Parental alienation and domestic violence: A feminist critical discourse analysis of key informants' accounts in family court, child protection and domestic violence services in Ontario

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ABSTRACT

This major research paper, which is a part of a broader research project led by Professor Simon Lapierre, investigates how professionals affiliated with family court, child protection services and domestic violence services in Ontario mobilise the concept of parental alienation, and what the implications are for women and children who have experienced domestic violence. In order to do this, individual interviews were conducted with 18 key informants affiliated with the above-mentioned sectors, including lawyers, social workers, judges, and researchers. Data analysis was performed using Feminist Critical Discourse Analysis (FCDA).

Overall, the research results show that current discourses on 'parental alienation' are still largely influenced by Richard Gardner's work on 'parental alienation syndrome', even when professionals use different words to describe these situations. Furthermore, the results demonstrate that due to a lack of specialized knowledge on domestic violence in the family court system and child protection services, women are accused of 'parental alienation' when speaking to experiences of abuse. The results also reveal that professionals in these sectors tend to dismiss children's experiences of domestic violence as well as their views and preferences on the basis that they have been 'alienated' and their experiences and views are influenced. This major research paper concludes with implications for policies and practices, and for future research in this area.

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INTRODUCTION

In family court, child protection services and domestic violence services, the concept of 'parental alienation' has seen a rise in usage over the last two decades, despite continued questions and critiques regarding its credibility (Neilson, 2018). It is said to arise in custody cases where children demonstrate an unexplained refusal to see or interact with their non-custodial parent (Meier, 2009). However, due to professionals' lack of understanding of the complexities and existence of domestic violence, both prior to separation and in a post-separation context, the application of the term 'parental alienation' has largely broadened to situations where children and mothers may have valid reasons to express concerns and hesitancies of the father, due to experiences of domestic violence.

Domestic violence, as well as the post-separation abuse, can lead mothers to express concern and fears over the safety of their child (Archer-Kuhn, 2018). Furthermore, should a child witness or experience domestic violence, they may resist contact with the abusive parent. However, should a mother come forward with accounts of abuse, the courts may assess that the concerns as being expressed to withhold parenting rights from the alleged abusive parent (Neilson, 2018; Zeoli et al., 2013). It is similar for children who reject their parent, where in this case, the courts may assess this rejection as irrational and influenced by the mother. Ultimately, the concept of parenting rights has been greatly perpetuated by the idea that in custody cases, a best-case scenario is seen as children having the greatest access to both parents (James-Hanman & Holt, 2021). Therefore, should one be seen as impeding on this access, they are deemed as problematic (James-Hanman & Holt, 2021). This has led to mothers being disproportionately deemed as

'engaging in parental alienation' (Meier, 2009; Neilson, 2018; Zeoli et al., 2013). As professionals in child protection services and in the family court system continue to claim 'parental alienation' in situations of domestic violence, mothers are directly penalized for being the 'protective parent' and criticized for having strong relationships with their children, often regarded as 'unhealthy' and 'unnatural' (Archer-Kuhn, 2018). Ultimately, due to the high rates of women survivors of domestic abuse being deemed as 'engaging in parental alienation', it is imperative to better understand the discourses that have developed and been sustained to perpetuate such a claim.

The objective of this major research paper is to investigate how professionals affiliated with family court, child protection services and domestic violence services in Ontario, mobilise the concept of 'parental alienation', and what the implications are for women and children who have experienced domestic violence? The specific objectives include: (a) To identifying the way key informants perpetuate 'parental alienation' discourses in custody and access cases and in child protection services; (b) To examine the perceived impact of 'parental alienation' claims on women and children survivors of domestic violence; and (c) To determine the ways in which key informants challenge 'parental alienation' discourses in custody and access cases and in child protection services.

This research is associated with an interdisciplinary project led by Professor Simon Lapierre, titled *Parental Alienation and Domestic Violence,* financed by the Social Sciences and Humanities Research Council (SSHRC). The project examines the discourses and practices that lead women survivors of domestic violence to be accused of 'parental alienation' in Ontario and

Québec. It is based on a mixed-method design, with data being collected through policy documents, key informants, and case studies of women survivors of domestic violence. In analyzing key informant interviews, this major research paper looks to respond to many of the research objectives of the interdisciplinary project, including analyzing professional practices, examining how these practices perpetuate, negotiate or challenge dominant discourses and to analyze ideologies operating in said discourses.

This major research paper is divided into four chapters. The first chapter provides an overview of the research issue. The second chapter presents the theoretical and methodological framework as well as the methods used and the ethical considerations. The third chapter presents the results of the analysis of interviews with key informants. Finally, the fourth chapter is a discussion critically addressing ‘parental alienation’, and its links to domestic violence.

CHAPITER 1: RESEARCH ISSUE

This chapter presents an overview of the literature on 'parental alienation' and looks at the links between 'parental alienation' and domestic violence. The first section will review the definition of the 'parental alienation syndrome' and 'parental alienation'. The second section will address the uptake in usage of the term 'parental alienation', and the following section will speak to the critiques that surround the using of the term 'parental alienation'. Finally, the fourth section will examine 'parental alienations' use in cases of domestic violence.

1. 'Parental Alienation Syndrome' and 'Parental Alienation'

As divorce became more popular and accessible, the concept of 'parental alienation' came to light following the idea that children may choose sides in custody cases (Meier, 2009). There are conflicting accounts as to when this phenomenon was first identified, with some declaring Wilhelm Reich (1949) to be the initial investigator, whereas others mention researchers Wallerstein and Kelly who first wrote about the phenomenon in 1976 and 1978 (Meier, 2009; Warshak, 2001). While Wallerstein and Kelly (1976, 1978) spoke of the unhealthy alignment of a child with one parent in a post-separation context, Reich (1949) addressed the acts of revenge a parent performs by withholding their child from the other parent (Meier, 2009; Warshak, 2001). However, it was not until 1985, that the term 'parental alienation syndrome' was officially coined by the American psychiatrist Richard Gardner (Meier, 2009).

Gardner, through the assessment of his own clinical case work in child psychiatry, concluded that child sexual abuse allegations in custody cases were often falsified, fabricated by a parent to

punish the ex-partner (Gardner, 1987). He maintained that should individuals hear of such allegations, they should remain skeptical (Gardner, 1987). Gardner (1999) defined 'parental alienation syndrome' as a disorder where "one parent… induces a program of denigration against the other parent" (1999, p. 97). Parental alienation syndrome was to be found in a context of parental separation and divorce, and subsequently in custody cases. He further used the term 'parental alienation syndrome' to describe children who criticized or rejected a parent for unjustified reasons, claiming that the child's behaviour towards the disliked parent, typically the father, was primarily due to the actions of the custodial parent, typically the mother (Gardner, 1985). In terms of solutions to situations where 'parental alienation syndrome' was present, Gardner recommended a "total cut-off" of contact from the alienating mother, therefore a change of custody from the alienating parent to the alienated parent (Bala et al, 2007; Meier, 2009). He was of the belief that, by doing such, the children would realize that they had been 'brainwashed' by their custodial parent into believing they were being abused (Meier, 2009).

In response to many of Gardner's controversial claims, many researchers have rejected the term 'parental alienation syndrome' (Meier, 2009; Zaccour, 2020). Following this rejection, certain researchers chose to start using the more generic term 'parental alienation' instead of 'parental alienation syndrome', as well as alternative terms such as "brainwashing", "loyalty conflict" or "programming", often used interchangeably (Bala et al, 2007; Gardner, 2002; Johnston & Kelly, 2001 Lapierre et al, 2020). It is important to note however, that some researchers completely reject the concept and all terms associated with it, criticizing the fundamental ideas and beliefs associated with it.

Interestingly, the rejection of 'parental alienation syndrome' for the term 'parental alienation' led Gardner himself to uphold the existence of 'parental alienation syndrome' within 'parental alienation'. Gardner (2002) stated that "parent alienation syndrome is a very specific subtype of parental alienation" thus highlighting the impossibility to disaffiliate the two concepts (p.99). Furthermore, he spoke to the way the two terms have been used interchangeably, going as far as to say:

> There are many evaluators who fully recognize that PAS exists but will still use PA in a court of law. They recognise that they have an easier time with the PA than the PAS. No one is going to deny PA. Many people will deny PAS. Accordingly, they may have an easier time getting their reports admitted into court and there will be less argument against such admission (n.d.).

In upholding the use of the term 'parental alienation', many authors consider it to exist on a continuum, from mild to moderate, and to severe (Bala et al, 2007, Gardner, 1999). A case may be considered mild if the child is still seeing the rejected parent, and more severe if they resist communication at all costs (Bala et al, 2007). Depending on the severity, there are different reunification therapies, such as camps, which can be used to rectify the 'alienation'. Such interventions and approaches can be both legal and clinical in nature. An option for severe cases of 'parental alienation' include reunification camps, which are intensive treatments where the child and nonpreferred parent are court-ordered to participate in a workshop together, often lasting 4 to 5 days, to attempt to reunify them (Mercer, 2019). This includes a cut-off of communication between the child and preferred parent (Mercer, 2019). Of other common remedial actions, it is considered that the "judicial threat of reversing custody or terminating access may be the most effective way to end emotionally abusive conduct by an alienating parent" (Bala et al, 2007, p. 113). Alternatively, some say the goal should not be solely to fix the

relationship with the rejected parent, but also to "transform the child's distorted […] views […] into more realistic and measured ones" (Johnston, 2005, p. 772).

2. The Uptake of 'Parental Alienation'

Though there exist many critiques surrounding the use of 'parental alienation', there continues to be an increase in accusations, applications and claims of 'parental alienation' in the family court system (Neilson, 2018, Sheehy and Boyd, 2020). Family justice professionals, including lawyers, judges, social workers and psychologists, as well as parents, largely fathers, have been seen utilising the term in growing numbers in custody disputes. With that being said, it has been expressed that there is a lack of "definition clarity, [and] specific diagnostic criteria" with regards to 'parental alienation' (Neilson, 2018, \\p. 350). An increase in the usage of terms such as 'loyalty conflict' and 'programming', often used in conjunction with 'parental alienation', has also been noted (Lapierre et al, 2020).

Researchers have begun to gather data assessing the usage of the term in the courts system. For instance, Sheehy and Boyd (2020) performed a Canada wide study (excluding Quebec), using Quicklaw and Westlaw databases, looking at the national trends in the usage of 'parental alienation' in family cases between January 2014 and June 2019. They found an increase of 'parental alienation' claims from 43 claims in 2014, 56 claims in 2015, 58 claims in 2016, 81 claims in 2017 and 51 claims as of June 2019. They reported incomplete data for 2018. A similar study conducted by Zaccour (2018), which focused solely on Quebec cases, found that in 2016 alone, there were 65 cases dealing with 'parental alienation' in the province. Overall, these research findings highlight the considerable increase of custody cases where 'parental alienation'

is mentioned. The numbers are considerably higher when compared to the first empirical case law study of 'parental alienation' that was performed by Bala et al. (2007), which found 40 'parental alienation' cases in Canada between 1989 to 1998 and 135 cases between 1999 and 2008.

Furthermore, researchers have determined that in cases where 'parental alienation' is claimed, mothers are more often penalized (Zaccour, 2018). Findings suggest that mothers are at a great risk of being accused of performing alienating behaviour or being determined as the alienating parent (Neilson, 2018; Sheehy & Boyd, 2020; Zaccour, 2018). As the number of claims increase, so do the accusations against mothers specifically, as Sheehy & Boyd (2020) demonstrate that "mothers were more than twice as likely to be accused of PA as fathers" (p. 82).

As the concept of 'parental alienation' has been claimed in greater numbers within the family justice system, the term has also seen an uptake in usage within the general public, largely in the media (Adams, 2006; Lapierre et al, 2020). As highlighted by Lapierre et al (2020), the growing media coverage has played an influential role in legitimizing 'parental alienation'. Through newspapers, and public broadcasting, the mainstream media has been seen to translate research into something more accessible for the general public, but often fails to account for the serious critiques of 'parental alienation' (Lapierre et al, 2020).

