# CASE LAW ADDRESSING PARENTAL ALIENATION SYNDROME
# EXECUTIVE SUMMARY

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***Zigmont v. Toto*, 1992 WL 6034 at *2, 9 (Ohio App. 8 Dist., Jan 16, 1992)**
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***A.M.L. v. J.W.L.*, 98 So.3d 1001 (Miss. 2012).**
***Appel-Meller v. Meller*, 285 A.D.2d 430 (N.Y. Sup. Ct. App. Div. 2001)**

# CASE LAW ADDRESSING PARENTAL ALIENATION SYNDROME[1]

Note: Cases with an asterisk are formally unpublished but obtainable as cited.
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## I. REJECTING ADMISSIBILITY:

### A. APPELLATE COURT

******People v. Sullivan*, 2003 WL 1785921 (Cal.App. 6 Dist. 2003)**
Defendant Charles Sullivan was convicted of six counts of aggravated sexual assault and one count of forcible lewd or lascivious acts on a child, acts he committed against his two minor daughters after divorcing their mother. Defendant appealed the conviction, in part on the grounds that the trial court erred in excluding testimony by Dr. Randy Rand on parental alienation syndrome. The Court of Appeals upheld the conviction in part, finding that the trial court appropriately excluded Dr. Rand's testimony because "(1) the behavior was not beyond common experience within the meaning of [California Rule of Evidence] section 801, subdivision (a); (2) the testimony was not scientific enough to satisfy the "Kelly-Frye" rule; and (3) Dr. Rand's name was not included on the witness list." Without examining PAS directly, the Court of Appeals found that the trial court was within its discretion to exclude the evidence and find that "[e]xpert opinion is not admissible if it consists of inferences and conclusions which can be drawn as easily and intelligently by the trier of fact as by the witness."

***C.J.L. v. M.W.B.*, 879 So.2d 1169 (Ala.Civ.App. 2003) (Dicta)**
Appellant C.J.L. and appellee M.W.B. were married and had three minor children together. They divorced in 1999. The parties received joint custody of the children with primary physical custody to the mother-appellant. In post-trial motions concerning the mother's allegations that the father abused their minor child, the trial court appointed Dr. Karl Kirkland, a psychologist, to perform a custody evaluation. Despite statements from all three children indicating their desire to no longer visit their father, Dr. Kirkland

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recommended the father be given sole physical custody based on his finding that the mother alienated the children from their father. The trial court granted a change in custody to the father based on Dr. Kirkland's recommendation.

The mother appealed the trial court's ruling in part because PAS is not generally accepted in the scientific community and as a result does not meet the *Frye* test for admissibility. The Court of Civil Appeals of Alabama held that Dr. Kirkland's testimony on PAS is not subject to the *Frye* test because 1) he did not make an explicit diagnosis of PAS in the children and 2) the trial court did not explicitly rely on a finding of PAS in their ruling. The Appellate court went on to note however, that "if faced squarely with the question [of] whether evidence concerning an actual diagnosis of PAS was admissible under Frye's "general acceptance" test, [they would] be inclined to agree with the mother and find that PAS had not been generally accepted in the scientific community."

***Hanson v. Spolnik*, 685 N.E.2d 71 (Ind.App. 1997)**
**DV LEAP COMMENT:** ***Please note that the "rejection" of PAS is in the dissent.***
**Dissent, Chezem, J.**
In a scathing dissent of the majority's mischaracterization of PAS, Judge Chezem rejects PAS as a theory and likens it to "cult" theories like the "Peter Pan Syndrome" or the "Cinderella Complex"" that are "more suitable in a pop psychology venue rather than in a court of law." He concludes that the majority erroneously permitted PAS evidence because of problems of causation, scientific reliability and admissibility as scientific evidence.
**Majority opinion:**
The majority affirmed a trial court's modification of custody order granting the father sole physical and legal custody of the couple's daughter. The trial court based its decision in part on the testimony of Dr. Richard Lawlor, a child psychologist who testified that the mother's "comments and allegations against [the father] were directed at alienating [the couple's daughter] from [the father] and that [the mother's] behavior endangered [the child's] emotional and psychological development." Although the trial court did not specifically use the term PAS, the testimony and analysis indicated that they heard evidence of PAS without examining it for admissibility. On appeal, the majority affirmed the trial court's decision also without addressing the admissibility of PAS. They found that there was a change in circumstances based in part on the mother's repeated allegations of sexual abuse by the father. However, in a footnote, the majority noted that allegations of sexual abuse will not always support a change of custody.

