



STANLEY S. CLAWAR & BRYNNE V. RIVLIN

Children HELD HOSTAGE

SECOND EDITION

Identifying Brainwashed Children,
Presenting a Case, and
Crafting Solutions



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Dedication

To the children who have dwelled in the House of Broken Dreams:

We have been your students and now hope that we may help others avoid your pain. As you go forward into your own lives, may you be free to love and to forgive those who may have desired otherwise.

Dedicated to my children Eric and Darin Penneys, and with love and appreciation to my mother, Gertrude S. Rivlin, and to my sister, Dru.

—BVR

To my children, Debra Lin and Deena Suzanne, who have taught me much about the inner lives of the young. Also, to the loving memory of my mother, Sarah Pearl Clawar, and my father, Murrae Clawar, who provided the love, guidance, and support upon which all children thrive.

—SSC

With great appreciation for our student, and now our colleague, Professor Joanne Sarah Campbell; her dedication to research, editing and creative challenges has helped us greatly to bring this new edition to fruition.

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About the Authors

Dr. Stanley S. Clawar is a Professor at Rosemont College, Chair of the Clinical Sociology/Sociological Practice, Forensic Sociology/Criminology, and Deaf Studies programs. Dr. Clawar is Director of Walden Counseling and Therapy Center in Bryn Mawr, PA. He is a Certified Clinical Sociologist, Diplomate Sex Therapist, Sex Educator, and Family Mediator.

Dr. Clawar is the author of dozens of popular and scholarly articles that have appeared in numerous journals. The American Bar Association has published many of his articles over the years.

Dr. Clawar has been the recipient of many awards, including the National Endowment for the Humanities Award for College Teachers. He has served as Scholar-in-Residence for the United Jewish Appeal. He has appeared regularly on radio and television shows and gives lectures throughout the U.S. He gives presentations to local, state, and national bar associations. He has served as an educational and clinical consultant to hospitals and state agencies and has served as consultant to various industries. Dr. Clawar has served as an evaluator, witness, therapist, mediator, friend of the court, and consultant on approximately 2,500 cases involving domestic-relations issues. Children are sent to his clinic from around the country for help.

Brynne Valerie Rivlin is a licensed clinical social worker practicing individual, child, and family therapy at Walden Counseling and Therapy Center in Bryn Mawr, PA, where she is Co-Director of Clinical Programs. She has worked extensively over the past thirty years within the areas of separation, divorce, single parenting, reconciliation, and remarriage. Additionally, she has consulted on and performed over 1,700 custody evaluations, consultations, and clinical

interventions and has provided testimony both in and out of state. She has been a Senior Family Conciliator for the Superior Court of Los Angeles.

Ms. Rivlin has presented research for bar associations and professional organizations at seminars and workshops across the country on a variety of topics. She has appeared frequently on television talk shows, discussing various topics concerning the family, and has also authored popular and professional articles and tapes. Ms. Rivlin often provides book reviews for the American Association for the Advancement of Sciences. Her research and clinical work with custody reconciliation has helped develop new models of intervention.

Foreword

The Continued Need for the Study of Programming and Brainwashing of Children

By Lynne Z. Gold-Bikin, Esq.

When I wrote the first introduction to this wonderful book over twenty years ago, I discussed the need for a heightened awareness of what parents do to children both overtly and covertly before, during, and after a divorce.

The first major study on this issue was done by Stan Clawar and Brynne Rivlin in 1991 and published by the American Bar Association. Although there had been prior discussions by Gardner in his famous but limited study in which he claimed a parental alienation syndrome, it was clear that his study of six cases did not prove anything and, further, that there was no “syndrome.” Unfortunately, he was right that such a thing existed, and it was Clawar and Rivlin who, through a study of over 700 families, brought forth the facts.

This groundbreaking study brought to the forefront for those in our field that, indeed, children can and were being used by parents in the divorce battle. A custody “fight” is the most difficult part of any marital breakup. Watching parents pull their children apart like Turkish taffy is also the most stressful part of any family law practice.

The results of the negative actions of the parents toward their children show up in the court proceedings where the children either testify or are questioned by the court or marital health professional.

Whether or not they can tell accurately what is happening in their family is a major point of this new, updated book.

While the study in 1991 was 700 families, today this new and expanded treatise involves over 1,000 families. And what have we learned in these last twenty years?