3. Critiques of 'Parental Alienation'

Several researchers have expressed considerable critiques with respect to 'parental alienation'. These critiques include but are not limited to, the similarities between 'parental alienation' and

‘parental alienation syndrome’, the lack of empirical testing, the failure to consider children’s best interest, and the gender biases occurring in accusations.

While some authors maintain that there are stark differences between the ‘parental alienation syndrome’ and ‘parental alienation’ (Johnston & Kelly, 2001), researchers argue that there are little to no distinction between the two terms, asserting that the so-called differences are not firmly established, and instead finding the concepts to be “more similar than different” (Meier, 2009, p. 246). Though on paper one may be able to distinguish between the two concepts, in practice, they two are often used interchangeably (Lapierre et al, 2020; Meier, 2009). In a recent study, Lapierre et al (2020), conducted interviews with key informants and conducted a document analysis in Quebec. In their findings, they demonstrated that similar definitions, and indictors to Gardner’s ‘parental alienation syndrome’ were often provided in custody and child protection cases when determining if there was ‘parental alienation’. Such was the case even when those said individuals and documents rejected the ‘syndrome’. Therefore, if the research participants and documents reject the ‘syndrome’ but continue to maintain similar practices and discourses, it may appear that using the term ‘parental alienation’ is a strategic move.

The strong opposition to ‘parental alienation’ also comes from the lack of adequate research foundation to support it. Saini et al. (2016) point out that the rapidly growing body of research documenting ‘parental alienation’ is based on observations that generate hypothesises, but do not necessarily confirm them. Therefore, this research does “not constitute empirical evidence” (Saini et al., 2016, p. 375). Furthermore, much of the writing on ‘parental alienation’ is based on “clinical opinions or personal impressions” (Saini et al, 2016, p. 375). It should be noted that this

lack of empirical data led to ‘parental alienation’s’ exclusion from the DSM-5 (Milchman et al, 2020, p. 343).

In custody and access cases where ‘parental alienation’ has been claimed, children are at risk for having their views ignored, and their voices silenced (Morrison et al, 2020). Often, in such cases, children are perceived to be vulnerable individuals who are easily influenced and manipulated by their parents (Morrison et al, 2020), and professionals may therefore ignore their accounts or avoid obtaining them altogether. Moreover, should the child’s voice be heard, they may be dismissed on the basis that if the child’s wishes are considered, the alienating parent will benefit from it (Neilson, 2018). Similarly, if the child appears unnaturally rational, emotional, or articulate in their views and the way they express themselves, their statements and views could be rejected on the basis of being influenced (Morrison et al, 2020).

With that being said, many researchers have highlighted the importance of incorporating children’s voices and opinions in custody/access cases. In this regard, Jaffe, et al (2010) state:

> Any significant intervention in the child’s life that requires counseling or clinical treatment should consider the child’s wishes. It is not an adequate answer to say that because the child is “alienated”, that her/his wishes should not be sought or ignored. […] The integrity of the child should be upheld by giving the child a voice in the process through a lawyer or a clinician (p.141).

Furthermore, the United Nations Convention on the Rights of the Child 1989, signed by Canada, states that “[…] the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceeding affecting the child […]” (Unicef, 1989, p. 4). However, when ‘parental alienation’ is claimed, children are denied their fundamental legal rights. This

denial of a voice directly supports the claim of ‘parental alienation’, as oppose to supporting the best interest and the rights of the child.

A final critique that was briefly addressed earlier, is that of gender biases in ‘parental alienation’ accusations. It has been highlighted that Gardner maintained a very gender-biased view as he first wrote about ‘parental alienation syndrome’, using multiple examples that solely defined mothers as the alienators. For example, he wrote that “a mother may complain so bitterly” and that “a mother… may continually vilify the father”, among many other examples of mothers as the alienators. And though Gardner’s views have been challenged, researchers such as Lapierre, et al (2020) have demonstrated that they still have a hold on the perception of ‘parental alienation’ today. In their study of ‘parental alienation’ in the province of Quebec, many of the examples key informants and documents gave about parental alienators repeated similar examples of the ‘alienating mother’ and the ‘rejected father’ (Lapierre et al., 2020). Moreover, Neilson (2018) showed stark differences in the way fathers and mothers have been treated when ‘parental alienation’ claims have been accepted in custody cases. Indeed, mothers who were identified as being the alienator experienced more often changes in custody orders, visitation rights and decision-making power (Neilson, 2018).

4. ‘Parental Alienation’ and Domestic Violence

In light of ‘parental alienation’ becoming more widely used in custody cases, certain researchers have stressed the importance of limiting its use, particularly in situations where domestic violence has been present (Meier, 2009; Milchman et al, 2020; Neilson, 2018).

Domestic violence against women, whether physical or non-physical, is a gendered behaviour that "is a means of coercive control used to maintain male power and domination" that cause both "physical and symbolic" harm (DeKeseredy, 2011 p. 73). Domestic violence is not confined solely to a relationship, being that it can begin, continue, and even escalate, in a post-separation context (Jaffe et al, 2013; Holt, 2017; Toews & Bermea, 2015; Zeoli et al, 2013). In situations where children are involved, abusive ex-partners can use custody and access cases to continue to control and maintain power over their former partners (Jaffe et al, 2013; Lapierre & Côté, 2016; Toews & Bermea, 2015). Examples of such include threatening to obtain or remove custody of the children shared by the female survivor of abuse and using visitation opportunities to threaten or harm the female survivor of abuse.

Unfortunately, many professionals lack the proper understanding of domestic violence, and how it can continue in a post-separation context (Lapierre & Côté, 2016). Certain researchers have upheld that this lack of domestic violence understanding has led to many women survivors of abuse to be seen as experiencing a 'high conflict separation' (Lapierre & Côté, 2016; Sheehy & Boyd, 2020; Zeoli et al., 2013). Furthermore, these women are subsequently being accused of 'parental alienation' as the courts misinterpret their raising concerns of domestic violence as being solely to make gains at the expense of the other parent (Lapierre et al, 2020; Neilson, 2018; Zaccour, 2020; Zeoli et al., 2013).

In their study, Sheehy and Boyd (2020) found that in cases where claims of 'parental alienation' and intimate partner violence were both present, the allegations of violence were most often either left unaddressed, dismissed, deemed neutralized (ex. a one-time thing) or deemed

irrelevant to the child's best interest. The authors found that it was believed to be the role of the mothers to ensure their children had positive contact and experiences with their father, even if that meant that they were to experience further abuse post-separation and that the perpetrators could continue to maintain control over them through child contact (Sheehy and Boyd, 2020;). Furthermore, research has found that should a mother make an allegation of domestic violence, abusive fathers will claim 'parental alienation' as a rebuttal (crossclaim) to said domestic violence accusations, so much so that women are sometimes being recommended not to talk about the abuse in courts to avoid being accused of alienation. (Lapierre and Côté, 2016; Zaccour, 2020). In her study, Neilson (2018) found that in 142 of 357 cases where 'parental alienation' was claimed, there were also allegations of domestic violence or child abuse. In these 142 cases, almost 80% of the 'parental alienation' claims were made by the alleged perpetrator of violence who was the father in all but three cases. The fact that the perpetrator of violence is largely the one making the accusation demonstrates the way in which 'parental alienation' can be used as a means of ex-partners continuing to control women and to deflect attention away from their behaviour. This is further supported by Zaccour (2020), who stated that "an accusation of alienation is a weapon of choice for violent fathers who want to blame the mother and direct the court's attention away from their violence" (p. 321).

That being said, through using the 'parental alienation' claim, the family court system can become a breeding ground for women to experience further abuse, reinforcing the claim by Holt (2015) that "separation is not a 'vaccine against domestic violence'" (p. 210), and instead that the current climate within family courts only further maintains the existence of abuse by retraumatizing women who have experienced domestic violence (Brown, 2008; James-Hanman

& Holt, 2021). This is further highlighted by Brown (2008) who states that with the usage of ‘parental alienation syndrome’ in the court system “the courts become an extension of the abuse mothers and children fled. The patterns of coercive control and abuse do not change, only the venue” (p. 389).

As previously mentioned, the objective of this major research paper is to respond to the following questions: how do key informants affiliated with family court, child protection services and domestic violence services in Ontario, mobilize the concept of ‘parental alienation’, and what the implications are for women and children who have experienced domestic violence? The research objectives include: (a) identifying the way key informants perpetuate or challenge the concept of ‘parental alienation’ in custody and access cases; (b) examine the perceived impact of ‘parental alienation’ claims on women and children survivors of domestic violence.

CHAPITER 2: THEORETICAL AND METHODOLOGICAL FRAMEWORK

This major research paper is part of a broader interdisciplinary study, conducted by Simon Lapierre, Professor in the School of Social Work at the University of Ottawa, and funded by the Social Sciences and Humanities Research Council (SSHRC). The project, titled *Parental Alienation and Domestic Violence,* examines the discourses and practices that lead women survivors of domestic violence to be accused of "engaging in parental alienation" through child custody or child protection proceedings in Ontario and Quebec. It is composed of four stages, beginning with a policy analysis and a caselaw analysis, followed by interviews with key informants, and case studies of women survivors of domestic violence.

The second stage of the major research project corresponds with this major research paper, which looks to identify how key informants affiliated with family court, child protection services and domestic violence services in Ontario, mobilize the concept of 'parental alienation', and what the implications are for women and children who have experienced domestic violence. In order to do so, I will use Feminist Critical Discourse Analysis (FCDA) as my theoretical and methodological framework. This chapter begins with presenting FCDA and its pertinence in this research, followed by a presentation of the methodology and research methods used.

1. Feminist Critical Discourse Analysis

I have chosen to use FCDA as the theoretical framework for this research. FCDA has the goal of criticizing "discourses which sustain a patriarchal social order" (Lazar, 2005, p.5). It was derived

through the combination of feminist studies as well as critical discourse analysis (CDA), as both have the goal of creating social change (Azzopardi, 2015).

FCDA recognizes that there are relations of power that disempower women while simultaneously upholding the privilege experienced by men as a social group. Such relations of power are sustained through the use of language and discourses, and therefore in order to change the current social arrangements, one must be cognisant of how such arrangements are encouraged through language (Lazar, 2007). FCDA does not regard 'talk' nor 'text' as neutral or objective, and it is imperative to consider that discourses are created through the merger of social and personal experiences. This is why, in FCDA, the act of critiquing discourses is seen as both a call to action, and as action itself. As there exists "taken-for-granted gendered assumptions" which are "sustained […] in different contexts and communities", the inequalities individuals experience in institutions and practices can become obscured (Lazar, 2007, p.142). Therefore, it is imperative to draw attention to the unequal dominant discourses and beliefs to effect social change.

FCDA assesses the way in which gender ideologies become 'common sense' in society, as well as in what ways they can be challenged (Lazar, 2014). In today's society, the issues of gender and power continue to become more complex, due to further intersections of identities such as age, race and sexual orientation, but also more subtle (Lazar, 2007; Azzopardi, 2015). With this critical theoretical framework in mind, one may become more capable of calling into question the generally accepted gender assumptions and power relations that function in society.

In the area of social work, FCDA is extremely relevant as it maintains an objective of social justice, a core value in the field. FCDA has been regarded as a "highly relevant and useful […], method of inquiry in social work research" (Azzopardi, 2015, p.114). In this theoretical framework, the researcher has a more 'social-advocate' type role that challenges the influence of language and its impact on the experiences of gendered oppression (Azzopardi, 2015).