**B. TRIAL COURT:**

***Snyder v. Cedar*, 2006 Conn. Super. LEXIS 520 (2006)**
The plaintiff Daniel Snyder and the defendant Deborah Cedar were married on January 26, 1985. Their daughter Aviva was born soon after on October 21, 1985. In July 1990, Cedar instituted divorce proceedings in response to a violent encounter with the plaintiff. The pair engaged in a hotly contested divorce, specifically on the issue of custody and visitation of their daughter. Ultimately, both parties agreed to joint custody of Aviva with the child's primary residence to be with Cedar and bi-weekly visitation rights with

Snyder. In the years following, Snyder's relationship with his daughter declined, culminating with a verbal argument in April 1997. Soon after, a social worker at Aviva's school voiced concern that Aviva had been sexually abused. However, it was not until the following year that Aviva herself alleged sexual abuse by her father. Snyder maintains that the sexual allegations originated not with Aviva, but with Cedar in her efforts to turn Aviva against her father. As evidence of his theory, Snyder presented the testimony of Aviva's childhood psychotherapist, Dr. Diane Rotnem. Dr. Rotnem testified that Aviva suffered from parental alienation syndrome. Although the court ultimately found the allegations of sexual abuse against Snyder were without merit, it rejected Dr. Rotnam's testimony on PAS. Specifically, the court found that PAS lacked "any scientific basis" and that the syndrome had not been the subject of credible scientific studies. The court also found that PAS "lacks any methodological underpinning," and as such, is inadmissible because it is "incapable of helping the fact finder determine a fact in dispute."

***People v. Fortin*, 706 N.Y.S.2d 611 (N.Y. Crim. Ct. 2000)**
Defendant Michael Fortin was charged with various counts of sexual assault of his wife's 13-year-old niece. At trial, Fortin sought to introduce expert testimony by Dr. Richard Gardner regarding parental alienation syndrome to support his claim that the child fabricated the allegations of sexual assault against him due to "interfamilial discord." After a *Frye* hearing on the admissibility of evidence of PAS, the trial court rejected Dr. Gardner's testimony on PAS, holding that it was not shown to be a theory generally accepted in the scientific community and thus was inadmissible.

***NK v. MK*, 17 Misc.3d 1123(A); 2007 WL 3244980 (N.Y.Sup. Ct. 2007)**
Former spouses each seek, *inter alia*, a disproportionate equitable distribution in a contested divorce based on allegations by each party of egregious conduct. The wife cites a long pattern of domestic violence on the part of the husband while the husband alleges the wife engaged in conduct resulting in the alienation of the child from him. The Supreme Court of New York ultimately refuses to grant the father economic relief and finds there is no "generally accepted diagnostic determination or syndrome known as 'parental alienation syndrome.'" Furthermore, the court notes that courts "cannot just accept the opinion of an expert and must evaluate it and then determine its efficacy or application to the case before it…especially [in cases] where there are allegations of domestic violence which must be considered in the context of a custody dispute."

## II. POSSIBLY RULING ADMISSIBLE:

**DV LEAP COMMENT: The following case is sometimes cited as holding PAS admissible – but a published decision has been impossible to obtain.**

***Kilgore v. Boyd*, 13th Circuit Court, Hillsborough County, FL, Case No. 94-7573, 733 So.2d 546 (Fla. 2d DCA 2000); *Boyd v. Kilgore*, 773 So.2d 546 (Fla. 3d DCA 2000)**
Court ruling that the PAS has gained general acceptance in the scientific community and thereby satisfies Frye Test criteria for admissibility.

## III. DECLINING TO ADDRESS ADMISSIBILITY:

### A. Avoided on Procedural Grounds:

***Grove v. Grove,* 2011 Ark. App. 648 (2011)**
The mother appealed an order awarding sole physical custody of her two children to their father. The mother argued that the trial court abused its discretion by relying on expert witness testimony about parental alienation syndrome, which does not meet the *Daubert* test for admissibility of scientific evidence. Dr. Paul Deyoub conducted a court-ordered psychological evaluation, requested by the Father. Dr. Deyoub concluded that the mother was "poisoning" her children against their father. The mother requested that an expert of her choosing evaluate the children. Dr. Warren Seiler performed a psychological evaluation and found that the children had been "regularly pressured and brainwashed". After these evaluations and several hearings the trial court placed custody of the children with the father and ordered temporary supervised visitation to the mother. The Court of Appeals did not address the Mother's argument in regard to PAS because it had not been preserved for appeal.