The major issue in confronting this problem of programmed and brainwashed children has been identification of a child alienated by one parent against the other; proving it in court; and then finding a solution that not only works, but that a court will buy into.

This new, expanded work adds these components in detail helpful to the practitioner. As practitioners, we must first identify the issue. Where our client is the one who is being denied access to his or her child, the problem is more difficult. We must not only convince ourselves that it occurs through the appropriate interview of both the parent and maybe the child, but also convince the other side and the court that what is occurring is not in the child's best interest. If we are the one who has the so-called "programming" parent, we must determine whether it is our job to act in the best interest of the child, or whether we should just represent our client.

The second major issue for us is presentation to the court or trier of fact. What experts are available for use? How do we prove that the parent has always been a good role model for the child until such time as the divorce was on the horizon? What experts are out there who really know what they are doing? This treatise gives you the points for review before you hire someone. Is there any way to convince opposing counsel to cooperate in getting help for this child? In the long run, it is not good for children to be denied access to both parents. It is most important, then, to convince our clients that this behavior is not in the best interest of the child. *Children Held Hostage* is the place to look for tips on how to do this.

Most important, of course, is how to present the case to the court if nothing else works. For too long, the courts have not understood the problem or even a potential solution. Sending a child for what they are calling "reconciliation therapy" for an hour a week is never going to work if the child is then returned to the programmer for

the other 167 hours in that week. What is the likelihood that such therapy would be successful?

As the years have gone by, various states have begun crafting statutes for factors to be considered in custody determinations. The one that applies to this issue is which parent is more likely to provide access to the other? How important is the child's interest and at what age does it become critical? This updated treatise with its continuing studies of families and its new suggestions on how to undo the dangers to the innocent child alienated from one of the parents is a necessary addition to any custody lawyer's library.

Legal and Forensic Perspectives

- Courts in recent years often refer cases to the highest level, stating that the phenomenon of child custody is not covered by general family law principles.
- Increasing number of child psychologists and mental health experts are appearing in court to assist in resolving the programming and behavior change process from child abuse, neglect, or trauma, and its impact.
- Child abuse and neglect experts have become more numerous and complex, with increased scrutiny of parent social alienation or programming and brainwashing. Some cases are well grounded in science and others are not.
- Many courts have acknowledged that the programming of programming and brainwashing exists, and that it impacts negatively on children, as well as the family structure as a whole. Judges traditionally hold the view that children separate from a parent should gradually reconnect. Many states have memorialized this

1. In *Rebecca's Case*, the court stated that the child's best interests lie with the mother.

Preface

Since the publication of the first edition, many things have transpired in the forensic field related to what parents and children encounter with regard to programming and brainwashing. Some of these findings, events, and issues (not necessarily in order of importance) are:

Legal and Forensic Responses

- Forensic experts have offered information (some to the highest bidder) claiming that this phenomenon is either present or not present in general terms or in particular cases.
- Increasing number of ethical professional and unethical experts have appeared in court to testify concerning the programming and brainwashing process (referred to as alienation by some experts) and its impact.
- Legal cases and judicial decisions have become more numerous and complicated, with increased accusations of parent social alienation or programming and brainwashing. Some cases are well grounded in clinical and scientific data; some are not.
- More courts have acknowledged that the phenomenon of programming and brainwashing exists, and that it impacts negatively on children, as well as the family structure as a whole. Judges traditionally held the view that children separated from a parent should gradually reconnect.¹ Many states have memorialized this

1. See *Parental Alienation Court Rulings in the U.S. and Other Countries* list in the appendix.

idea in their laws, which basically hold that parents who interfere with a parent-child relationship are less worthy of legal and physical custody.

- An increasing number of judges have been willing to reconsider their previous position on what we have termed the “phase-in theory”; this refers to the concept of gradual reunification for children who have been “mentally kidnapped.” Our previous and current research demonstrates that in most cases, children can resume significant contact with an estranged parent with minimal or no ill-effects; there is generally no need to phase-in, if the parent-child separation has been due to programming and brainwashing.
- Some debate prevails that programming and brainwashing can only exist or develop if physical control and separation of the child and target parent were present. Others argue that it can be accomplished with ease by other social-psychological means. Our research clearly continues to demonstrate the latter, although physical segregation (isolation) accelerates the process.
- Many books and articles have proliferated with ideas and stories about programming and brainwashing; most are anecdotal or consist of relatively small samples. Some even espouse that the phenomenon does not exist at all, or if it does, that it is caused by what we called the “target parent.” In effect, this reverses the roles of the victim and the perpetrator.² Our research does not confirm this position.
- Lawyers have become more adept in understanding the social science research and mental health practice issues related to the phenomenon of parental estrangement.
- Some courts have responded to our idea that extreme forms of programming and brainwashing are a form of child abuse, or at least, cause extreme duress for children and the target parent (family).