In order to analyse the data, I have used Fairclough's three inter-related process of analysis (1995). This model consists of three interrelated processes of analysis: 1) text analysis; 2) processing analysis; and 3) social analysis. The text analysis involves verbal or/and visual text. It is at this stage that a researcher may attempt to 'read between the lines' to understand the deeper meaning of what one may say (through language -spoken or written). A researcher looks for what is present but also what is more hidden, or to be interpreted in the discourses used by the participants. Within this step, one must assume that language is not neutral, and consistently serves a specific function, even if it is not apparent right off the bat (Azzopardi, 2016). As Azzopardi (2016) highlights with regards to text analysis "…much can be inferred from the lexical, semantic, and grammatical choices used by the author of the text, whether consciously or unconsciously, to convey a particular point of view in a socially regulated context" (p.131).

The processing analysis incudes how an object is produced and understood by individuals. In this step, the researcher analyzes the discursive practices that link the text (in this case the verbal language) to the "social context in which it was produced and received" (Azzopardi, 2016, p. 132). It is at this stage that a link will be made between text and contexts, in what is called

intertextuality. Furthermore, the nonuniformity and hybridity of texts will be uncovered in what is called interdiscursivity.

The social analysis assesses how socio-historical conditions govern said processes. It is an explanatory analysis of the conditions and ideologies that impact how the discourse is formed – based on historical and sociocultural conditions.

2. Methodological Approach

Qualitative research is one that focuses on meaning and how individuals make sense of their surroundings and experiences (Hammarberg et al, 2016). It follows a more flexible design, which "involve[s] the systematic collection, organization, description and interpretation of textual, verbal or visual data" (Hammarberg et al, 2016, p.499). The interpretation of textual and verbal data coincides greatly with FCDA, which provides a "wide range of tools and strategies for detailed analysis of contextualized uses of language in texts and talk" (Lazar, 2007, p.144). Thus, using FCDA as a qualitative method allows for an interpretation that politically critiques such verbal and textual data.

3. Composition of Body of Research: Sampling and Recruitment

Interviews were performed with key informants selected based on their expertise on 'parental alienation' in relation to current policies and practices in any of the three domains; (1) family court proceedings; (2) child protection services; or (3) domestic violence services. Furthermore, participants had to have been practicing their profession in the province of Ontario. The initial desired sample size was 15 participants.

Participants were initially identified through relevant organisations found in the table below, with the help of research team members and the community partners of the larger research project, as well as during the document analysis stage of the research project. Upon selecting initial participants, a snowball sampling technique was used to identify subsequent participants. Using a snowball sampling technique allowed for the initial participants to nominate other potential participants to be a part of the research (Etikan et al, 2015).

Table 1: Relevant organisations

Ministry of Community and Social Services; Ministry of the Attorney General; Ontario Association of Children's Aid Societies; Ottawa Children's Aid Society; Toronto Children's Aid Society; Action ontarienne contre la violence faite aux femmes; Ontario Association of Interval and Transition Houses; Ontario Bar Association.

4. Data Collection

Each participant was invited to participate in one individual semi-structed interview. In semi-structured interviews, an interview guide is created, composed of prepared questions, that follow themes identified by the researcher as important to address (Kallio et al, 2016). As a versatile and flexible research method, it allows for the interviewer to improvise, asking follow-up questions should need be, therefore deviating slightly from the interview guide (Kallio et al, 2016).

The semi-structured interviews focused on five main theses, including (a) domestic violence, separation, and father-child contacts; (b) domestic violence and 'parental alienation'; (c) abused women 'engaging in parental alienation'; (d) current practices; (e) relevant policy documents. The interview guide consisted of open-ended questions allowing for participants to share their

thoughts and opinions freely. Interviews were between 30 and 60 minutes in length. They were conducted between 2017 and 2020 by research assistants. Interviews were held over the phone and were audio recorded. Based on language preferences, 14 interviews were performed in English and 4 were performed in French.

5. Description of the Sample

The final sample size consists of 18 participants, with 14 participants identifying as female, and 4 participants identifying as male. The participants held a variety of roles in the following sectors and services: (1) family law; (2) domestic violence and/or (3) child protection. The table below outlines each participant and their respective roles. The participants had between 6 to 25 or more years of experience in the respective field. All were practicing their professional within the province of Ontario, in cities such as Ottawa, Toronto and the Durham region.

Table 2: Participants' roles

Participant	Role
Participant 1	Family lawyer and mediator
Participant 2	Family lawyer and mediator
Participant 3	Family lawyer
Participant 4	Family lawyer
Participant 5	Family lawyer
Participant 6	Researcher
Participant 7	Researcher
Participant 8	Researcher
Participant 9	Judge
Participant 10	Social worker in private practice
Participant 11	Social worker from Children's Aid Society
Participant 12	Representative from a men's organization
Participant 13	Representative from a domestic violence organization
Participant 14	Representative from a domestic violence organization

Participant 15	Representative from a domestic violence organization
Participant 16	Representative from a domestic violence organization
Participant 17	Representative from a domestic violence organization
Participant 18	Representative from a domestic violence organization

6. Data Analysis

The first step of the data analysis consists of transcribing the recorded interviews. Recorded interviews were transcribed by research assistants involved in the larger research project. In order to analyse the data, I used Fairclough's three inter-related process of analysis (1995). This process of analysis is consistent to FCDA, as it places attention on understanding how written and spoken discourses are created and maintained based on sociohistorical conditions, allowing for special attention on elements of power and inequalities. Fairclough proposed a three steps process that could be conducted in a nonlinear fashion. These three steps include (a) text analysis (description); (b) processing analysis (interpretation); and (c) social analysis (explanation).

In order to complete the text analysis and the processing analysis, I codified the transcribed interview data using the software NVivo 1. The codification was based on a mixed method, with some codes being initially created based on interview questions and theory, and others being created over the course of the analysis, as specific reoccurring themes were identified. This allowed for an initial breakdown of the text to occur, while leaving room for an open analysis of more implicit and covert content. The final count was 8 codes, including 3 codes with 4 subcodes each, and 1 code with 3 sub-codes. The results of this stage of analysis can be found within the

third chapter. The third step of Fairclough's three inter-related process of analysis, the social analysis, is presented in fourth chapter.

7. Ethical Considerations

The project has been approved by the University of Ottawa's Office of Research Ethics and Integrity. Key informants participated on a voluntary basis. They were able to withdraw from the study at any time, or refuse to answer any questions. Each participant signed a consent form before the beginning of the interview. In order to respect the participants' privacy, any identifying aspects, such as names, were anonymized to maintain confidentiality. Finally, all research data was stored in a password protected system.

8. Research Limitations

It is important to note the methodological limitations. First, the sampling methods used are non-probabilistic sampling techniques, which results in a sample that is not representative of the population. Moreover, the snowball technique means that research participants refer other individuals they believe would qualify, and there is the possibility that they may only refer like-minded people. In addition, this major research paper is based on the analysis of 18 interviews, it does not allow for the generalization of research findings to all professionals involved in family law, domestic violence services or child protection sector across Ontario. Finally, given the nature of the research topic being politicized and polarised, we remain cognisant of the fact that participants' responses to interview questions may have been influenced by a fear of judgment, leading to responses that appear more socially acceptable. In this regard, participants could have

been influenced by the previous work published on the subject matter by the researchers involved in the study.

CHAPITER 3: RESULTS

This chapter provides an overview of the main themes that arose from the analysis of data collected through the interviews with key informants. The results from the text analysis and processing analysis, the first two steps of Fairclough's three inter-related process of analysis, will be presented below. The social analysis, the third step of the three inter-related process of analysis, will be part of the discussion presented in the following chapter.

This chapter is divided into five sections. The first section examines the inconsistent usages of 'parental alienation' in both legal and clinical contexts. It addresses the discrepancies in protocols, and the high rates of 'parental alienation' claims. The second section addresses the consideration of domestic violence in the discussions surrounding 'parental alienation', including confusion between domestic violence and 'high-conflict', and the use of 'parental alienation' maintains post-separation abuse. The third section refers to the way abuse claims have been reframed and reappropriated in the family justice field to include 'parental alienation'. The fourth section speaks to the polarizing beliefs of what is in a child best interest, including questions of custody, providing children a voice, and family reunification.

1. The Inconsistent Usages of Parental Alienation in Legal and Clinical Contexts

This section examines the inconsistent usages of 'parental alienation' in both legal and clinical contexts, and the lack of consensus surrounding policies and protocols. Its usage as an all-encompassing term will also be addressed. This section concludes with an examination of the

multiple terms that are claimed to be different to ‘parental alienation’ but that refer to similar beliefs and lead to similar actions.

1.1. Lack of Consensus on Policies and Protocols

When speaking about the usage of ‘parental alienation’ in their respective professions, many participants mention difficulties with regards to implementing the concept due to the lack of regulated and consistent policies and protocols that would govern the way it is used. Participants express that the way in which ‘parental alienation’ claims are made largely varies depending on the individual making them. This is found from both the participants who support its usage and those who are critical or reject it. The following quote highlights that discrepancies exist in the usage of ‘parental alienation':

> “…it [the concept of parental alienation] has no consensus and there are no reliable instruments that we have and it’s a term and it all depends on whose using it” (Participant 7, researcher)

This leaves the claim up for interpretation, and conflicting protocols can lead to different opinions as to whether or not ‘parental alienation’ exists in a case, as well as ways to rectify the situation. This highlights a lack of uniform indicators of ‘parental alienation’, further demonstrating that it is up to individual professionals to decide what is considered an indicator. With this in mind, one participant felt that it should be necessary to develop more uniform protocols to mitigate the inconsistencies:

> “… one of the priorities in research, should be to develop a protocol which can be uniformly applied as indicators of parent[al] alienation. (Participant 9, judge)

This is further demonstrated by another key informant, who confirms that claims of 'parental alienation' depend on the expert chosen to assess a family, instead of depending on existing protocols and policies:

> "Il y a un désaccord, pas une cohérence au niveau du discours. Donc, dépendamment de l'expert qu'on se sert, il y en a qui vont dire qu'effectivement il y a une aliénation parentale et il y en a d'autres qui vont dire non, ça n'existe pas, ce n'est pas vrai. Donc, ces rapports-là vont souvent venir se contredire et, à la fin, qui dit vrai?" (Participant 11, manager from Children's Aid Society)

In situations like the one mentioned above, where experts are mandated to perform custody assessments, the family members involved can be left vulnerable to the perceptions of the assessor. The claim of 'parental alienation' is therefore dependent on what behaviours the individual expert deems as 'alienating' behaviours. This leaves families, often mothers and children, at risk of being mistakenly accused on 'parental alienation', as states this participant:

> "The concept of parental alienation can be misassigned […] it's often a misidentification […]" (Participant 14, representative from a domestic violence organization)

Even though it is apparent that many participants demonstrate concerns with regards to the lack of consensus on policies and protocols, many of the participants in support of its usage maintain using the concept based on their own interpretations. They mention that though there was no consensus on appropriate protocols, they continue to use different tools to 'help' families facing 'parental alienation', while being unsure if they were the 'right ones':

> "On s'appuie dans chaque cas, on s'appuie sur divers outils, mais il ne semble pas avoir un accord par rapport à quels sont les bons outils à se servir pour vraiment dépister une famille qui est à risque ou pas." (Participant 11, social worker from Children's Aid Society)

> "je pense qu'on le développe de plus en plus, quels sont les solutions qui sont limitées finalement parce que diverses approches qui sont prônées et controversées de part et d'autre. " (Participant 4, family lawyer)

1.2. Lack of Consensus on Policies and Protocols

Many participants address the way in which the term 'parental alienation' has become oversimplified, overused and largely applied as a blanket term for a wide variety of behaviours and actions. This is echoed in the following quotes:

> **"**I think it's [parental alienation] also problematic because it's been used in so many ways and has created so much confusion" (Participant 18, representative from a domestic violence organization)

> "I think the phrase [parental alienation] is used to much and not always appropriately" (Participant 1, family lawyer and mediator)

