

Unregulated court experts and the pseudoscience of 'parental alienation'

During the COVID-19 pandemic and the lockdowns that it entailed, millions of people – predominantly women and children – faced the threat of domestic abuse. Those wanting to leave abusive partners can face drawn-out family court battles over child arrangements. While it may seem obvious to place a child with a non-abusive parent, accusations of abuse are increasingly met with counter allegations of 'parental alienation', an argument whereby one parent claims that another is making false abuse claims, or is otherwise manipulating the child's views out of hostility towards their ex-partner.

This belief system – for which there is no agreed definition, and which was not peer reviewed at its inception – has come under growing international scrutiny, with several countries and international bodies now refusing to recognise it due to the risk it represents of placing children with an abusive parent. Nonetheless, it remains a common argument in family courts around the world, including England and Wales.

In family courts, self-declared 'experts' in parental alienation are often invited to give evidence. Often, these 'experts' hold little or no formal qualifications, and may have a vested financial interest in 'diagnosing' alienation in a child which they then offer to 'treat' (at a cost). A full inquiry is needed into the prevalence of unregulated 'expert' witnesses in English and Welsh courts, alongside more regulation and accreditation standards for those invited to give specialist testimony.

In summary

- It is estimated that allegations of parental alienation are made in nearly 70% of family court cases in England and Wales.
- The concept has little-to-no evidence to support it, but is nonetheless often accepted.
- Though both mothers and fathers may suffer abuse at the hands of their partners, use of the parental alienation argument in court cases is intrinsically gendered, as most allegations of parental alienation are made against mothers and women are less likely to be believed by the judicial system.
- This is despite the fact that false allegations of domestic abuse are extremely rare, according to the [Crown Prosecution Service](#).
- Accepting parental alienation in courts poses a critical risk to children, who may be placed, or otherwise compelled to have contact, with an abusive parent.
- It also puts survivors of domestic abuse at risk of further mental and physical harm, as they are legally required to co-parent with their abuser.
- Parental alienation is championed by self-declared 'expert' witnesses, who often lack formal qualifications, and have a vested financial interest in 'diagnosing' alienation

In detail

What is ‘parental alienation’?

Parental alienation is an unscientific belief system. It advocates an argument whereby one parent claims that another is making false abuse claims or is otherwise manipulating the child's views and seeking to remove or limit contact with their child for no valid reason. The parent making the claims of abuse is often swiftly counter-accused as a liar and as an ‘alienator’. It is [broadly rejected by the scientific community](#), having no robust evidence, with many studies being methodologically weak, non-random, not generalisable and based on unreliable applications of the label.

The belief system of PA was developed by the [now widely-discredited](#) Dr Richard Gardner. Gardner's work was largely self-published and received no peer review, and there remains [no agreed definition](#) of alienating behaviours, even among advocates of the concept. More recent developments of the theory have been further heavily criticised, as there is a [dearth of reliable evidence](#) on the concept, the prevalence of allegations of PA, effects, and measures for intervention.

Internationally, PA is not a universally accepted argument. The World Health Organization [removed it](#) from the International Classification of Diseases in 2020, while the European Association for Psychotherapy determined the concept to be “[unsuitable for use](#)”.

How does parental alienation impact court proceedings?

A [recent survey](#) of over 4,000 court users in England and Wales found that domestic abuse allegations were raised in 85% of parents' cases, **with allegations of PA made in nearly 70% of cases**. Allegations of PA were five times more likely to be made in a case of alleged domestic abuse.

The [Ministry of Justice Harm Report](#) found that there is a ‘pro-contact culture’ within family courts, resulting in a lack of understanding of the different forms that domestic abuse takes.

It concluded allegations of PA were used systematically to silence and diminish abuse allegations. Some survivors even reported being advised by professionals, including their own lawyers, not to raise domestic abuse because the courts would take a negative view of this, and that it may be used against them as evidence of PA.

One mother said; *“I am the one who faces false allegations of parental alienation and brainwashing... the professionals don't know how to identify a real victim and are easily manipulated by the perpetrator”*.

In such circumstances, the parent accused of PA often has no other option than to withdraw their allegations of domestic abuse, to demonstrate that they do not harbour negativity towards the other parent, regardless of previous patterns of abuse.

