research to be carried out by my Department this year.

Changing the legislation is not the only option. There may be appropriate interventions that need to be done at an earlier stage to deal with behaviours. The best interests of the child will of course be paramount in any considerations.

In the meantime, there have been a number of recent actions by my Department across the area of family justice.

A Family Justice Oversight Group has been established by my Department, and this group will agree a high-level vision and key medium and longer-term objectives for the development of a national family justice system in parallel with the establishment of a dedicated Family Court structure as envisaged by the forthcoming Family Court Bill. The Group comprises officials from my Department, the Department of Children and Youth Affairs, the Courts Service, the Legal Aid Board as well as nominees of the Chief Justice from the High Court, Circuit Court and District Court.

A Family Court Bill is currently being drafted following approval of the General Scheme of the Bill by Government. The Family Court Bill, the enactment of which is a commitment in the Programme for Government, will be a key element in the development of a more efficient and user-friendly family court system that puts families at the centre of its activities, provides access to specialist supports and encourages the use of alternative dispute resolution in family law proceedings. The development of sensible, comprehensive and sensitive family law procedures, particularly for vulnerable families, will be central to the new system. In the preparation of the General Scheme of the Family Court Bill, account has been taken of the Report of the Joint Oireachtas Committee on Justice and Equality which published its Report on Reform of the Family Law System just a year ago.

While there is no specific legislative provision regarding parental alienation in Irish family law, section 246 of the Children Act 2001 does provide for an offence of frightening, bullying or threatening a child in a manner likely to cause unnecessary suffering or injury to the child's physical, mental or emotional health or wellbeing. There are also legislative provisions in place to deal with child welfare particularly regarding the relationship between a child and his/her parents or guardians, providing the framework for a legal response to a wide spectrum of child welfare issues.

However, as I have said, further research is to be carried out by my Department. The Department's Research and Data Analytics Unit is in the process of planning a research project, to be undertaken this year, which will examine the international approaches to parental alienation in order to inform thinking on whether any new policy or legislative responses are required in this jurisdiction.

The Children and Family Relationships Act 2015 inserted a new Part V into the Guardianship of Infants Act 1964 which sets down the factors and circumstances that the court shall have regard to when determining what is in the best interests of the child. These factors include the benefit to the child of having a meaningful relationship with each of his or her parents. Section 11D of the 1964 Act obliges the court in proceedings under section 11 to consider whether the child's best interests would be served by maintaining personal relations and direct contact with each of his or her parents on a regular basis. Section 25 of the 1964 Act also requires the court, as it thinks appropriate and practicable, to take into account the child's wishes in custody and access matters, having regard to the age and understanding of the child.

Section 12A of the 1964 Act (inserted by section 58 of the Children and Family Relationships Act 2015) provides that in making any order under the Act, the court may impose such conditions as it considers to be necessary in the best interests of the child. It is a matter for the courts when making orders under the 1964 Act in relation to matters such as the guardianship, custody or upbringing of, or access to, a child to consider whether or not any conditions should be attached to such orders.

There has also been an amendment to family law legislation to assist parents who need to return to court because the other parent has breached a court order in relation to custody of or access to a

child. Section 56 of the Children and Family Relationships Act 2015 inserted a new section 18A into the Guardianship of Infants Act 1964 and this provides that where a parent or guardian of a child has been granted custody of or access to the child under the 1964 Act, but he or she has been unreasonably denied such custody or access by another guardian or parent, that person may apply to court for an enforcement order.

As Minister I have no role in the making of court orders in relation to custody, access or maintenance. This is a function of the courts, which are, subject to the Constitution and the law, independent in the performance of their functions.

I trust the above information is of some assistance.

Yours sincerely,

**Helen McEntee T.D.**

**Minister for Justice**

**An Roinn Dlí agus Cirt**

Department of Justice

**51 Faiche Stiabhna, Baile Átha Cliath 2, D02 HK52**

51 St Stephen's Green, Dublin 2, D02 HK52

From: Bernard Durkan <[Bernard.Durkan@oireachtas.ie](mailto:Bernard.Durkan@oireachtas.ie)>

Date: 12/01/2021 14:44 (GMT+00:00)

To: [Redacted for Privacy]

Subject: Representation for [Redacted for Privacy]

Dear [Redacted for Privacy],

I enclose herewith correspondence received in response to representations made on your behalf.