The term 'parental alienation' can be used in many different environments, such as in research, the media, family courts and child protection services. According to this participant, it is largely in courtrooms that there has been an increased usage of 'parental alienation':

> "There was a period of time in court where I think every judge must have had alienation mentioned in the court room from 9 to 5 for 6 to 8 months if not more." (Participant 7, researcher)

This stark increase in its use in the courtroom can perhaps demonstrates a popularization of the term, as oppose to a real increase in the number of 'parental alienation' cases. This hypothesis is supported by a participant who feels the term 'parental alienation' is now used as the go-to argument:

> "I think that the default position of disenfranchised parents is to rely on parent alienation. I believe that it's the first argument to be made by people who are not having the

> relationship with their child, based on the position of the other- the alleged alienating parent. I think it's used much too often […]. (Participant 9, judge)

A direct response to this popularization can be an increase in assessments for 'parental alienation', even when it is not relevant or necessary. The following participant highlights that this popularization can be due to professionals believing that the legal system is expecting an increase in 'parental alienation' claims. This leads professional to identify 'parental alienation' in order to meet those expectations, even if the claim is not necessarily factual:

> "Some [professionals] in the system are sometimes identifying what they think the system wants them to identify […]" (Participant 14, representative from a domestic violence organization)

Another participant, a researcher in support of the concept of 'parental alienation', notices a difference in the level of usage of the term based on the families' sociodemographic characteristics. This participant mentions that lawyers and clinicians hired by families with greater financial means were appearing to overuse the term:

> "There seems to be these allegations more where families have a lot of money, so these private lawyers have their group of clinicians that they turn to with respect to assessing and then providing treatment […]" (Participant 7, researcher)

The previous quote suggests that there is a system in place for professionals, such as lawyers, to utilize clinicians who have similar perspectives of 'parental alienation'.

A second participant reiterates a similar idea with regards to financial means, mentioning that it is expensive to assess if there exists 'parental alienation' in a case, and often only well-off men can afford this course of action:

> "Interestingly, it's usually only well-off men who can pay thousands and thousands and thousands of dollars to do this assessment and usually in my experience it's around financial abuse." (Participant 10, social worker in private practice)

The following quote suggests that if professionals expect to find 'parental alienation', they are likely to find it due to confirmation bias, in which the professionals accept or promote findings that confirm their preconceived beliefs:

> " if you only think there's one thing, if you only think there's alienation then you're only going to find alienation, you haven't explored the other alternative hypothesis." (Participant 8, researcher)

Many participants raised questions if claiming 'parental alienation' has become too simplistic, seen through a dichotomous lens, when in reality such situations are much more complex than that, as highlights the following quote:

> "one of the challenges is drawing people back from very quick solutions and moving the legal system back into a duty to look at these issues in all the complexity." (Participant 6, researcher)

Ultimately, as the quote above states, the research findings suggest that the desire to find a quick answer to an apparent problem has led to the oversimplification and overapplication of 'parental alienation' in custody cases.

1.3 Alternative Terms, Same Idea

Though the term 'parental alienation' is still widely used, many professionals also use alternative terms to describe similar issues. This can be due to a multitude of reasons, but two main reasons stand out from this study. Firstly, this change of terms can be in response to the over-usage of the term 'parental alienation', as illustrated in the following quote:

> "I think the court reaction to alienation has been very varied, I think they don't like the word alienation. They [the courts] are trying to get us not to use that [the term parental alienation] […]" (Participant 1, family lawyer and mediator)

In this regard, one participant, a family lawyer and mediator, mentions that family justice professionals were being told by the courts to use other terms instead of 'parental alienation'.

> "They're [the courts] trying to get us to use coaching, as oppose to alienation, because of the overuse of the word alienation. And I think because of the overuse, the courts are very hesitant to buy into it." (Participant 1, family lawyer and mediator)

The second reason may be to distance themselves from the controversial psychiatrist Richard Gardner, who first introduced the 'parental alienation syndrome'. This is highlighted in the following quotes:

> "Gardner was saying the parent alienate should go to jail – well that's ridiculous" (Participant 9, judge)

> "I would say currently his views have been […] rejected as being motivated from a position of bias in favour of fathers […]" (Participant 18, representative from a domestic violence organization)

Throughout the interviews, the alternative terms that participants refer to include 'coaching', 'brainwashing', and 'grooming':

> "you have to undo one may have been years of grooming of the child […]" (Participant 2, family lawyer and mediator)

> "it doesn't matter what you call it, whenever you called it coaching or when you called it alienation" (Participant 1, family lawyer and mediator)

While many professionals claim there are differences between these terms and 'parental alienation', they are largely based on similar ideas. In this regard, one family justice professional

denounces the concept of ‘parental alienation’ and stresses its negative impact on families, but still utilizes the term ‘brainwashing’ on multiple occasions when describing the need for treatment for children who are reluctant to see one of their parents for no apparent justifiable reason:

> “a child that […] has been brainwashed and you have to undo that brainwashing” (Participant 3, family lawyer)

Alternatively, another participant describes the alternative terms as the same to ‘parental alienation’, stating that they themselves do not believe there is even a difference between the alternatively recommended term of ‘coaching’ and ‘parental alienation’:

> “…and we now in the court system refer to it as inappropriate coaching as opposed to alienation, but I think it’s the same idea.” (Participant 1, family lawyer and mediator)

2. The Consideration of Domestic Violence

The concept of domestic violence is a recurring theme addressed during participant interviews. Depending on the sector in which the participant works, there were differing opinions on ‘parental alienation’ being associated to cases involving domestic violence.

2.1 ‘High Conflict’ versus Domestic Violence

Participants often use the term high conflict throughout the interviews, and largely when they are asked questions on the issue of domestic violence. Participants often use the term high conflict to describe situations where parents in custody disputes are unable to come to a resolution or an agreement over lengthy periods of time:

> "High-conflict co-parenting would refer technically to after some period of time, let's say two to three years the population where conflict persists. […] it would be characterized by mistrust, litigation, high litigation like the frequent flyers and in and out of court, mistrust […] so these are people with high conflict that have different lawyers, use lots of court resources […] Chronic violations of court orders, anyway those are some of the key characteristics I guess I can." (Participant 8, researcher)

Professionals often associate this term with cases where 'parental alienation' is alleged, whether it is seen as the precursor or as a result of the allegation. This is demonstrated by multiple participants who felt that there was a direct connection between 'parental alienation' and high conflict cases. This was due to the assumption that 'parental alienation' cases are often associated with long unresolved disputes and parental conflict:

> "I would say that all alienation cases are high-conflict cases as we call them, […] not all high-conflict cases are alienation." (Participant 8, researcher)

> "Well, they [accusations of parental alienation] typically come up in high-conflict separations. It's [parental alienation] a branch of it [high conflict] […]" (Participant 7, researcher)

Furthermore, the term high conflict is often used in conjunction with the term domestic violence, including when the participants provided their definition of high conflict. The terms being used interchangeably demonstrates that certain participants likely saw both terms to have the same meaning, therefore they can misinterpret or misname domestic violence to be 'high conflict'. This is notable with participants who support the usage of the term 'parental alienation':

> "I've seen it [parental alienation] frequently in my practice, in family law allegations and I do a lot of high conflicts allegations and I've seen it used […] in domestic violence cases […]" (Participant 1, family lawyer and mediator)

> "I deal with a lot of adult conflict and high-conflict and in some situations, there will have been domestic violence or intimate partner violence […]" (Participant 8, researcher)

Misconstruing domestic violence to be high conflict can be very dangerous for a multitude of reasons, including that it can diminish the understanding of the severity of domestic violence. This is reiterated by multiple participants who do not support the usage of 'parental alienation':

> "Well, first of all I think that it [parental alienation] [..] it is a term that is used for people, many professionals, especially people who are uninformed about DV [domestic violence] in my view… they call it high conflict […]" (Participant 10, social worker in private practice)

By calling 'high conflict cases' situations where domestic violence is present, family justice professionals fail to consider the dynamics of power and control within domestic violence. Furthermore, it can change the perception of the case at hand, leading both parents to be perceived as responsible for the apparent conflict:

> "I think the public presentation of high conflict is that it's [a] mutual playing field that each parent has mutual power, that each parent is responsible for carrying out co-parenting relationships and putting the children first and in the vast majority of cases of separating couples in my experience, they are able to put their own needs aside but when you are working with an abuser that's a totally different scenario" (Participant 10, social worker in private practice)

> "I don't think that it [high conflict] is the same thing as abuse because abuse is characterized by a difference in power and abuse is the use of power where there's a power dynamic […] in theory it is possible to have two equally powerful partners who are in a high-conflict situation in trying to end their relationship but there isn't a dynamic where one has more power than the other and is abusing that power to the extent that it was abuse." (Participant 18, representative from a domestic violence organization)

By perceiving both parents being responsible for the situation, professionals require survivors of domestic abuse, typically the mother, to work with their abusive ex-partners to solve the situation. As the following participant demonstrates, the family court system places responsibility on the mother for the father's behaviour, however this fails to consider situations of domestic violence where the mother has no control over the father:

> "They [Family Dispute Resolution Institute of Ontario] are often talking about accountability and making parents listen to the judges and they have no understanding that this mother has absolutely no control of the father…none…if she did have control, she wouldn't be in the situation […]" (Participant 10, social worker in private practice)

Furthermore, focusing on deeming and penalizing both parents as equally responsible for conflict in custody cases has greater impacts than just on the parents, being that it draws attention away from the determining the best interest and needs of the child, as the following participant highlights:

> "I think as soon as you start linking the terms high-conflict and parent alienation you're already setting up assumptions because then […], you're focusing the attention on the parental conflict rather than on the child's needs and interests" (Participant 6, researcher)

Participants mention that this confusion between domestic violence and high conflict has arisen due to the fact that many family justice professionals lack the appropriate education to differentiate between the two. Without this knowledge, the terms become too easily associated with one another:

> "I think the terms high conflict and domestic violence are very much conflated and unless you had specialized training and domestic violence work, you wouldn't necessarily be able to do a differential assessment" (Participant 10, social worker in private practice)

> "It's a lot of words [high conflict, domestic violence] thrown around with very little understanding sometimes of what the issues are and without also demonstrating some evidence of it" (Participant 7, researcher)

> "I think there's a big issue. First of all, the problem is that no one has thoroughly distinguished high conflict from domestic violence there's no concrete, firm dividing line between the two." (Participant 6, researcher)

2.2 Justifiable Estrangement or Irrational Rejection?

In discussing ‘parental alienation’ and domestic violence, many participants speak about the concepts of justifiable estrangement and irrational rejection. Participants use justifiable estrangement to reference a child who is rightfully rejecting a parent due to the parent’s actions, as oppose to due to an alienating parent’s behaviours. When discussing irrational rejection, participants refer to a child who had no logical reason to reject a parent, leading to the belief the child has been ‘alienated’ by the other parent. This can be seen in the following quotes:

> “[…] so, where there appears to be some form of Alienation …I always also looked see if there might be estrangement happening as well.” (Participant 2, family lawyer and mediator)

> “So, there are situations where kids are estranged, but its justifiable and you can’t just shout parental alienation.” (Participant 3, family lawyer)

Of the many situations where a child may experience ‘justifiable estrangement’, the one situation most often addressed in the interviews are situations where children experience domestic violence:

> “Where there is domestic violence, and the child witnesses it, the child may become alienated but that is justifiable estrangement from the parent. How is a kid going to feel if mom beats up dad or dad beats up mom? The kid is going to have a justifiable fear of the violent parent. So, for the violent parent to go “Alienation! Alienation!”, no, that’s justifiable estrangement.” (Participant 3, family lawyer)

Several participants maintain that, in these situations, the term ‘parental alienation’ should not be used. However, one participant explains that in the courts, justifiable estrangement is often linked to the concept of ‘alienation’:

> “On the one hand, the theory is not supposed to apply when children have rational, realistic reasons for resisting contact with the parent. But on the other hand, what we’re seeing in the case law is once the concept is raised, that begins to generate assumptions

> that the cause of a child's resistance is the other parent's behaviour and or manipulation." (Participant 7, researcher)

This misuse of the term 'parental alienation' in cases of justified rejection is demonstrated by another participant who contradicts herself when determining if a case was justified estrangement or 'parental alienation'. Initially in the interview, the participant explains her understanding of 'parental alienation':

> "I've seen it [parental alienation] used by both parents, in domestic violence cases, in situations where we see one parent […] perhaps want to have the child [have] supervised access with a parent, […], you know they say the child is not safe, that there is a need to have somebody with them, so that's when I see it [parental alienation]" (Participant 1, family lawyer and mediator)

However, when discussing a situation where a child would be unsafe when alone with a parent due to circumstances such as violence, she states that it would not be 'alienation':

> "… sometimes there is so justified circumstances where a child should not be spending time with a parent or should be spending time with a parent under only certain circumstances […]. In a circumstance where the behaviors are justified obviously that's not alienation" (Participant 1, family lawyer and mediator)

Having contradicting perceptions of what is considered justifiable or not justifiable can result in a failure to protect children in vulnerable situations like the one mentioned above. As a result, children can be exposed to further violence because their fears, or that of their primary parent, are deemed as invalid.