*** *Weyker v. Weyker*, 2010 WL 4721306 (Minn. Ct. App. Nov. 23, 2010)**
In a divorce proceeding, the Court of Appeals upheld the district court's decision to award sole legal and physical custody of minor children to the wife. The husband argued that the district court abused its discretion by failing to recognize "parental alienation syndrome". The court found that the district court did "not abuse its discretion by failing to address this alleged syndrome," because the husband presented no evidence at trial regarding the syndrome, and therefore, could not complain of a ruling on appeal where he did not provide the district court with evidence needed to rule in the his favor.

*** *Beam v. Beam* 2010 WL 4609356 (Haw. Ct. App. Nov. 15, 2010) *reconsideration denied,* 2010 WL 5275783 (Haw. Ct. App. Dec. 23, 2010)**
In a divorce proceeding the mother appealed the district court's decision awarding the father temporary custody in response to his "Motion for Award of Temporary Sole Legal and Physical Custody, for Establishment of a Parental Alienation Case Management Protocol, and for Immediate Psychological Evaluation of Children." The trial court found that the material change in circumstances since the Divorce Decree was that the mother had failed to facilitate a positive and harmonious relationship between the children in common and the father. The mother appealed and argued that the court erred in denying her *motion in limine,* which sought to exclude testimony from Dr. Marvin Acklin and any and all testimony positing that the case involved "parental alienation syndrome" or "parental alienation". The court denied the *motion in limine* with respect to PAS testimony and Dr. Acklin's testimony. The Court of Appeals found that the trial court did not abuse its discretion in allowing Dr. Acklin to testify and in denying the motion but did not discuss the admissibility of parental alienation syndrome further.

*** *In re Marriage of Blake,* 2007 WL 1154057 (Cal.App. 1 Dist. 2007).**
In a divorce proceeding, the Court of Appeals upheld a trial court's refusal to allow the plaintiff-father to introduce evidence of PAS in the children with respect to custody and

visitation issues. While the Court of Appeals takes note of the dispute within the legal and scientific community regarding the validity of PAS, they do not directly examine its validity. Instead, the Court upholds the trial court's ruling on procedural grounds (the father did not offer a qualified expert on PAS, only a reference to a law journal article in his trial brief).

***In re Paternity of A.M.C.*, 768 N.E.2d 990, 998-99 (Ind. 2002)**
The father appealed the trial court's order regarding custody of and visitation with his three-year old. The father claimed that daughter was being sexually molested. The trial court consulted a number of psychologists and other professionals dealing with custody and visitation. One such evaluator, Dr. Watson, said that the child should remain in the custody of the mother with a further recommendation that the father should be denied all visitation rights with the child. The father contended that Dr. Watson's evaluation was based on PAS. The Court of Appeals disagreed. The appellate court claimed, "there is a difference between basing a recommendation upon a theory and making a diagnosis of a syndrome." They further differentiated between a diagnosis and being "at risk" for PAS - Dr. Watson claimed that the child was merely "at risk." Finally, the court notes that they are prohibited from reviewing Dr. Watson's credibility on procedural grounds because Father failed to challenge the admissibility of Dr. Watson's opinion at trial or on appeal.

***In re T.T.*, 681 N.W.2d 779 (N.D. 2004)**
On appeal, The Supreme Court of North Dakota precluded a mother's argument that the trial court erred in admitting testimony regarding PAS arguing that it is not a recognized scientific term in the scientific community. The Court held that the mother was precluded from making this argument, because she did not make the same objection in the trial court.

***Perlow v. Berg-Perlow*, 816 So.2d 210 (Fla.App. 4 Dist. 2002)**
Appellant father contends that the trial court erred in allowing expert testimony regarding PAS because the testimony did not meet the *Frye* standard. The District Court of Appeal of Florida refused to consider appellant's argument because appellant did not make the same objection at trial.

*** *In re Spencley*, 2000 WL 33519710 (Mich.App. 2000)**
The Court of Appeals of Michigan rejects appellants arguments that the trial court erred in relying on psychologist's testimony regarding PAS because "the psychologist's use of this theory at trial was merely a way to explain appellant's behavior" and furthermore that "appellant did not challenge the admission of the evidence concerning 'parental alienation syndrome' at trial" and is therefore precluded from doing so on appeal.