2. Kelly, J. B., & Johnston, J. R. “The alienated child: A reformulation of parental alienation syndrome.” *Family Court Review*, 39(3) (2001): 249-266.

- We have developed guidelines for judges, guardians, and therapists to increase their understanding, monitoring, and intervention efforts.
- We have identified the types of resistance to judicial intervention, as well as some approaches for judges, which, hopefully, may facilitate increased compliance with their adjudications.
- Attorneys have used the book as an educational tool for clients and case comparisons.
- Lawyers are still seeking better ways to draft orders for higher rates of parental compliance related to this issue.
- Most forensic custody evaluations, reports, and memos consider parental “estrangement” in their presentation.

Professional Developments

- Many therapists, counselors, parenting coordinators, guardians ad litem, and forensic experts have employed the first edition as a diagnostic guide and interventional tool for their clients. Its typological approach facilitated placing behavior in discrete categories.
- There is a proliferation of research, articles, books, journals, professional magazines, and seminars/workshops that discuss this topic and offer techniques to evaluate this phenomenon.
- There have been inquiries about *Children Held Hostage* from all regions of the United States, as well as many foreign countries over the years.
- Great interest is developing in treatment and intervention techniques. Prevention, amelioration, and the redevelopment of healthy relationships between parents and children is of major concern to legal and forensic professionals (often called “reconciliation” or “reunification”). Some of our own clinical time has been spent in attempting reunification of children with parents and children who have been the victims of this serious form of

social estrangement. We are now organizing these findings into more coherent methodologies.

- Commentary has appeared concerning treatment modalities; however, there is no fundamental consensus. Some, like Gardner, have suggested extreme punishment, including incarcerating children who are resistant to visitation or contact, and/or for children who perform other hostile behaviors. However, this penalizes the victim.³
- Across the country parents have been searching for professional settings where they can bring their children for parent-child reconciliation and information related to rebuilding family bonds.
- Parents who have permanently lost their children either socially, psychologically, or physically are seeking counseling and therapeutic assistance in order to cope with this crisis. Many of these target parents present with symptoms of post-traumatic stress disorder (PTSD) due to the domestic stressors related to possible or actual child loss.
- There is a proliferation of websites for parents to share their experiences.
- In regard to intervening on behalf of abducted children, international efforts are in place for locating and retrieving children who have been removed from a jurisdiction. The International Centre for Missing and Exploited Children and Child Protective Services are two such organizations devoted to this endeavor. Kidnapping is often the final act by parents who are on a mission to separate a child from the target parent.
- Some target parents report experiencing the same phenomenon in more than one family context, such as in second or third marriages.

3. Gardner, Richard A. *Therapeutic Interventions for Children with Parental Alienation Syndrome*. Cresskill, NJ: Creative Therapeutics Inc., 2001.

- Attorneys have gotten better at attempting client management when their client is the perpetrator of parental estrangement.

New Findings

- We have developed new insights into gender differences, related to the motives and processes of programming and brainwashing. From our recent findings, there has been some increase in the number of males who perform this behavior than observed in our earlier research. We have added new information and insights on male perpetrators. (See *The Male Factor*, Chapter 8.)
- While the gender gap has narrowed slightly, we and others note that women continue to outnumber men in performing these behaviors.
- Although a separate issue, this follow-up study furthers the understanding of the long-term impact of these behaviors. We continue to articulate these findings in this edition. (See *Impact and Influence Factors*, Chapter 5.)
- We have added 300 new cases to our original sample of 700, for a total of 1000 cases.
- Our research continues to confirm that, even when under court order, traditional therapies are of little, if any, benefit in regard to treating this form of child abuse.⁴
- We are beginning to hypothesize and document that many mental health and social problems of older children of divorce may be related to programming and brainwashing during earlier periods of their social development.
- We continue to find that this form of social-psychological child abuse is likely to be as damaging as physical abuse.