If and when further information is to hand I shall be in touch with you again. But failing further response within a reasonable period, you might remind me so that a satisfactory conclusion can be reached.

Yours sincerely,

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Bernard J. Durkan T.D.

4th January 2021

Deputy Bernard Durkan T.D.

[Bernard.Durkan@oireachtas.ie](mailto:Bernard.Durkan@oireachtas.ie)

Dear Deputy Durkan,

Thank you for your email concerning parental alienation on behalf of Ms [Redacted for Privacy].

Under the Child Care Act 1991, the Child and Family Agency, Tusla, is the statutory body with responsibility to promote the welfare of children who are not receiving adequate care and protection. Tusla assesses all child welfare and protection concerns that are reported to it.

The Children First Act 2015, which was fully commenced in December 2017, provides for a number of key child protection measures. These include awareness raising, providing for mandatory reporting of child protection concerns by certain categories of persons and improving safeguarding arrangements in organisations providing services to children. The Act operates alongside the non-statutory obligations provided for in Children First: National Guidance for the Protection and Welfare of Children 2017, which sets out how all reasonable concerns about a child should be reported to Tusla. The Act recognises that a child's welfare includes their emotional welfare while the Guidance sets out definitions of abuse, including emotional abuse, and signs for its recognition.

Referrals to Tusla regarding the possible harm to a child from a parent are assessed in line with Tusla's policies, procedures and best practice. Tusla has advised that its child protection and welfare assessment considers any past harm and any future danger to a child as a result of complicating factors in a child's environment. These factors include any parental behaviour that is deemed to have a negative impact on a child resulting in them being seriously harmed, including the behaviours that would indicate emotional abuse. Tusla also considers any strengths and existing safety present for the child in the context of the harm and then works collaboratively with parents, professionals and others to create effective safety for the child into the future.

However, parental alienation is a very challenging and complex issue. It generally arises in situations of extreme inter-parental conflict, which can result in children withdrawing from one parent without the

other parent deliberately directing them to do so, but as a response to the conflict. Mediation can sometimes offer parents an opportunity to work through issues arising.

Tusla social work staff are supported in their professional and evidence informed assessments by access to an online evidence informed toolkit that provides detailed up-to-date research and recommended interventions on key areas such as attachment, critical analysis and thinking, child development, the impact of abuse, separation and loss and parenting capacity. Tusla also provides all staff with access to an entire research centre <https://www.tusla.ie/research/> with relevant current research and publications relevant to child protection and welfare practice. In addition to regular professional supervision, this ensures staff are supported in maintaining their expertise in an ongoing and supportive learning environment.

Tusla works collaboratively with child and adult mental health services, the Courts and other therapeutic services in respect of any relevant matters referred to it, including in relation to necessary interventions to support the safety and wellbeing of a child.

As you are aware, the Programme for Government contains a commitment to enact a Family Court Bill. The Family Court Bill will be a key element in the development of a more efficient and user-friendly family court system that puts families at the centre of its activities, provides access to specialist supports and encourages the use of alternative dispute resolution in family law proceedings. The Department of Justice has recently established the Family Justice Oversight Group. This Group will agree a high-level vision and key medium and longer-term objectives for the development of a national family justice system, in parallel with the establishment of a dedicated Family Court structure, as envisaged by the forthcoming Family Court Bill. The Department of Children, Equality, Disability, Integration and Youth is represented on the Oversight Group.

I hope that this information is helpful to you.

Yours sincerely

Roderic O’Gorman TD

Minister for Children, Equality Disability, Integration & Youth

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Oireachtas email policy and disclaimer. [oireachtas.ie/en/email-policy/](https://oireachtas.ie/en/email-policy/)

From Tusla to [Name redacted for privacy]

Further to your representations to Minister Roderic O’Gorman TD, the Department has requested that Tusla respond directly to you on the issues of parental alienation, psychological manipulation of children and coercive control of children.