In this regard, the participants also talked about the children's autonomy and capability to express their views and make decisions regarding their relationships with their parents. One participant mentions that children are able to have their own opinions, without being influenced

by their parent. She also provides an example of a situation where a child made the autonomous decision not to see his or her father:

> "… pleins de cas d'enfants aussi qui veut pas aller voir leur père, je pense qu'il y aussi cette notion d'enfants la dedans qui veulent juste plus aller voir leur parent, […] pis ça ressort souvent dans les documents que c'est lorsque la mère faisait de l'aliénation parentale ou il se critique du père, alors que souvent c'est pas une décision, de ce que nous on a vu , tu vois que les mères prennes même pas parti dans ça parce qu'elles ont tellement peur du processus a la cour, fait que c'est vraiment l'enfant qui prend parole, pis prend décision. " (Participant 16, representative from a domestic violence organization)

A similar situation was mentioned by another participant, who speaks about a child who continued to openly voice their rejection of their father due to their experiences of abuse. The child has been urged to continue seeing their father, even though their estrangement would be considered justified being that she experienced violence and abuse. In such a case, the participant highlights that the child should have the autonomy to make the decision to end contact with the father:

> "A case that I'm working with right now, a young girl, she is 14 now, she has no desire to see her father, this has nothing to do with the mother, the mother's been highly encouraged by the assessors. She has a huge expensive assessment to urge the child to absolutely have ongoing and continuing contact with father […] she has no desire to see the father and that's because of his mistreatment of her historically and her witnessing his mistreatment of her mother […]. So, she just has no desire. She has been forced into therapy to try to work things out with him. He takes no responsibility for his behaviour but blames it all on a mother, so, I have written a report to say that I think she has every right, especially at her age, she is over 12 to make these decisions for herself. (Participant 10, social worker in private practice)

2.3 Fathers Maintaining Post-Separation Abuse Through the Use of 'Parental Alienation' Claims

Several participants spoke to the fact that in many cases where domestic violence is present, fathers claim 'parental alienation' in order to maintain power and control over their ex-partners

in the post-separation context. Abusive men can claim ‘parental alienation’ as both a defense strategy and a control strategy:

> “I think the use of that term serves to further marginalized those who have experienced violence or who are experiencing violence, it’s another form of control when it’s used within the justice system, it’s a means of taking away rights, it’s a means of putting children and women further at risk […]” (Participant 12, representative from a men’s organization)

Many participants report that ‘parental alienation’ should not be used as a claim in cases where domestic violence has occurred:

> “Where there has been some sort of domestic violence, you don’t use parental alienation, one should not; ethically, morally, use false allegations of parental alienation as a defence.” (Participant 3, family lawyer)

The participants highlight that, in cases where women disclose their experiences of abuse, their abusive partners would claim ‘parental alienation’ as a form of retaliation or to deny responsibility for their actions. In that sense, claiming ‘parental alienation’ is used as a defence strategy by perpetrators:

> “People who are abusive will often claim that concept to deflect attention from their own behaviour and their own abuse that’s from one direction.” (Participant 6, researcher)

> “When the abuser or alleged abuser, is not having the visitation or access he wants, he may be arguing that it is pay-back by the alleged victim. […] it does come up when there is allegations of domestic violence where the abuser is denying that he is committed or she has committed domestic violence and is arguing that is the reason why the alleged alienating parent is trying to subvert the child’s relationship with the alleged abusive parent.” (Participant 9, judge)

> “When they [the mother] raise the issue of abuse in their family court case, you know, because they are looking for restraining orders or because they want the best for the child, and the response by the abuser is to raise accusation of parental alienation against them” (Participant 13, representative from a domestic violence organization)

Participants further explain that claiming ‘parental alienation’ has become a common legal tactic and defence strategy used by abusive ex-partners in custody cases, both to shift attention away from their behaviours and to maintain power and control over the situation:

> “What we see in the domestic violence cases is that the perpetrators or alleged perpetrators claiming parental alienation is so common as to have become a litigation tactic in these cases.” (Participant 6, researcher)
>
> “It’s [claiming parental alienation] a technique, tactic in my view, that is often used by men and their defence lawyers to get leverage in a custody access case” (Participant 10, social worker in private practice)

Ultimately, the use of ‘parental alienation’ claims against mothers in custody cases can be seen as a means used by perpetrators to silence survivors of domestic violence, including mothers and children. This silencing is considered by many as a strategic move on the part of the father, as oppose to due to realistic fears of ‘parental alienation’. By claiming ‘parental alienation’, any accusations of domestic violence can appear to be a manifestation of ‘parental alienation’. The following quote highlights the impact a ‘parental alienation’ claim can have on how survivors of domestic violence address concerns for their children in court:

> “It has an enormous silencing effect in the legal system because as soon as a parental alienation claim is made the protective parent is going to be really reluctant to raise concerns about the child’s well-being and about the other parent’s parenting or even to relay the children’s concerns for fear that that’s going to be used or interpreted as evidence that that parent is trying to alienate the child from the other parent […].” (Participant 6, researcher)

3. Domestic Violence as Being Reframed and Reappropriated to Include Parental Alienation

Certain participants, largely those in support of the usage of ‘parental alienation’ in family law and child protection services, conceptualize ‘parental alienation’ as a form of domestic violence.

This became clear when participants are asked if they believe there are links between domestic violence and 'parental alienatio'n:

> "I think they are not separate issues, so alienation is a form of abuse, so whatever you call is psychological or emotional or verbal, I think alienation is absolutely abusive so I think there is a part of domestic violence as long as you use the appropriate definition they is tendency for people to think that domestic violence still is only physical violence and alienation is none of that but it's still an abusive behaviour" (Participant 1, family lawyer and mediator)

This can be considered as instrumentalizing the discussion of domestic violence to fit their own political agenda. Furthermore, by claiming that 'parental alienation', an accusation often placed on mothers, is a form of domestic violence, it takes attention away from the lived experiences of women survivors of abuse. It also places responsibility on them, and they are then regarded as perpetrators rather than as victims of abuse. As the following quote demonstrates, it changes the way the case is perceived:

> "It immediately creates an assumption that the problem is the parental conflict" (Participant 6, researcher)

However, one participant felt that a distinction needed to be made between 'parental alienation' and domestic violence:

> "Well, there's a parent that typically would allege, would call alienation domestic violence, because it's alienating their child. […] but I wouldn't want to conflate them as being the same thing and then diminish the impact of what alienation is and the impact of domestic violence." (Participant 7, researcher)

4. Polarizing Beliefs of What is in a Child's Best Interest

Many participants demonstrate that the discussion of a child's best interest is to be a central tenant to custody and access decisions. However, it is noticeable that participants hold polarizing beliefs of what is in a child's best interest, depending in what sector they work.

4.1 Parents Rights versus Children's Best Interest

The existence of 'parental alienation' in custody cases has led some participants to question if the goal of such an accusation is to support the children's best interest or instead to promote parental rights. Though working in a 'child's best interest' frame should be the goal within custody cases, participants share that the accusation of 'parental alienation' can arise when a parent believes he is not having the contact he should be having with his children, meaning his 'rights' as a parent are being removed, as states the following participant:

> "Who benefits [from parental alienation], I would say that parents who are denied contact with their children benefit. […] people whose thinking begins with parental rights as opposed to child's best interest." (Participant 6, researcher)

This quote highlights that an accusation of 'parental alienation' is not necessarily made in the child's best interest, but instead to directly support the parent who feels he is not getting access to his children. The same participant continues to explain that the simplicity of determining the existence of 'parental alienation' is due to the fact that professionals use a 'parent's rights' lens to assess alienation as oppose to analyzing the child's best interest:

> "It's much easier, it's a lot less complex to think about child custody and access if you approach the problem in terms of parental rights because then all you have to do is look at these issues in a sort of a yes/no manner. Is the parent being denied access? Yes/No. Right?" (Participant 6, researcher)

4.1.1 Values of Family Preservation and Maximum Contact Override Experiences of Abuse

Throughout the interviews, many participants support the belief of children maintaining as much contact as possible with both parents, as they feel it was in the child's best interest. However, one participant pointed out that though the discourse of maximum contact appears to promote children's rights, the way it has been enforced is against their rights. This participant highlights the fact that the discourse of maximum contact ultimately fails to consider the child's own desires:

> "Well, I find the discourse very interesting in the cases because the parental rights to contact seem to be defined as children's right to know both parents but then in application it's about enforcing those rights against the children and not listening to the children's perspectives." (Participant 6, researcher)

For the participants who maintain the belief that maximum contact is always in a child's best interest, the question of domestic violence, and a child's exposure to an abusive parent, did not change their response. These participants shared that even if a parent is abusive or inadequate, the importance is on making sure the child has relationships with both parents, no matter the parents' actions:

> "Children need their both parents, even parents that aren't optimal parents." (Participant 3, lawyer)

> "Regardless of the reason the child rejects, even if the child rejects for a very good reasons, let's say its domestic violence, let's say that's the reason they're rejecting, then what's in the child's best interest? In fact, child protection their mandate is family preservation so even when kids are in that system, the child welfare system, the mandate is family preservation and the Children's Aid works to prepare and reunite kids with all kinds of abusive parents because that's what's going to be in the best interest for some of those children. […] we need to figure out what is in the best interest of this particular child, […] because even if a child is rejecting for a very good reason it might still be in their best interest to have a good relationship with that parent if that parent has stopped being abusive. So it's not about 'oh the child is rejecting for good reasons we should throw away the key on the parent' because even in the child protection context there not doing that, they're doing everything to keep the family together and help the child have a good relationship with both parents." (Participant 8, researcher)

> "Children who have been sexually abused still love that abuser. You need to work with that as oppose to saying she'll never see this person ever again […]" (Participant 7, researcher)

Though this perception that a child would benefit the most from contact with both parents was upheld by some participants, one participant demonstrates greater critical reflection by questioning what can be done if therapists are not proving successful in maintaining maximum contact between a child and the rejected parent:

> "I believe that children should have a relationship with both their parents. But it also depends. While I appreciate the efforts made by the therapists working with these families, there needs to be also some more research that goes with it. If things are not working, then why are we doing them? And are we doing more damage than not? I mean we professionals are the gate keepers in many ways from hearing from children, but we also tend to think we know more than anybody else does and you know we don't." (Participant 7, researcher)

In this regard, there are measures, including more extreme measures such as police orders, that are taken to force a child to maintain contact with a parent. However, as the following quote highlights, if a child is continuing to resist contact with a parent, enforcing contact can have a negative impact on their development, demonstrating that it is not in their best interest to do so:

