

Superior Court of Justice

(Name of Court)

Court File Number

FS-12-76705-01

at **7755 Hurontario Street, Brampton, Ontario L6W 4T6**
(Court office address)

**Applicant's Statement of Law
Re What is Parental Alienation**

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

C.B.
c/o counsel

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Brian Ludmer
LudmerLaw
517 Brookdale Avenue
Toronto, ON M5M 1R8
Tel: (416) 781-0334
Fax: (416) 785-7851
brian@ludmerlaw.com

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

A.B.
c/o counsel

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Robert A. Fernandes
Miculinic Lawyers
755 Queensway East, Suite 110
Mississauga, ON L4Y 4C5
Tel: (905) 270-3995
Fax: (905) 270-3992
robert@miculiniclawyers.com

APPLICANT'S STATEMENT OF LAW
(Re What is Parental Alienation)

The Definition of Parental Alienation is as follows according to an expert recognized in a Manitoba case:

1. Early in his testimony before the court Dr. Stambrook was asked to offer his definition of "parental alienation", and he provided the following response:¹

It is a descriptive term that refers to a process. It is not a diagnostic label. It doesn't appear in any nomenclature about mental health disorders. It is a descriptive term that refers to a process where there is a systematic devaluation, minimization, discreditation of the role of, typically, the other parent in a parental dyad. One parent systematically, through a variety of physical, emotional, verbal, contextual, relational set of maneuvers systematically reduces the value, love, commitment, relationship, involvement of the other parent by minimizing, criticizing, devaluing that parent's role. It can involve children having their sense of history being "re-written" by a parent's redefinition of history, reframing things, repetitively talking about things. It can involve sometimes very subtle and sometimes not so subtle suasion, coercion, direction, misrepresentation and so on.

It is an abusive practice. It is child abuse when it occurs. It's emotionally abusive. It cripples and stunts children's development because the reality they knew at one point is undermined by this process. It is dangerous for the development because in ideal situation, children should feel free to love and interact with the adults who are important in their lives, unencumbered by twisted turns of relational loyalties that are unfortunately misplaced in this situation.

So parental alienation is a process, an interactional process where systematically one parent's role in, for the children is eroded over the course of time.

2. A finding of parental alienation therefore is a legal/factual determination that does not require expert evidence.²

¹ **L.M.A.M. v. C.P.M.**, 2011 MBQB 46 (CanLII) at paragraph 98; **L.M.A.M. v. C.P.M.**, 2012 MBQB 311 (CanLII) at paragraph 62; This definition was adopted in **Bors v. Beleuta**, 2019 ONSC 7029 at para. 119.

² **Malhotra v. Henhoeffter**, 2018 ONSC 6472, **A.M. v. C.H.**, 2019 ONCA 764