These issues are complex areas and are encompassed in the Tusla child protection assessment in the understanding of emotional abuse. Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. Abuse occurs when a child’s basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children’s emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen.

A reasonable concern for the child’s welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer. Emotional abuse may be seen in some of the following ways:

- Rejection
- Lack of comfort and love
- Lack of attachment
- Lack of proper stimulation (e.g. fun and play)
- Lack of continuity of care (e.g. frequent moves, particularly unplanned) Continuous lack of praise and encouragement
- Persistent criticism, sarcasm, hostility or blaming of the child
- Bullying
- Conditional parenting in which care or affection of a child depends on his or her behaviours or actions
- Extreme overprotectiveness
- Inappropriate non-physical punishment (e.g. locking child in bedroom) Ongoing family conflicts and family violence
- Seriously inappropriate expectations of a child relative to his/her age and stage of development

When a report is made to Tusla child protection services, an assessment is made regarding whether this report reaches the threshold for harm based on the evidence available and the impact on the child. Where harm due to emotional abuse or other abuse is suspected, the child protection and welfare services engage with the child and family subject to the report and provide for the safety of this child through working with the child and family. Where harm is not established a referral made be made to an agency suitable to deal with significant welfare issues that arise or a referral may be made to a Meitheal response through the local Child and Family Support Network.

I note that other responses point to mediation and, in this scenario, there is a mediation service in the courts where many of these disputes arise and are heard. There is no ‘mediation’ service in Tusla but many of our responses include elements of mediation. In other international responses, separate agencies have been established that have been very effective in addressing issues using approaches such as mediation combined with the power of the court. Such responses have made it clear to parents that a recommendations of the mediator will be given significant weight in any future court process. Once such example is CAFCAS in Wales and they have a very useful website. I’m aware that future family law proposals in this country do not at this stage include this important step.

There is significant information available online on Tusla.ie regarding emotional abuse and how we deal with these issues. The child protection and welfare handbook also addresses these issues. We are also renewing again with the current evidence how we may need to reflect this fully and evidence can be mixed on this issue.

[Redacted for Privacy],  
Chief Social Worker Tusla

In the interests of full disclosure: Our suggested reply for members receiving such letters

Re Minister's Reference []

Dear Minister and [Deputy / Secretary .....]

I thank you for your letter of ... last and the information and advice contained therein.

In summary:

Myself and other targeted parents trying to assist our targeted in children suffering the abuse of parental Alienation have become all too painfully aware of the legislation and the statutory bodies that you mention in your letter.

Unfortunately, these statutory provisions have proved ineffective and of little use to victims due to shortcomings or a complete lack of policy and procedures to give effect to these as outlined below.

Currently we see little movement on policy or procedures or current or proposed legislation changes to address the issue.

Therefore we ask that the Minister reconsider the answer in light of the points made below.

How are the Department of Justice and the Department of Children going to protect and give effective access to justice to adult and child victims of Parental Alienation particularly in regards to the obligations of children's rights under Article 42A of the Constitution, under the UNCRC and the Rights to Family Life under the ECHR?

In particular regarding the legislative provisions raised in your letter:

I would draw your attention to the judge made law in the Ennis Family Law Court where Judge Larkin

lifted reporting restriction to enable her finding of "this being a case of parental alienation" in March and April 2020 as reported in the Law Gazette of Ireland on 20 th April 2020. Compared to many situations discussed with the Alienated Children First (formerly APS) group (APS/ACF), this appeared a relatively low bar of disrupted access by a reluctant or aggrieved parent which was "nipped in the bud" by a proactive judge who is a beacon of hope for parents and children who are victims of parental alienation. As we now have case law on Parental Alienation which shone a light on the obvious legislative and policy and procure short comings in dealing with it.