Children are viewed as incapable of knowing their own feelings and as incapable of holding adults who abuse them as accountable in any way. **This is a damaging belief system, as it renders children voiceless.** It is contradictory to the legislation that underpins child arrangements proceedings in England and Wales, the [Children Act 1989](#), which professes that: *'the child's welfare shall be the court's paramount consideration'*, and Article 12 of The [United Nations Convention on the Rights of the Child \(UNCRC\)](#) (ratified by the UK in 1991) *'States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child'*, as it is questionable whether the paramountcy of a child's welfare can be upheld if they are voiceless regarding their own views on their welfare.

A [large study](#) in the US concluded that 'alienation trumps abuse' in court proceedings and that **allegations of PA double the risk of a child being removed completely from a protective mother and placed permanently with an abusive father.**

Ongoing research, including at The University of Manchester, shows that **PA remains a common trump card to diminish or silence abuse claims in courts around the world**, including [Brazil](#), [Canada](#), [Australia](#), and [England](#). This partially due to gendered biases. Women are disproportionately more likely to be [victims of abuse](#), and mothers more likely to be [disbelieved](#) than fathers – even when evidence of abuse is [presented to the courts](#).

In Catalonia, Scotland, and Italy, PA is [no longer valid in courts](#), following a series of high profile cases where children were placed in sole residency with an abusive father, and in March 2022, the UN Commission on the Status of Women [denounced the use](#) of the “pseudo-scientific” theory in legal proceedings.

Who are the 'experts' advocating the concept – and what do they gain?

The [lack of evidence](#) for parental alienation has not discouraged a [cottage industry](#) of 'alienation experts' from capitalising on the use of the argument in family courts. **These individuals are treated as objective, rather than as having a vested financial interest in the propagation of the belief system.** As the belief system has received more attention and international condemnation, its proponents have altered their language, now referring to ['psychological splitting'](#) and [“implacable hostility”](#).

These 'experts' are appointed by the court when an accusation of alienation is made. What the parents are unaware of is that this will lead to extremely costly [assessments and 'treatments'](#) for PA. [Both parents](#) will often be expected to pay for this, or – in the UK – the taxpayer, through the child's legal funding. **PA 'assessments' [can cost upwards of £6,000](#)**. During these processes, children are coerced into saying that the 'treatment' has worked, and they are now reunified with the parent they had supposedly rejected.

In reality, children who have undergone PA 'treatment' say it not only makes them [more resentful of the 'rejected' parent](#), but it also completely ruins their relationship and any future chance of reconciliation.

As they lack a credible evidence base for their claims, PA 'experts' are often prolific self-publishers of anecdotal information. For those without a clinical or scientific background, it can be difficult to differentiate between 'good' and 'bad' evidence, with unqualified 'experts' given the same – or more – weight as a regulated, qualified professional.

Conclusion and recommendations

Children have varied and mixed feelings and views about post-separation contact, but [studies](#) reveal that the priority for nearly all children is safety, for themselves and the rest of their families. The widespread use of the PA argument means that allegations of domestic abuse – by both parents and children – are in danger of being ignored. **More than that, the survivors are being framed as abusers, and vice versa, leaving vulnerable children at risk when child residency is given to a parent who will go on to abuse them.**

Given the prevalence of PA in family courts, and the danger this poses to survivors of domestic abuse – adults and children – **we must question why courts frequently accept evidence from 'experts' who lack formal qualifications, and have a clear financial interest in finding 'evidence' of PA.**

There is clearly an urgent need for an inquiry into the role of expert testimony in English and Welsh family courts. **We must know how frequently they are called to give evidence, the extent to which their testimony affects the final judgement, and what is needed in terms of accreditation to meet the criteria of 'expert' witness.**

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Dr Adrienne Barnett

[Adrienne Barnett](#) is a Reader in Law at Brunel University London who practised as a family law barrister for over 25 years. Her specialist area of research for the past 25 years has been domestic abuse and the family courts and, more recently, parental alienation.

Natalie Page

[Natalie Page](#) is the founder of [Paramily](#) paralegal services, [#thecourtsaid](#), a campaign to challenge the mishandling of domestic abuse within the family courts. In 2021, she was awarded the Centre for Women's Justice and Emma Humphreys Memorial Prize for her work preventing violence against women and children. She has founded a not-for-profit called [Survivor Family Network](#), focused on furthering the rights of mothers and children in family court.

Professor Arpana Verma

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Further reading on work from Arpana Verma can be found [here](#).