> "What we see in these cases is the use of police to enforce parental rights to access, that hardly supports child resilience […] that too certainly does not align well with the child's development literature on what vulnerable children need." (Participant 6, researcher)

4.1.2 Children as Passive or Active Participants in Custody Cases?

Many participants acknowledge that determining children's best interest can include asking them their preferences and desires in the situation, given that they are directly implicated and impacted by the decision:

> "Il y a aussi la voix de l'enfant dépendamment de son âge et de sa capacité à articuler ce qu'il voit et ce qu'il vit. Donc, il y a la voix de l'enfant qui porte beaucoup, beaucoup, surtout en Ontario qui a beaucoup d'influence. " (Participant 11, social worker from Children's Aid Society)

Providing children with the opportunity to express their preferences and desires is imperative prior to making the claim of 'parental alienation' as understanding their reasoning for rejecting a parent can dispel the claim. This is highlighted in the following quote:

> "There are, may be a true reason why the child wants to make this determination [of visitation] or has views and preferences regarding to a parenting schedule, that is not alienation but simply a fine reason" (Participant 1, family lawyer and mediator)

However, as stated by this participant, there are situations where children are not provided that opportunity when the claim of 'parental alienation' is made, even though offering children a voice in legal proceedings that concern them is mandated in Canada through the UN Convention on the Rights of the Child:

> "Recently, […] I interviewed a number of children and parents and parents' lawyers and judges and a number of parents and some of the parents' lawyers for example, said 'you know it's difficult to be able to hear from children if there's alienation'. And to some extent that is true because sometimes depending on the degree, they might be parenting some of the same concerns that was raised by the parents that they're with. However, there's also the UN convention on the rights of the child, that all children should be heard. And if the matter is in court, the court certainly has other information but it's important to hear the child's perspective, because sometimes parents are surprised that children don't share the same perspectives as they share and that they also need to be heard, and that clinicians do not make decisions […]." (Participant 7, researcher)

Moreover, as mentioned in an earlier section, the accusation of 'parental alienation' can have a silencing effect on mothers and children. This is apparent when a child has been deemed as

'alienated', which leads professionals to deny them the opportunity to speak. This is due to the belief that the child's preferences are not actually their own but instead that of the 'alienator':

> "You know children's voices are being silenced, they're not being listened to […], the opposite of autonomy, self-determination […]" (Participant 6, researcher)

4.2 Interventions in Parental Alienation

When speaking about cases where 'parental alienation' is deemed present, participants mention many different ways 'parental alienation' cases are currently rectified, in hopes that the child will begin having a relationship with the alienated parent again. The three interventions mentioned are that of custody removal, custody reversal, and reunification.

4.2.1 Reunification Therapy

Many participants highlight that when 'parental alienation' claims are proven, children must undergo reunification therapy, a clinical treatment, to re-connect with the rejected parent:

> "There needs to be a clinical team helping that child, helping that family." (Participant 7, researcher)

Reunification therapy is regarded by some participants as a priority for cases involving apparent 'parental alienation':

> "So, I think treatment is the most important aspect of this to solve these issues." (Participant 3, family lawyer)

However, there are mixed reactions by participants as to how reunification therapy should play out. One participant states that it should be ordered, as oppose to an option:

> "There's one line of case law that say you can't force the horse to drink at the trough, you can't force people to go get therapy or treatment and another line of cases says yes as an

> adjunct of our power over custody and access whether that federal or provincial. Because family law is divided between the divorce act the provincial statues of Ontario, children's law reformats say you can do it because that is auxiliary power to custody and access. So, there are differences in the case law, whether you can actually order treatment." (Participant 3, family lawyer)

This is comparative to a second participant who expresses hesitancy with regards to reunification therapy being used as a forced method of intervention:

> "One of the worst things I see happening now is this notion of forcing children to undergo reunification therapy." (Participant 10, social worker in private practice)

4.2.2 Reunification Camps

One intervention strategy that is addressed with regards to reunification therapy is that of reunification camps. Reunification camps are when the 'alienated' child and 'alienated' parent attend a 'camp' with professionals for a period of time to 'fix' their relationship:

> "So there's Richard Warshak and his colleagues down in Texas run this sort of weekend camp trying to separate the child from the alienator and back to the target parent, but there's been very little research other than his own. I'm talking about sort of his outcomes. Then there's the camp that's run by Matthew Sullivan in Boston where they've done some work with the whole family […] (Participant 7, researcher)

The above quotes states that there is little research on reunification therapy 'camps', including their outcomes, which is further reiterated by another participant:

> "There is no scientific evidence whatsoever that it [reunification therapy] works, I think it harms children […] (Participant 10, social worker in private practice)

Nonetheless, several participants mention that these camps are being used for cases of 'parental alienation':

> "In the case law there are a number of cases law where judges have described the characteristic of parental alienation and have ordered people to camp like settings to treatment and things like that." (Participant 3, family lawyer)

> « Il y avait une situation très sérieuse d'aliénation parentale et ce qu'ils [the courts] ont fait c'est de, c'est un programme qu'il appelait comme un camp, comme un camp d'été là, pour les familles où il y a eu de l'aliénation parentale alors c'était, encore une fois certainement des approches controversés, mais c'était en gros l'enfant qui est aliéné et le parent et je crois en fait que c'était pour toute la famille qui se présente dans un genre de camps, je pense que c'est au Vermont, dans l'état du Vermont, ils vont passer je sais pas moi, mais comme 10 jours dans le but de normaliser la situation familiale. » (Participant 4, family lawyer)

4.2.3 Interventions in the Form of Custody Reversal and Removal

Another intervention that can be used when 'parental alienation' is deemed present is that of custody removal. In such situations, custody will be removed from the alleged 'alienating' parent and can either be given to the 'alienated' parent, or the child can be placed in a 'neutral' environment, such as in foster care. Often, following the reversal, the child has limited or no access to the alleged 'alienating' parent:

> "You can undo that [the alienation] as much as you like, [but] if the child goes back to the alienator parent, that work is going to be destroyed and that will take about 30 seconds. And because of that phenomenon some courts have changed primary residence to the target parent with police assistance orders, the whole thing. Many judges in fact have written, if you continue to alienate, you're going to lose custody, you're going to lose primary residence. […] And then custody/ primary residence is transferred to the target parent. Or the child is put into a foster home, you get the children's aid society involved and the child is removed" (Participant 3, family lawyer)

As stated earlier, one participant explains that removing a child from the primary parent in a situation where they have stability and a secure relationship, whether to move in with the rejected parent or to a neutral environment, can be extremely traumatising and harmful to the child's development. In fact, many participants, both who support and do not support the usage of 'parental alienation', share their reservations and concern for this method of intervention:

> "One of the real challenges is one to identified there is alienation and what to do about it. I had cases where, the judge, there is no questions there was alienation, but the concern was the alienation was so significant that it will be more damaging to the child to have a changing custody or to change the de facto" (Participant 1, family lawyer and mediator)

> "We're also seeing children, in some of these cases, removed from their primary parents against their will, that to certainly does not align well with the child's development literature on what vulnerable children need." (Participant 6, researcher)

> "Legal interventions are solely based on changing custody which is not something that ascribe to easily as well […] there are also developmental issues for children that you need to think about. (Participant 7, researcher)

One participant speaks specifically to the potential outcome of a custody change, demonstrating just how harmful these aggressive interventions can be:

> "We also want to intervene more early on and to do preventive work early on so the problem doesn't get to the point where you've got a 16-year-old or a 17-year-old who's threatening to harm himself or runaway if they have to go live with that parent." (Participant 8, researcher)

Finally, with regards to custody removal, the question of whether research supports its usage arose. One participant clearly states that there is no research evidence that support custody removal as the best course of actions for children who resist contact with one of their parents:

> "[…] to say that the best approach is to remove the children and they should have no contact with the other parent and so on, the research isn't there to support those issues." (Participant 6, researcher)

5. Rejecting Gardner, Maintaining Similar Gender Biased Ideals

As preciously highlighted, the concept of 'parental alienation' has grown in its usage and acceptance today, having since been addressed by well-regarded researcher and professionals:

> "I think it was some respected legal academics talking about parent alienation concepts in response to dealing with child resistance to contact [that made it become popular]." (Participant 6, researcher)

Today, such individuals attempt to distance themselves and subsequently the term, from the beliefs of Gardner, leading the term to become more mainstream in use:

> "Doctor Gardner I think subsequently has been discredited. But then it started becoming very popular as an allegation […]" (Participant 9, judge)

> "I would say currently his views have been fairly well contextualized and I would say rejected as being motivated from a position of bias in favour of fathers" (Participant 18, representative from a domestic violence organization)

However, there has been questions of if this distancing has been truly successful, or if the way 'parental alienation' is used today in custody cases, still maintains its historically gender biased views:

> "So I know there's a lot of research out there, but I think I would call it as pseudo research in this area, so I would urge a lot of care when reviewing that, consider the sources and the biases in the lenses through which that researches done, because there's usually a connection to men's right and that field of work […]" (Participant 12, representative from a men's organization)

Today, in family court and child protection services, the concept of 'parental alienation' is seen to be applied typically to the primary parent of a child, most often the mother:

> "The other concern is that the concept appears to have an inherent gender bias. In that, if you look at it on a system wide basis what we're seeing is that the claims are generally made against parents who are the primary parent. And that parent is usually the mother if we look statistically at where children are living and the usual childcare arrangements. And so, the concept seems to produce a systemic gender bias in the legal system." (Participant 6, researcher)

This can demonstrate that the genesis of the term ‘parental alienation’, coming from a place of gender bias, has permeated the beliefs within the concept.

6. **Conclusion**

To conclude, this chapter addresses four major themes that arose during participant interviews, that of the inconsistent usages of ‘parental alienation’, the consideration of domestic violence, the re-appropriation of domestic violence to include ‘parental alienation’ and finally the beliefs of children’s best interests.

CHAPITRE 4: DISCUSSION

This chapter focuses on the social analysis of Fairclough's three inter-related process of analysis. The social analysis assesses the socio-cultural and historical conditions in which discourses are created and used, and their apparent impact on society (Azzopardi, 2015; Fairclough, 1995). As it pertains to this research, an analysis of the socio-cultural and historical conditions in discourses that position mothers as 'engaging in parental alienation' is performed.

The chapter is divided into five sections. The first section shows the way in which Gardner's original work, though often rejected, has a continued influence the claim of 'parental alienation' in the family court system and child protection services. The second section highlights how claims of domestic violence are minimized in the family court system and child protection services, making room for 'parental alienation' claims. The third section demonstrates that children's voices have been largely disregarded in custody and access cases and child protection services when 'parental alienation' claims are made. The fourth and fifth sections will speak to implications for policies and practices and future research.

1. Gardner's Continued Influence in the Discourses Surrounding 'Parental Alienation'

The results presented in the previous chapter show that the current discourses surrounding 'parental alienation' continue to be largely influenced by Gardner's work on 'parental alienation syndrome', even though professionals who use 'parental alienation' often explicitly say they reject this work and the idea that 'parental alienation' is a syndrome. This is stated by participants but as well can be found with certain researchers, such as Johnston & Kelly, (2001).

Though participants continuously use the term ‘parental alienation’ and speak to the denunciation of the ‘syndrome’, when asked about their definition for ‘parental alienation’ many provide similar definitions to that of Gardner’s ‘parental alienation syndrome’, or even mention him when providing their definition. Other participants provide examples of ‘parental alienation’ cases by making the accusation using indicators similar to Gardner’s ‘parental alienation syndrome’. This is also noted in a document analysis by Ladouceur (2016), who found in his results “que certains documents [of law firms] privilégie le concept d’aliénation parentale, même si dans les faits, leur définition est similaire à celle du syndrome d’aliénation parentale développée par Gardner” (p. 47).