Regarding your reference to the statutory obligations of Tusla, and referrals to Tusla and Tusla policies and guidelines,; I am supported by APS/ACF group who are engaged with the office of the COO of Tusla following a number of complaints as a result of referrals as your letter suggest.

Currently Tusla's Handbook does not refer to Parental Alienation and their social workers are therefore not trained in it and not qualified to assess it. APS/ACF has referred Tusla to policies of organisations in other jurisdictions such as Cafcass in the UK who include Parental Alienation in their guidelines, policies and procedures and therefore their training. Currently in this jurisdiction no such policies, procedures, training or qualification exist and therefore the statutory obligations you refer to have no effect and victims trying to access them as you suggest are rebuffed and frustrated.

The offences you refer to in the Child Care Act 1991 (as amended) are a high bar for any victim to prove and to access. APS/ACF have cases where not just a parent making a referral to Tusla under the Act but referrals for the same child by An Gardaí, HSE Psychologists, other health personnel and the child's school principal have all met with a standard form Tusla letter "does not meet the criteria for intervention". This is not surprising given the previous paragraph outlining that Tusla's policies, procedures, handbook and training provide no such criteria for them to even assess such intervention. This is a clear failing of such policy and procedure which could be addressed with the urgency it deserves short of the need for additional legislation.

I am advised by APS/ACF that courts, and solicitors and barristers in family law situations are reluctant to put forward allegations that might criminalise a parent for such abuse as not being in

the child's best interest. In the absence of more empirical evidence, I would agree with that approach. As with most targeted parents, I just want the behaviour to stop and the resumption of a more regular shared parenting approach in the best interests of the children. The offences in the Act are an inappropriate sledgehammer to attack this and in stark comparison with the more practical approach of Judge Larkin.

I draw the Minister's attention to the more appropriate Section 19 Supervision Orders that could be used as more appropriate "light touch" early intervention. APS/ACF have received advice that Tusla could use such orders for early intervention in such cases to address parental behaviours which are damaging children and denying them their rights to family life and court ordered parental access.

This has the potential to be a very constructive approach which could also provide independent evidence for a judge to consider if necessary. However, in the absence of a Tusla policy on Parental Alienation this does not occur.

In addition, APS/ACF inform me that Tusla considers that courts will only apply Section 19 Supervision Orders which meet the criteria for section 19(1)(a) AND where the child needs to be taken to a place for assessment. This is clearly at odds with the primary legislation which permits

Tusla to visit a child's home for assessment and parental advice and in addition allows for sections 19(1)(b) and (c) criteria to apply which would appear a more appropriate intervention in the best interests of the child. It is unclear where this policy of not applying sections 19(1)(b) and (c) and the procedural implied insertion of the "need to take the child to a place of assessment" rather than what is stated in the primary legislation has come from. But Tusla have advised that this is the case and that it is their opinion that courts will only consider section 19(1)(a) whereas parental alienation would more naturally be considered under sections 19(1)(b) and (c) which they consider will not be regarded by the court.

Thus, the apparent statutory obligations of Tulsa and the apparent legislation protections you list are effectively frustrated by policy, produce and lack of judicial guidelines or procedures in this case. The very reasonable approach taken to Judge Larkin is not available to all and not followed elsewhere.

We ask the Minister to reconsider and address the above points through the lens of the Judge Larkin's case law on parental alienation as reported.

With regards to the amendment of the Guardianship of Infants Act 1964 by the Children and Family Relationships Act 2015 and in particular Section 60 of the latter I would bring the following to the attention of the Minister .

"The best interests of the child" is a fine concept that is oft repeated but similarly missing from effective implementation in policy and procedure particularly when it comes to child victims of parental alienation. Despite the case law example of Judge Larkin above, APS/ACF report that 2 The Minister for Justice's letter referred to Section 56 of the Children and family Relationships Act 2015 inserting section 18A into the Guardianship of Infants Act 1964 with regards to applying for enforcement orders. We would point out the Section 56 of the former inserts Section 11D in the latter and that it is Section 60 of the former which inserts "enforcement orders" into Section 18A of the latter. Parents are strongly advised by their legal teams against requesting Enforcement Orders with certain judges because it is viewed as seeking to criminalise the other parent in cases of denial of access and that this will be viewed as against the best interests of the child.