*** *In re Marriage of Arthur*, 2004 WL 1732709 (Cal.App. 3 Dist. 2004).**
In a high conflict divorce, the mother of two minor children appealed a final custody order granting the father primary physical custody (and both parents joint legal custody) of the children on the grounds that, *inter alia*, the trial court inappropriately permitted testimony on PAS. Without examining the admissibility of PAS, the Court of Appeals

overlooked the mother's claim because the trial court did not rest its ruling on a PAS theory.

***Costley v. Benjamin*, 2005 WL 1950114 (Tenn.Ct.App. 2005) (Not Reported in S.W.3d)**
"We need not determine whether Parental Alienation Syndrome is recognized by the psychological community or establishes a reliable basis for expert testimony" because the trial court did not rely on evidence of PAS.

*** *In re Marriage of Idelle C., Ovando C.*, 2002 WL 1764181 (Cal.App. 2 Dist. 2002)**
Same as *Costley*.

*** *Marriage of Conde v. Krueger*, 266 Wis.2d 1060 at *1 (Wis.App. 2003)**
The trial court found, based primarily on an expert's report and testimony, that the mother had subjected the child to "parental alienation syndrome." The counselor who testified that PAS was present told the Court: "I don't have any degree in parental alienation. I have attended a number of seminars and trainings, but I haven't researched it. I haven't done my own research. I haven't authored any peer review journal articles on the subject. I rely on those things that are produced by those who have studied and done their own research." However, the trial court concluded that the counselor's claims of PAS, plus claims that the mother had slapped the child, were enough to constitute a substantial change in the child's circumstances. The trial court placed the child with the father. The Court of Appeals affirmed. In response to the mother's challenge to the testimony on alienation, the Court of Appeals noted "…assuming that expert testimony was necessary, [the mother] has waived her challenge to the court's reliance on [the counselor] by not objecting to her testimony on alienation with any degree of specificity."

*** *In re Marriage of Alvarez*, 2007 WL 1057029 (Cal.App. 4 Dist. 2007)**
A mother (Kim Alvarez) appeals a child custody order restricting her to supervised visitation because the trial court erred in admitting the testimony on PAS by therapist John Parker. The California Court of Appeals did not reach the admissibility of testimony on PAS and instead found that the therapist "did not offer any opinions about PAS and therefore the statements were not inadmissible on this basis."

*** *Williams v. Transcender*, 1998 WL 204949 (Wash.App. Div. 1 1998)**
In a one-page opinion, the Court of Appeals of Washington declines review of the validity of PAS because the respondent "cited no legal authority in support of his arguments."

***Oates v. Oates*, 2010 Ark. App. 345, 2010 WL 1608865, (Ark.App., 2010).**
On appeal, Ms. Oates contended that Dr. DeYoub's testimony should have been excluded because his opinions were based on the widely discredited psychological theory of Parental Alienation Syndrome (PAS). The Court of Appeals refused to reach the admissibility of the issue, arguing, "[the admissibility of PAS testimony] is not preserved because it was not raised in a timely manner to the trial court."

***People v. Bimonte,* 185 Misc. 2d 390, 395 (N.Y. Crim. Ct. 2000)**
The defendant was charged with taking sexually suggestive photographs of his children. He argued that an expert should be allowed to testify about PAS because if the children are allowed to testify they "will say bad things about him because of PAS." The defendant acknowledged that generally PAS is applicable in custody cases but argued that since he and his ex had gone through a bitter custody fight it was relevant. The defendant argued that the testimony must be admitted and sought to cite *People v. Fortin*, 706 N.Y.S.2d 611 (N.Y. Crim. Ct. 2000) for that proposition – the court notes that this is not applicable because in *Fortin* the court found that PAS was not admissible. The court decided that the issue was moot because the people's motion to have the children testify was denied. The court also noted that since this was not a custody case the evidence would be irrelevant.

***L.F.W. v. J.R.W.*, 10 Misc.3d 1067A (N.Y Fam. Ct. 2005)**
Cited *J.F. v. L.F.*, 694 N.Y.S.2d 592 (N.Y.Fam.Ct. 1999) for the proposition that if one parent alienates the children from the other the best interests of the children may be served by a transfer of custody to the non-alienating parent. In this case the mother tried to allege alienation on the part of the father in order to stop paying child support but the court determined that the mother had raised this point at a prior hearing and the court had rejected it.