Furthermore, due to critiques and controversies and due to the over usage of the term ‘parental alienation’ over the past two decades, many professionals appear to be shifting away from the term ‘parental alienation’ (Lapierre et al, 2020; Meier, 2009; Neilson, 2018). In this context, they use alternative terms such as ‘brainwashed’ and ‘coaching’. This is also noted in Ladouceur (2017) and Lapierre & Côté’s (2016) studies. However, the research findings show that the participants often use these terms as synonyms to ‘parental alienation syndrome’ or ‘parental alienation’. Moreover, it should be noted that terms such as ‘brainwashing’ and ‘programming’ were already being used by Gardner himself when describing ‘parental alienation syndrome’ (Gardner, 1985). Ultimately, whether inadvertently or not, re-suing terms used by Gardner himself demonstrates a continuous link between the alternative term and the original concept, indicating that a change of wording does not equate to a change in perceptions, understanding and practices. Furthermore, it is noted that specific sectors, notably the family court system, have requested an implementation of alternative terms, which can be regarded as an attempt to show

an evolution within the family justice sector, but that in reality, through maintaining the same ideas, only solidifies its stagnant position.

Results also demonstrate that certain remedial actions are similar to those recommended by Gardner, such as custody removal (Gardner, 2002). The recourse to custody removal to rectify 'parental alienation' was addressed by certain participants as a re-occurring intervention strategy that had little to no research supporting its use. This indicates that such a strategy may not be used based on findings to support its success, but due to its original recommendation by Gardner, maintaining the original link.

The results further highlight the gender biased ways in which 'parental alienation' is used in custody cases and child protection services today, which remain similar to those of Gardner. Gardner's original belief was that mothers often falsely claim that fathers have sexually abused their child, deeming them to be the 'alienator' (Meier, 2009; 2020). Many participants address that today, mothers involved in child protection services and custody and access cases are often being deemed the alienator if they speak of experiences of abuse. Therefore, the similarities can be seen with mothers who claim domestic violence, who are then accused of 'alienation'.

The gender biased similarities are reiterated by Meier (2020) who highlights that the continued bias against mothers coincides with the original 'parental alienation syndrome' theory, demonstrating Gardner's continued influence: "The bias against women but not men in abuse/alienation cases is consistent with the stereotypical roots of the PAS theory, which framed the problem as a pathology of vengeful ex-wives falsely alleging abuse" (p. 101).

The genesis of the term ‘parental alienation’, which largely included Gardner’s gender biased beliefs, continues to shape the way the concept is used today. It is difficult, if not near impossible to disassociate the original biased beliefs of ‘parental alienation’ from its usage today.

2. Minimizing Domestic Violence in ‘Parental Alienation’ Claims

The results demonstrate polarizing views with regards to interactions between domestic violence and claims of ‘parental alienation’ in custody cases and child protection services. Participants involved with domestic violence services are often quick to address the way ‘parental alienation’ claims has been used to harm, minimize and negate women’s and children’s experience of abuse. The results also highlight that the family court system lacks the appropriate specialized knowledge to understand the complexities of domestic violence. This is apparent when participants in support of ‘parental alienation’ utilize the term ‘high conflict’ interchangeably with domestic violence, without being able to distinguish the two types of situations. Ultimately, this finding is consistent with that of various studies that demonstrate that ‘high conflict’ and ‘parental alienation’ claims can minimize, or even worse, hide domestic violence (Jaffe et al., 2003; Lapierre & Côté, 2016).

Furthermore, certain participants expressed feeling that the experience of domestic violence was not a justifiable reason to stop father-child contact. Many participants state that diminishing the claims of domestic violence can lead to the accusation of ‘parental alienation’, being that the claim is perceived as an attempt to restrict the father’s access. This is exemplified in situations where the mother expresses fear for their child’s safety when in contact with the violent father, or if the child is adamant about not seeing the father (Neilson, 2018; Sheehy & Boyd, 2020). This is supported by Sheehy and Boyd (2020) who demonstrate that mothers are specifically

penalized and deemed as ‘alienators’ for speaking to experiences of violence: “women’s reactions to violence seem to overshadow men’s violence such that women become alienators for not suppressing their own fear” (p. 88).

The perception that domestic violence does not justify cutting father-child contact demonstrates that certain participants placed greater value on the child having a relationship with both parents, or more specifically the abusive father, than on the child’s protection from abuse. By doing so, they deny the child’s experience of abuse to promote maximum contact with both parents. This is reiterated in research, such as with Macdonald (2016), who highlights that even in assessed cases where there is “clear evidence of a father’s violence”, recommendations are almost always made for father-child contact, or to promote future contact (p.847). Furthermore, Sheehy and Boyd (2020) argue that “Embedding shared parenting is the dominant normative goal, resulting in legislative or judicial preferences for joint custody, shared or maximum contact or time, and/or shared decision-making.” (p. 88).

3. Disregarding Children’s Voices in ‘Parental Alienation’ Cases

The results suggest that, in custody and access cases and child protection services where ‘parental alienation’ has been claimed, professionals do not always obtain the perspective and opinions of children. This is the case even though the UN Convention on the Rights of the Child, signed by Canada, states that children should be provided the opportunity to be heard in judicial matters that concern them (UNICEF, 1989). A finding that could explain this absence of children’s views and preferences, despite the UN Convention on the Rights of the Child, is that professionals regard children as incapable of having autonomous thoughts. The participants

reported that in ‘parental alienation’ cases, considering that children are perceived to have been manipulated by a parent, professionals such as lawyers and judges may disregard the legal rights of the child based on the belief that a child is unable to make independent decisions separate from the parents. It became apparent that the perception of children held by family court and child protection professionals in such situations were largely that children were innocent beings needing protection. This perception reflects a historically dominant ideology of children. The conception of children as innocent “has profoundly shaped and limited their ability to participate as active citizens today because children are still believed to lack the wisdom and competence to make their own decisions” (Johnny, 2006, p. 20). Moreover, historically, many minority groups, including children and women, have been excluded from having equal rights in legal system, not being regarded as ‘persons’ or on the basis that such individuals lacked competencies (Coley, 2007). Over time, this has changed, but children continue to be unable to redefine themselves in the same way as other minority groups. They continue to be met with restrictions in enacting their rights and claims of ‘parental alienation’ impede on their right to be heard in custody cases and child protection services.

A second finding through participant interviews is the way key informants in child protection services and family justice system perceive their role in representing children voices. The UN Convention of the Rights of the Child states that “the child shall […] be provided the opportunity to be heard […] either directly, or through a representative or an appropriate body” (UNICEF, 1989, p.4). However, this does not state that the child has a choice in how they will be heard, leaving their choice to the discretion of the courts or their parents. Ultimately, in the province of Ontario, certain children have the opportunity to be appointed a children’s lawyer and/or clinical

investigator through the Office of the Children's Lawyers (Birnbaum, 2005). Children's lawyers and other legal representatives are tasked with representing and advocating for children and their views and preferences (Birnbaum, 2005). However, certain participants made note of the fact that such legal representatives are 'gate keepers' to the voices of children, acting in a position of knowing what's best, as oppose to implementing or sharing what the child expresses. Furthermore, by professionals perceiving themselves as 'gate keepers' or 'protectors', children continue to be regarded as incapable of being autonomous without help.

Finally, professionals often place capacity at the center of children's rights discourses, which is reiterated by participants who mention considering a child's age and ability to express themselves when obtaining their views and preferences. This is also shown in the UN Convention of the Rights of the Child which states in Article 12 "…the views of the child being given due weight in accordance with the age and maturity of the child." (UNICEF, 1989, p. 4). However, there is a distinction between obtaining a child's views and preferences, and the weight given to those views and preferences. Furthermore, certain participants demonstrate differing opinions as to what determines the maturity of a child, and at what age can one have their preferences implemented, specifically in cases where 'parental alienation' is claimed. Whereas one participant spoke of supporting a 14-year-olds right to decline seeing her father, another participant spoke of older age adolescents (16 and 17) not having their views and preferences being considered because they were 'alienated'. These contrasting statements demonstrate distinctly different professional opinions. Ultimately, the voice of a child or adolescent may be disregarded entirely based on the 'parental alienation' claim being that

professionals may maintain the belief that their views and preferences continue to not be that of their own, not matter their maturity and/or age.

4. Implications for Policies and Practices

The results from this research bring about many important implications for practices in the family court system and in child protection services, as 'parental alienation' accusations have both legal and clinical impacts for families, and particularly for women and children who have experienced domestic violence. This major research paper supports the need for improving and developing better training of professionals in the family court system and child protection services as it pertains to domestic violence, both during a relationship and in a post-separation context. By doing so, professionals will be better equipped to support women survivors of abuse in the context of family court and child protection services. Furthermore, they will be better able to distinguish between legitimate fears of abuse and potential 'alienating behaviours' which as this research shows, is not currently the case. Moreover, it is important to question the absence of policies and procedures to help professionals differentiate between high conflict and domestic violence cases. The term high conflict is often used in conjunction with families accused of 'parental alienation', and as this research demonstrates, is not often distinguished from domestic violence. Therefore, in developing policies and procedures, professionals will be better able to distinguish between cases, better serving women survivors of domestic violence. Finally, it would be relevant to review guidelines regarding children's involvement and the child's best interest in custody and access cases, in order to ensure that the rights of children who are believed to be 'alienated' are still being upheld.

5. Implications for Future Research

As it pertains to future research, it is imperative to explore how professionals in the family court system and child protection services understand domestic violence. Being that women survivors of domestic violence are often accused of engaging in 'alienating behaviour', it is imperative to determine how said professionals understand the dynamics of domestic violence and differentiate between it and other behaviours. Such research would allow for the development and implementation of training that will be adapted to the specific sectors of family court and child protection and will help to better protect women survivors of domestic violence from false accusations of 'parental alienation'. Another implication for research would be to examining how 'parental alienation' claims are silencing children in custody and access proceedings, based on the idea that they have been manipulated by their mothers. It would also be important to conduct research in order to identify in what ways these dominant discourses can be challenged.

CONCLUSION

The objective of this major research paper was to investigate how professionals affiliated with family law, child protection services and domestic violence services in Ontario, mobilise the concept of 'parental alienation', and what the implications are for women and children who have experienced domestic violence. Individual interviews were conducted with 18 key informants from above mentioned sectors, allowing for the identification of the dominant discourses that surround 'parental alienation' and domestic violence.

As the term 'parental alienation' continues to grow in usage in the family court system and child protection services, more women are being accused of 'engaging in parental alienation' after disclosing experiences of abuse (Lapierre & Côté, 2016; Meier, 2020; Neilson, 2018). This can be extremely harmful for women and children, who are both revictimized as well as silenced by these accusations. The results of this research demonstrate that Gardner's work on 'parental alienation syndrome' continues to hold a major influence on the discourses that surround 'parental alienation' in the family court system and child protection services. Similarly, to Gardner's 'parental alienation syndrome' there appears to be major gender biases in accusations and a failure to take into account experiences of domestic violence. This is based on the premise that false accusations of abuse are frequent. Furthermore, this research shows that this is also due to a lack of specialized knowledge on domestic violence and a confusion between 'high conflict' and domestic violence in the family court system and in child protection services. Finally, the research reveals that, in 'parental alienation' cases, these professionals who claim to work in a 'child's best interest' often dismiss children's experiences of domestic violence as well

as their views and preferences. Instead, they promote the principal of maximum contact with both parents, including their abusive fathers.

Ultimately, though the results from this research cannot be applied to the totality of child protection services and the family court system in Ontario, it is imperative that such professionals understand the issues at play in order to protect women survivors of domestic violence from being wrongly accused on ‘engaging in parental alienation’.