Thus applications for Enforcement Orders are rarely requested and int the experience of APS/ACF rarely granted (though the in camera rule makes reporting of empirical data difficult). The preliminary results of O Shea and Conneely (who were enabled by ministerial protocol to collect such data) shows that 24% to 37% of access cases involve breaches of access and breakdown of contact. This suggests that the anecdotal evidence of APS/ACF will be reflected in the empirical data that is in the course of being published and that there is a significant issue that should be addressed by enforcement Orders. Yet the structure of the legislation and the legal advice with regards to the judicial approach means that this solution is not applied or available as it will reflect negatively on applicants and make the situation for the targeted child even worse.



The situation is similar with regards to replacement access for cancelled access. Breaches of access without Enforcement Orders are a civil matter and APS/ACF report cases where schools have called An Gardaí because an alienating parent is preventing court ordered access at the school gates but An Gardaí can witness the event but not intervene in the absence of an Enforcement Order. Thus an alienating parent is effectively able to thumb their nose at Gardaí and school principals at school gates with no recourse for the alienated parent on behalf of the child.

The outcome of this is that alienating parents suffer no consequences of their actions and are effectively encouraged or/and emboldened to repeat the behaviour until the targeted parent is exhausted physically, emotionally and/or financially and has to abandon the child to parental alienation.

Would the Minister consider a policy or judicial guidelines where Enforcement Orders and Replacement access are the default position on access once a breach has been reported with the option for the court to not grant these if they are not in the best interests of the child?. I would draw your attention to the issues about the voice of the child in a Parental Alienation position where it he or she may be considerably manipulated consciously or unconsciously by the situation. What is the Minister's response to the UNCRC November 2020 "List of issues prior to submission of the combined fifth and sixth reports of Ireland" in particular "Respect for the views of the child" and the submission to the UNCRC on the matter?.

I respectfully await your considered response.



# Parental Alienation is Real

<b>What is PA?</b>	<p>Parental alienation (PA) occurs when a child aligns with one parent and rejects their other parent for reasons that are <i>not</i> legitimate. This is different from estrangement, when a child’s resistance to have a relationship is for justifiable reasons. <i>PA is child psychological abuse.</i></p>
	Bernet, 2010; Lorandos & Bernet, 2020; Warshak, 2019
<b>What causes PA?</b>	<p>Abusive parents often use their children as weapons to harm the other parent and manipulate them. Domestic violence researchers call this behavior a form of coercive control. Scientists who study PA call this <i>very same behavior</i> parental alienating behavior. They are two terms describing the same phenomenon.</p>
	Harman, Kruk, & Hines, 2018; Harman & Matthewson, 2020
<b>Is research on PA “scientific?”</b>	<p>Clinical, legal, and scientific evidence on PA has accumulated for over 35 years. There have been over 1,000 scholarly papers published on the topic, and the empirical research on the topic has expanded greatly over the last few years, leading to what has been considered a “blossoming” of the scientific field.</p>
	Harman, Bernet, & Harman, 2019; Lorandos & Bernet, 2020; Lorandos, 2020; Marques, Narciso, & Ferreira, 2020
<b>Are there recognized criteria for the diagnosis of PA?</b>	<p>Yes. There is a great deal of conformity among authorities on PA as to there being clear and discernible diagnostic criteria. These criteria are found in a simple Five-Factor Model.</p>
	Bernet, 2020; Lorandos & Bernet, 2020; Freeman, 2020
<b>How many children are alienated from a parent?</b>	<p>At least 3.9 million children in the U.S. are moderately to severely alienated from a parent. Other estimates of prevalence produce similar estimates. More than three times as many children in the U.S. are alienated from a parent than there are children with autism.</p>
	Bernet, 2010; Harman, Leder-Elder, & Birngen, 2019;
<b>How serious is PA for children?</b>	<p>Parental alienation is a serious form of psychological abuse and results in the same types of outcomes that other abused children experience: stress and adjustment disorders (e.g., PTSD, anxiety), psychosocial problems and externalizing behaviors (e.g., substance abuse, suicidality).</p>
	Baker & Verrocchio, 2016; Godbout & Parent, 2012; Harman et al., 2018
<b>How does PA affect alienated parents?</b>	<p>Alienated parents are unable to get closure and have unresolved grief with the loss of their child(ren). They also suffer from being the target of abusive behaviors of the alienating parent. They have high levels of depression, anxiety, and PTSD symptoms, and many become suicidal.</p>
	Harman et al., 2019; Lee-Maturana, Matthewson, & Dwan, 2020; Poustie, Matthewson, & Balmer, 2018
<b>What can be done to stop PA?</b>	<p>Legal and professional recognition of the problem (e.g., adding parental alienation to child abuse statutes). Funding for research to promote identification of effective assessment, prevention, and intervention programs. Funding for training of legal and mental health professionals.</p>