**B. Avoided on Factual Grounds:**

*** *Cone v. Cone,* 2010 WL 1730129 (Tenn. Ct. App. Apr. 29, 2010)**
The mother challenged an order of the trial court that awarded the father sole custody of their son. Mother alleged sexual abuse by the father and the department of social services found that the child had been sexually abused. However, during the trial to determine custody the court found the allegations of sexual abuse were not sufficiently proven. Mother argued on appeal that the trial court did not properly consider the DSS's finding of sexual abuse. Justice for Children, a child advocacy group filed an amicus curiae brief asserting that the trial court improperly relied on parental alienation syndrome. Contrary to the claim by Justice for Children the Court of Appeals did not find that the trial court based their decision in any way on parental alienation syndrome. The Court of Appeals noted that none of the experts mentioned PAS and when asked about it by the mother's attorney one expert answered that it did not pertain to this case. The court determined that evidence of PAS was not admitted in this case.

*** *Bothur v. Bothur,* 2010 WL 4610955 (Conn. Super. Ct. Oct. 22, 2010)**
Following an order from the dissolution of marriage granting the father supervised visitation with their three youngest children, the mother moved to terminate the order and move for sole custody. The family consisted of nine children, six of which were children in common. In the divorce proceedings the mother and father agreed to a psychological evaluation of all the parties by Dr. James J. Connolly, who would provide recommendations for the custody agreement. Dr. Connolly found that the oldest six children were dedicated to not participating in meaningful visits with their father. Dr. Connolly noted that the mother had engaged in alienating behavior toward the Father by

saying and doing things in the children's presence that had the effect of causing their estrangement from their father. However Dr. Connolly testified that he did not believe that the mother's conduct was the principal cause of the father's estrangement from his six oldest children. The family relations counselor Paul Lorenzo found that "mother has made numerous overt and covert attempts to physically alienate and emotionally control the boys from their physical and emotional connections with their biological father." He recommended, "that the courts no longer tolerate the aforementioned alienating behavior."

The court concluded that "This case is no garden variety instance of 'parental alienation syndrome,' but an example of a considerably more complex, resilient, and intractable phenomenon revolving around the children's perceived abandonment and sense of betrayal . . . as well as the individual children's expectations of their father's behavior."

The court addressed the mother's accusations of "a horrendous story of threats, violence to herself and the children, and wildly excessive physical disciplining of the children that, if true, would warrant her concerns." The father was arrested in 1999 for abusing one of the children and assaulting the mother. The court did not credit all of the mother's testimony regarding abuse, citing the conflicting testimony of the two oldest sons and psychological evaluations of the children. The court was not persuaded by the mother's testimony that the father was a present danger to the children. The court found that "the contradictions are too many, the prior inconsistent statements too credible, the evidence of her children's loyalty to her and her influence over them too powerful." Concluding that, "it is the best interest of these three children to have a good parental relationship with their father," and therefore, denied the Mother's motion for modification of visitation

***L.S. v. B.S.* 2010 WL 4366367 (Ky. Ct. App. Nov. 5, 2010)**
Mother appealed from an order that designated the father as the primary residential parent of two minor children. The mother argued that the family court improperly relied on the theory of "parental alienation syndrome."

The mother and father's divorce settlement ordered joint legal custody but the arrangement became unworkable when the mother contacted child protective services after incidents of the father hitting their son. This began a pattern of the mother accusing the father of abuse towards the children and the father accusing the Mother of trying to alienate the children. The parents entered into an agreed order in which Dr. Ronda Mancini was appointed to undertake counseling and treatment of the children. Dr. Mancini testified that she was concerned about the "apparent parental alienation created by the mother," which she stated had a negative impact on the children and interfered with the father's ability to maintain a healthy relationship with his children. The parenting coordinator also submitted a memo to the court stating that the mother was emotionally harming the children. The Court of Appeals found that the trial court had permissibly based its decision on the evidence offered at trial, not on an abstract theory of parental alienation syndrome. The Court of Appeals cited approvingly that the trial

court's decision was based on the fact that the mother "demonstrates no real understanding that it is important and desirable that both children feel free to love and enjoy their father as well as their mother." The trial court also cited that the children suffered from poor dental care and lice but that the father had taken the initiative in securing speech therapy for the daughter.

