

A Roadmap for Winning Parental Alienation Cases

Alan D. Blotcky, PhD and William Bernet, MD

A 9-year-old girl wrote a friendly message to her father: “There is only one person in the world to be my Daddy and that is YOU. Love you loads.” Tragically, a few months later the same girl drew a picture of herself holding a bloody sword and then a picture of her father, decapitated, with the message, “You. Head unattached!”

What is happening here? Is there a rational explanation for this child’s dramatic change in her feelings? Yes, there is. This girl with murderous fantasies had become severely alienated from her father, who had done nothing to deserve his daughter’s rage.

[Parental alienation is a pathological phenomenon](#) that is widely recognized among mental health professionals. Alienation is created through a purposeful and intentional process in which one parent (offending parent) undermines and sabotages the child’s relationship with the other parent (targeted parent). The offending parent engages in a [variety of tactics and maneuvers over time that poison and distort the child’s thinking about the other parent](#). The goal is for the child to reject the targeted parent. If successful, the child develops a mental condition called parental alienation, which can be mild, moderate, or severe in intensity.

Thus, parental alienation typically involves an offending parent, the alienated child, and the targeted parent. Attorneys are frequently retained in these cases: the offending parent has an attorney, the targeted parent has an attorney, and the alienated child may have a guardian ad litem.

The attorney for the offending parent is in a unique position to win the case depending upon which tactic is taken and which ethical decision is made. Ideally, the attorney will confront the offending parent and make it clear that all alienating behavior must stop immediately. The offending parent must be involved in individual therapy with the defined goal of stopping the alienating behavior. The parent must understand that his or her behavior is harmful to the child, so much so that some instances are considered child abuse. The parent must understand that the research is clear-cut: [a child’s long-term adjustment depends upon a close relationship with each parent](#). Marginalizing or negating one parent is unacceptable. The attorney should assert that children need both parents in their lives. If the offending parent refuses to stop his or her alienating behavior, the attorney has an ethical obligation to figure out ways to exert more pressure on the parent to relent. Turning a blind eye by the attorney only serves to condone and perpetuate the offending parent’s destructive behavior.

The attorney for the alienated child—the guardian ad litem—has a key role to play as well. The attorney must make a concerted effort to understand the child’s rejection of the targeted parent. If there is a truly legitimate reason for the rejection (e.g., substance abuse or verbal abuse), it is

considered estrangement and not alienation. Estrangement is an entirely different phenomenon that can be easily fixed with the parent's help. The biggest mistake a guardian ad litem can make is to simply take the child's concerns or complaints at face value. An alienated child will always say profoundly negative things about the targeted parent. In fact, if the child's comments are wholly negative, that is a red flag for alienation. Moreover, a lack of guilt or ambivalence by the child is pathognomonic of alienation by the offending parent.

The guardian ad litem must focus on correcting the child's alienation by doing the following: (1) setting the record straight with the child about the false and poisonous information that has been promulgated by the offending parent; (2) referring the child to a therapist who will deal with the alienation; (3) having the goal of reunification with the targeted parent at the appropriate time; and (4) communicating their understanding and opinions with the parents' attorneys and the court.

The attorney for the rejected parent is in a critical position and must do the following: (1) bolster the parent's ego and defeated feelings by being supportive, empathetic, and proactive; (2) ask the parent to put together as many documents, pictures, recordings, text messages, and emails as possible to demonstrate the offending parent's alienating behavior over time; (3) make sure the targeted parent is involved in therapy to help address the emotional aspects of rejection; and (4) encourage the parent not to act out defiantly but to remain calm and composed.

Corrective steps can be taken by each attorney involved in a parental alienation case. Some of those steps have been described here. These steps should be considered winning moves by the attorneys. Indeed, all three attorneys should be happy if the child is no longer alienated, the offending parent has stopped his or her alienating behavior, and both parents have a healthy and close relationship with the child.

Zealous representation of a client takes on a completely different meaning in parental alienation cases. Winning should be viewed differently as well. Making smart, insightful moves that will correct parental alienation is the winning strategy in these cases.

There is a large body of literature regarding parental alienation intended for mental health and legal professionals. Two comprehensive books specifically intended for attorneys are: [*Parental Alienation – Science and Law* by Demosthenes Lorandos and William Bernet](#) and [*Litigating Parental Alienation: Evaluating and Presenting an Effective Case in Court* by Ashish S. Joshi](#).

Alan D. Blotcky, PhD, is a clinical and forensic psychologist in private practice in Birmingham, Alabama. He is also Clinical Associate Professor, Department of Psychology, University of Alabama at Birmingham.

William Bernet, MD, is Professor Emeritus, Department of Psychiatry, Vanderbilt University School of Medicine, Nashville, Tennessee.