## Annotated References

Reference	Type of paper/methods used	General findings/conclusions
Baker, A. J. L., & Verocchio, M. C. (2016). Exposure to parental alienation and subsequent anxiety and depression in Italian adults. <i>The American Journal of Family Therapy</i> , 44, 255–271.	Survey of adults who were alienated as children regarding their alienating parent's behaviors and current anxiety and depressive symptoms.	The greater exposure to parental alienating behaviors as a child, the more anxiety and depression that the individual felt, even into adulthood.
Bernet, W. (Ed.). (2010). Parental alienation, DSM-5, and ICD-11. Springfield, IL: Charles C Thomas.	A book describing parental alienation as a serious mental condition in the child, and the empirical basis for considering an important issue for clinical diagnosis and treatment.	Influencing a child to develop a false belief that a parent is bad and dangerous results in the child's loss of one of the most important relationships in their life.
Bernet, W. (2020). The five-factor model for the diagnosis of parental alienation. <i>Feedback- Journal of the Family Therapy Association of Ireland</i> , 6, 3-15.	Article describing the Five-Factor model for use in the assessment of parental alienation.	Five factors aid in the differentiation of PA: evidence of resistance/refusal of a relationship, having had a previously positive relationship, no evidence of abuse or seriously deficient parenting, patterns of parental alienating behaviors, and manifestations of PA in the child.
Freeman, B. (2020) The psychosocial assessment of contact refusal. In D. Lorandos, & W. Bernet, <i>Parental alienation: Science &amp; Law</i> , 44-81. Springfield, IL: Charles C Thomas, LTD.	A comprehensive book chapter distilling peer-reviewed studies on assessing child/parent contact refusal.	Describes a scientific consensus of research into a Five-Factor model for the differential diagnosis of PA.
Godbout, E., & Parent, C. (2012). The life paths and lived experiences of adults who have experienced parental alienation: A retrospective study. <i>Journal of Divorce &amp; Remarriage</i> , 53, 34-54.	Qualitative study of adults who were alienated from a parent in the past.	The adults reported experiencing externalizing problems, problems with school, and having internal psychological issues due to their parental alienation.
Harman, J. J., Bernet, W., & Harman, J. (2019). Parental alienation: The blossoming of a field of study. <i>Current Directions in Psychological Science</i> , 28, 212-217.	Review of the scientific literature and theoretical development in the field of PA.	Research in the field has moved from largely descriptive studies of PA across many countries and contexts, to greater theoretical model development and testing.
Harman, J. J., Kruk, E., & Hines, D. (2018). Parental alienating behaviors: An unacknowledged form of family violence. <i>Psychological Bulletin</i> , 144, 1275-1299.	Systematic review of the scientific literature on parental alienation and the behaviors that cause it.	Parental alienating behaviors that have been documented in the scientific literature meet criteria for definitions of family violence: both intimate partner violence (IPV) and child abuse.
Harman, J. J., & Matthewson, M. (2020). Parental alienating behaviors. In D. Lorandos and W. Bernet (Eds.), <i>Parental Alienation- Science and Law</i> , pp. 82-141. Springfield, IL: C Thomas Publisher.	Review of parental alienating behaviors using the Duluth Model Power and Control Wheel as a	Parental alienating behaviors that have been documented in the scholarly literature fit clearly into power and control categories that detail coercive controlling behaviors of rent. Alienating parents are abusive parents towards and the other parent.