4. Gould, Jonathan W.; Gould-Saltman, Dianna; Greenberg, Lyn R.; Stahl, Philip M. "Is the Child's Therapist Part of the Problem? What Judges, Attorneys, And Mental Health Professionals Need to Know About Court-related Treatment for Children." *Family Law Quarterly*, Vol. 37, No. 2 (Summer 2003): 241-271.

- We have developed a social-psychological profile of programmers and brainwashers to assist evaluation and prediction. (See Chapter 9, The M.O. Factor.)
- We have argued for the importance of developing careful social histories, as well as offered ideas on how this initial evaluative step can interface with detailed diagnostic and intervention methods.
- We have identified and listed the most commonly asked questions over the past twenty-two years by judges, target parents, lawyers, and children.
- We have expanded our social explanations of the causes, impact, and interventions beyond those appearing in the first edition.
- We have elaborated upon and redefined the definitional issues in Chapter 1. The phenomenon goes by many names, but all are basically referring to parents who intentionally or unintentionally act in a way that:
 - Defames, damages, or interferes with a child's ability to love, model, or be with the target parent.
 - This ultimately damages the relationship with the target parent.
 - Is not readily amenable to change.
 - Views the child in proprietary terms.
- We have developed an abductor profile vis-à-vis their relationship to factors in the programming and brainwashing process.
- We found that early intervention on the part of parents, the judicial system, counselors, guardians, parenting coordinators, conciliators, and others is a crucial element in protecting the child(ren). It enhances the probability of reunification.
- We have added charts to help visualize some of the key findings and processes.
- We have been impressed by the continued desire of legal and forensic professionals for more and better information that translates into case solutions.

Problems Remaining

- Abduction is a final step in the process of parental estrangement/alienation for the more extreme cases. Underground networks have developed that transform the identities of children and parents, making it harder to trace them once a parent decides to captivate a child completely. These outcomes often occur as a last resort when a parent fails to sever the target-parent-and-child contact or bonds, or the court order awards (more) custody to the target parent.
- Litigation and legalistic threats against “experts” trying to inform the courts suggest a need for better protection of court-appointed and court-related experts, advocates, parenting coordinators, mediators, and related professionals.
- Some judges, conciliators, advocates, and mental health professionals are seeking effective interventions, but have regularly been frustrated by the intransigence of the perpetrators of this process. Furthermore, these professionals are seeking better interventions for reconciliation between older children and their parent(s). Often by adolescence a child feels socially, emotionally, and physically “strong” enough to resist the efforts of a birth parent or the courts to rebuild a relationship. Even at this point we have found that many relationships are salvageable and the idea that nothing can be done for children who are older is often a false or ungrounded assumption, but still supported by many professionals who do not understand how to reverse the estrangement process. Determining the “point of no return” is still problematic and should not readily assumed to be “a given.”
- The terms *programming* and *brainwashing* are still difficult for some in the legal and professional communities to grasp in regard to the ideas and techniques employed to damage a child’s relationship with one or both parents. Induced distortion, coercive thinking, mental manipulations, disordered attachment, parental estrangement, and other terms (for the same process and results) seem easier for some to comprehend and accept. Lawyers,

therapists, and guardians ad litem are finding a need to develop a varied lexicon in order to explain the phenomenon and its impact, as well as to gain its acceptance. Many still associate the terminology only within the context of political prisoners.

- Some children (about 7 percent of our sample) have been victimized by extreme proprietary parental control during the pre-divorce years. These separation/divorce/programming-and-brainwashing cases are usually an acceleration of past marital grievances and behaviors, and will require further careful study. In other words, a proprietary view of children existed in the marriage itself. Therefore, divorce was not the catalyst; it simply accelerated an already existing phenomenon.
- Many forensic evaluators remain inadequately trained to diagnose the phenomenon and articulate exact behavioral modifications. Forensic evaluators and therapists continue to need new treatment plans to perform socially innovative and effective interventions.
- Because the issue of programming and brainwashing continues to be inadequately discussed on the basis of social theory, large samples, or clear typologies, we hope this new edition continues to meet some of these analytical, research, and application needs.
- Better coordination between forensic experts, attorneys, guardians, judges, and others needs to be developed to better serve the children. Case delays due to different professionals involved in a complicated process continue to be a compounding factor. Evaluations that take six months to a year, heavily loaded court dockets, continuances, and other factors all make for "justice delays" leading to justice denied. There is often manipulation by a programming-and-brainwashing parent; many have said to us, "Time is on my side."