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ANNEXE A- CONSENT FORM (ENGLISH)

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School of Social Work

PARENTAL ALIENATION & DOMESTIC VIOLENCE

This study, funded by the Social Sciences and Humanities Research Council (SSRHC), is conducted under the supervision of Simon Lapierre Ph.D., Associate Professor in the School of Social Work at the University of Ottawa. It investigates policies and practices with regards to parental alienation, and the links with domestic violence.

Participation

Given your expertise in this field, you have been identified as a potential key informant for this study. Your participation is voluntary. If you agree to participate, you will be invited to take part in a telephone individual interview, which will last approximately 45 minutes. The interview will be digitally recorded.

Advantages

Your participation will give you the opportunity to contribute to the development of knowledge on parental alienation and domestic violence, and to the improvement of policies and practices in this field.

Risks

Your participation does not involve any risk. Nonetheless, you can refuse to answer any question during the interview without fear of reprisal. You can also withdraw from the interview at any time. If you choose to do so, the data collected will not be used for the purpose of the study.

Confidentiality

The data collected will be used for the purpose of this study. Only the researchers and the research assistants will have access to the recordings, and they will be required to sign a confidentiality agreement before accessing the data. Pseudonyms will be used to identify the participants.

The consent forms will be kept in the principal investigator's office at the University of Ottawa. The recordings will be kept in a protected file in the computer of the main researcher. All those documents will be deleted 5 years after the end of the study.

**** You can keep a copy of this form****

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120, rue Université / University Pvt.
Ottawa ON K1N 6N5

ACCEPTATION

I, _____ (name of the participant), agree to participate in the study "Parental alienation and domestic violence".

Signature of the participant: _____
Date:_____

Signature of the interviewer: _____
Date: _____

Signature of principal investigator: _____
Date: _____

Should you have any questions about this research please contact Simon Lapierre, by email (simon.lapierre@uottawa.ca) or by phone (613-562-5800, extension 6392).

For any questions concerning the ethical aspects of this research, please contact the ethics committee at the University of Ottawa: Université d'Ottawa, Tabaret Hall, 550, Cumberland st, room 154, Ottawa, Ontario, K1N 6N5. By phone: (613) 562-5387. By Email: ethics@uottawa.ca

**** You can keep a copy of this form****

ANNEXE B- CONSENT FORM (FRENCH)

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ALIÉNATION PARENTALE ET VIOLENCE CONJUGALE

Les liens entre l'aliénation parentale et la violence conjugale demeurent difficiles à cerner et peu de recherches se sont intéressées à l'interconnexion entre ces deux problématiques. En effet, des experts qui s'appuient du concept d'aliénation parentale pour comprendre les comportements d'un parent et les conséquences sur l'enfant, mais les liens avec la violence conjugale sont peu compris. Si vous êtes un-e expert-e sur l'aliénation parentale, nous aimerions vous rencontrer pour discuter de ce phénomène. Cette étude, financée par le Conseil de recherche en sciences humaines du Canada (CRSH), est réalisée sous la direction de Simon Lapierre, Ph.D., professeur à l'École de service social de l'Université d'Ottawa.

Votre participation

Si vous avez manifesté un intérêt pour participer à cette étude, c'est que vous détenez une expertise sur l'aliénation parentale en lien avec les politiques et les pratiques, soit dans le domaine de la cour familiale (8), dans les services de protection de l'enfance (8) ou dans les services destinées aux femmes victimes de violence conjugale (8).

Votre participation se fait sur une base entièrement volontaire. Si vous acceptez de participer, vous serez invitées à prendre part à une entrevue individuelle d'une durée approximative de 60 minutes. Le contenu de l'entrevue sera enregistré (audio).

Bénéfices

Votre participation vous permettra de contribuer à l'avancement des connaissances dans le domaine de l'aliénation parentale et de la violence conjugale, ainsi qu'à l'amélioration des politiques et des pratiques d'intervention, de prévention et de sensibilisation dans le domaine.

Risques

Comme vous serez invitées à partager votre expérience professionnelle, il est possible que vous ressentiez un malaise au moment de répondre à certaines questions ou de dévoiler certaines informations. Vous pouvez, en cours d'entrevue, faire le choix de ne pas répondre à certaines questions et vous êtes aussi libres de mettre fin à votre participation en tout temps, sans devoir donner d'explication. Si vous décidez de mettre fin à l'entretien, les données recueillies ne seront pas utilisées aux fins de la recherche.

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**** Vous pouvez conserver une copie de ce formulaire ****

Confidentialité

Les données recueillies seront utilisées à des fins de recherche. Seuls les membres de l'équipe de recherche auront accès aux enregistrements et aux formulaires de consentement et tous s'engagent à assurer la confidentialité et à protéger l'identité des participant-es.

Les formulaires de consentement seront conservés dans le bureau du chercheur principal, à l'Université d'Ottawa. Les enregistrements seront conservés dans l'ordinateur du chercheur principal, dont l'accès est protégé par un mot de passe. Toutes ces informations seront détruites de façon sécuritaire 5 ans après la fin de l'étude.

ACCEPTATION

Je, _____ (nom de la participante), accepte de participer à l'étude « aliénation parentale et violence conjugale ».

Signature de la participante : _____
Date :_____

Signature de l'intervieweur-e : _____
Date : _____

Signature du chercheur principal : _____
Date : _____

Si vous avez des questions sur la recherche, vous pouvez rejoindre Simon Lapierre, par courriel (simon.lapierre@uottawa.ca) ou par téléphone (613-562-5800, poste 6392).

Pour tout renseignement sur les aspects éthiques de cette recherche, vous pouvez vous adresser au comité d'éthique de l'Université d'Ottawa: Université d'Ottawa, Pavillon Tabaret, 550, rue Cumberland, salle 154, Ottawa, Ontario, K1N 6N5. Par téléphone : (613) 562-5387. Par courriel : ethics@uottawa.ca

**** Vous pouvez conserver une copie de ce formulaire ****

ANNEXE C- SOCIODEMOGRAPHIC FORM (ENGLISH)

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DOMESTIC VIOLENCE AND PARENTAL ALIENATION

The following questions will allow us to gather information on the participants. Please answer the questions as accurately as you can.

Name: _____

Gender: _____

Ethnicity:

Province where you practice:

☐ Ontario
☐ Québec

City or cites where you practice: Toronto, Montréal, TR, Calgary

Your area of expertise:

☐ Family court
☐ Child protection services
☐ Domestic violence services
☐ Other: ALL _____

Professional Title: Full

Professional Affiliation: _____

Number of years of experience in your field:

☐ Less than 5 years
☐ Between 6 and 10 years
☐ Between 11 and 15 years
☐ Between 16 and 20 years
☐ Between 21 and 24 years
☐ 25 years or more

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Degrees and certificates:

Degree/certificate	Discipline	Institution	Year of completion

Any other relevant training on parental alienation and/or domestic violence:

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ANNEXE D- SOCIODEMOGRAPHIC FORM (FRENCH)

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VIOLENCE CONJUGALE ET ALIÉNATION PARENTALE

Les questions suivantes nous permettront de mieux vous connaître le portrait des participant-es. Merci de répondre au meilleur de vos connaissances.

Votre nom : _____

Genre : _____

Ethnicité : _____

La province dans laquelle vous travaillez

☐ Ontario
☐ Québec

Ville.s où vous travaillez : _____

Votre domaine d'expertise :

☐ Cour familiale
☐ Services de protection de l'enfance
☐ Services aux victimes de violence conjugale

Titre professionnel : _____

Affiliation professionnelle : _____

Nombre d'années d'expérience dans votre domaine :

☐ Moins de 5 ans
☐ Entre 6 et 10 ans
☐ Entre 11 et 15 ans
☐ Entre 16 et 20 ans
☐ Entre 21 et 24 ans
☐ Plus de 25 ans

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Diplômes et certificats :

Diplômes/certificat	Discipline	Institution	Date d'obtention

Autres formations sur l'aliénation parentale et/ou la violence conjugale :

- _____
- _____
- _____
- _____

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ANNEXE E- INTERVIEW QUESTIONNAIRE (ENGLISH)

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DOMESTIC VIOLENCE AND PARENTAL ALIENATION

NOTE : Ask to define ideas or concepts (high conflicts, domestic violence, etc) in any questions : Peux-tu clarifier, peux-tu nous en dire un peu plus, peux-tu me donner une exemple de situation, qu'est-ce que tu entends par,

INTRODUCTION

- Introduction of the researcher or research assistant and the key informant
- Signature of the consent form and answering any question the women may have
- Sociodemographic questionnaire

A. PARENTAL ALIENATION

1. When did you first hear about "parental alienation", and how was this concept introduced to you?

2. How do you understand parental alienation?

3. What theories and research do you draw upon to understand parental alienation?

3. In what type of situation does parental alienation emerge as an issue?

5. How do you mobilize or encounter this concept and why is this concept relevant to the work you're doing?

6. What values underline the work you're doing in this area?

7. What are the main reactions to your work in this area?

8. Do you see any limitations or problems with the use of this concept?

B. PARENTAL ALIENATION AND DOMESTIC VIOLENCE

9. Are parental alienation and domestic violence related issues? If so, how?

- Ask a definition of all used concepts
- Ask for examples for each concepts

10. Can you name an example of a situation where you've seen both parental alienation and domestic violence?

- How do you understand domestic violence?

C. RELEVANT DOCUMENTS

11. What are the relevant documents with regards to parental alienation? Laws, policies, training documents, protocols, guidelines, research reports, etc.

CONCLUSION

12. What should be the priorities with regards to research, policies or practices in this area?

13, Is there any one you think we should contact as a key informant in this study?

Are there any other points you would like to add before the end of the interview?

Acknowledgements

ANNEXE F- INTERVIEW QUESTIONNAIRE (FRENCH)

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VIOLENCE CONJUGALE ET ALIÉNATION PARENTALE

INTRODUCTION

- Présentations de la chercheure (ou de l'assistante de recherche) et l'informateur-trice-clé
- Retour sur le formulaire de consentement, réponse aux questions et signatures
- Questionnaire sociodémographique

A. LE CONCEPT D'ALIÉNATION PARENTALE

1. Quand et comment avez-vous entendu parler pour la première fois du concept « d'aliénation parentale »?

2. Comment comprenez-vous l'aliénation parentale ?

3. Quelles théories ou recherches utilisez-vous pour comprendre l'aliénation parentale ?

4. Dans quelle contexte est-ce qu'on voit l'aliénation parentale émerger?

5. Comment ce concept est-il utilisé dans votre pratique et pourquoi ce concept est-il pertinent ?

6. Quelles sont les valeurs qui sous-tendent le travail que vous faites sur l'aliénation parentale ?

7. Est-ce vos travaux sur l'aliénation parentale suscitent des réactions ? Si oui, lesquelles?

8. Voyez-vous des limites ou des problèmes avec l'utilisation de ce concept ?

B. ALIÉNATION PARENTALE ET VIOLENCE CONJUGALE

9. Est-ce qu'il y a un lien entre l'aliénation parentale et la violence conjugale ? Si oui, quel est ce lien ?

- Demander une définition de tous les concepts utilisés
- Demander un exemple pour chaque concept

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10. Pouvez-vous donner un exemple d'une situation où vous avez-vu de l'aliénation parentale et de la violence conjugale ?

- Comment comprenez-vous la violence conjugale

C. DOCUMENTS PERTINENTS

11. Quels sont les documents de référence ou autres documents pertinents lorsqu'on s'intéresse à l'aliénation parentale ? Des lois, politiques, documents de formations, lignes directrices, rapports de recherches, des protocoles, etc.

CONCLUSION

12. Quel devraient être les priorités en ce qui a trait à la recherche, aux politiques et aux pratiques dans ce domaine ?

13. Connaissez-vous d'autres experts sur la question de l'aliénation parentale que nous devrions contacter dans le cadre de cette étude?

Avez-vous d'autres éléments que vous voudriez ajouter avant la fin de cette entrevue ?

Remerciements