Harman, J. J., Leder-Elder, S., & Biringen, Z. (2019). Prevalence of adults who are the targets of parental alienating behaviors and their impact: Results from three national polls. <i>Child &amp; Youth Services Review</i> , 106, 1-13.	Three national polls in the U.S. and Canada using survey panels selected to represent the nations' demographic characteristics.	Over 22 million adults in the U.S. are the targets of parental alienating behaviors and there are no gender differences in who is likely to be an alienated parent. Over 3.8 million children in the U.S. are moderately to severely alienated from a parent, so not all children ultimately become alienated.
Lee-Matrana, S., Matthewson, M., & Dwan, C. (2020). Targeted parents surviving parental alienation: Consequences of alienation and coping strategies. <i>Journal of Child &amp; Family Studies</i> , 29, 2268-2280.	Interviews conducted with alienated parents about their experiences and coping strategies.	23% of the alienated parents had attempted suicide, and they were social isolated, suffered across financial, emotional and psychological domains, such as being depressed, anxious, having PTSD symptoms, and adjustment disorders.
Lorandos, D. & Bernet, W. (2020). Parental alienation: Science & Law. Springfield, IL: Charles C Thomas, LTD.	A comprehensive book of the empirical literature and U.S. legal cases to date on PA.	Extensive descriptions of the scientific literature on PA and its causes, assessment, and treatment. Full review of U.S. appellate level cases where PA was found to have occurred.
Lorandos, D. (2020). Parental alienation in U.S. courts, 1985-2018. <i>Family Court Review</i> , 58, 322-339.	Thirty four years of legal cases reviewed and summarized.	PA was found to be material, probative, relevant, and admissible in court cases across all 50 U.S. states.
Marques, T. M., Narciso, I., & Ferreira, L. C. (2020). Empirical research on parental alienation: As descriptive literature review. <i>Children &amp; Youth Services Review</i> , 119, 1-12.	Systematic review of the scientific literature published in the English language through 2018.	The scientific literature on PA has expanded considerably in the last few years, with a focus on assessment tools and the impact of parental alienation not just on children, but on all parties involved.
Poustie, C., Matthewson, M., & Balmer, S. (2018). The forgotten parent: The targeted parent's perspective of parental alienation. <i>Journal of Family Issues</i> , 39, 3298-3323.	Over 100 alienated parents provided details about their experience being alienated from their child by the child's other parent.	Alienated parents describing having poor mental health and suffering substantial financial and psychological costs. The alienating parent's behaviors were characterized as severe family violence.
Warshak, R. A. (2019). When evaluators get it wrong: False positive IDs and parental alienation. <i>Psychology, Public Policy &amp; Law</i> , 26, 54-68.	Review of common mistakes that evaluators make when assessing parental alienation.	Evaluators often mistake estrangement for PA and fail to apply recent scientific advances in assessment and treatment decisions.

The Parental Alienation Study Group (PASG) is a large organization of international scholars, practitioners, and civil society members devoted to developing and promoting research on parental alienation. The National Parents Organization (NPO) is a large organization of advocates for the promotion of shared parenting and family court reform with chapters across the U.S. The International Council on Shared Parenting (ICSP) is a council representing scientists, mental health professionals, and civil society members devoted to the dissemination of scientific knowledge about the needs and rights of children whose parents live apart and formulate recommendations about the implementation of shared parenting initiatives. Parental Alienation Syndrome International (PASI) is a large non-profit dedicated to addressing parental alienation, custodial interference, coercive control, and hostile and aggressive parenting. VictimToHero.com is a platform that provides resources and support for alienated parents and raises public awareness on parental alienation.