*** *Marinozzi v. Goss*, 2010 WL 3516924 (N.J. Super. Ct. App. Div. Sept. 1, 2010)**
The mother appealed an order denying her motion to modify parenting-time schedule. The mother argued that her son was experiencing parental alienation syndrome from his stepmother and that her request for a third party interview to investigate if "PAS" should have been granted. The Court of Appeals found that the mother's argument lacked merit and affirmed the lower court's denial of the relief sought but did not discuss parental alienation syndrome.

***Palazzolo v. Mire*, --- So.2d ----, 2009 WL 103957 (La.App. 4 Cir. 2009)**
Ms. Mire and Ms. Palazzolo, a lesbian couple residing in California, had a child by artificial insemination after nearly 17 years together. Ms. Mire was the birth mother while Ms. Palazzolo was the adoptive mother. When the child was nearly five years old, the couple separated due, at least in part, to allegations that Ms. Mire engaged in lesbian affair while traveling for work. Due in part to special circumstances created by Hurricane Katrina, Ms. Mire enjoyed physical custody of the child for several months after the split. Ms. Palazzolo filed a petition for custody and visitation, alleging Ms. Mire denied her communication and access to the child. In her response, Ms. Mire alleged that she did so in part because Ms. Palazzolo refused to discontinue inappropriate conduct, including watching the child undress and bathe. In a court ordered custody evaluation, court-appointed evaluator Dr. Brian Jordan found that Ms. Palazzolo has "engaged in sex abuse of her adopted daughter." The trial court thereafter granted the parents joint physical custody. A long custody battle ensued, with a series of psychologists examining the child's relationship with her parents. The trial court acknowledged the concept of PAS without examining its admissibility. The Court of Appeals discussed PAS at length in its opinion and acknowledged the confusion within legal and scientific circles as to whether or not PAS is a valid scientific theory. Ultimately, the court relied on testimony by the experts in the case to make its ruling, one of whom noted that "her recommendation was not based on PAS; rather, her recommendation was based on the unique facts of this case." Therefore, despite discussing and defining the court's understanding of PAS, the majority never reached the issue of whether PAS is scientifically valid. Further, it failed to reach the issue of the admissibility of evidence of PAS due to the fact that the experts claimed they either did not subscribe to PAS or did not make their recommendations based on a finding of PAS.

*** *Linder v. Johnson*, 2006 WL 3425021 (Ark.App. 2006)**
When Jennifer Linder and Deron Johnson divorced, they were granted joint custody of their two children – then seven and five years old. Three years after the divorce, Johnson sought a change in custody, alleging that Linder had "systematically 'poisoned' the children's minds" against him. Linder argued that the children feared visitation with Johnson because he physically abused them. Both children testified at the trial that their

father physically abused them. But a court-appointed psychologist, Dr. Paul DeYoub, interviewed Linder, Johnson, and the children. During the interviews, the children—then twelve and fourteen—both "expressed fear for their lives and threatened to run away if [Johnson] was awarded custody." Dr. DeYoub diagnosed the children with "Parental Alienation Syndrome," explaining that Linder "made the children believe that [Johnson] had abused them. . . systematically alienating the children from [Johnson]." DeYoub recommended that Johnson be granted sole custody. A therapist who had been seeing the children for two years recommended that Linder retain custody. The court granted Johnson sole custody. Ms. Linder refused to comply. The court found her in contempt and ordered her to serve a one-year sentence, a ruling she successfully challenged. She appealed the change of custody.

The Court of Appeals affirmed the trial court's ruling **based** on Dr. DeYoub's recommendation and PAS finding. The Court did not examine the admissibility of Dr. DeYoub's testimony on PAS, but instead deferred to the trial court's finding. Although the Court of Appeals examined testimony by the children and mother regarding abuse by the father to determine whether the mother alienated the children from their father, the Court of Appeals was "convinced that Dr. DeYoub's conclusions regarding the parties' behavior are consistent with the statements the parties gave to Dr. DeYoub and the testimony offered at the hearings."

*** *Ignatiuk v. Ignatiuk*, 2006 WL 933490 (Ark.App. 2006)**
Appellant Kimberly Ignatiuk appealed a judgment changing custody of her two daughters to their father, Appellee Michael Ignatiuk. The parties were divorced in 1999 at which time they agreed to joint legal custody of the children with appellant having primary physical custody. In 2001, the children began therapy to deal with alleged sexual abuse by father, among other things. The father was acquitted of criminal charges related to allegations of sexual abuse by one of the children. In 2002, and in response to motions by both parties regarding visitation, the trial court ordered psychological evaluations of the children by a court-appointed psychologist, Dr. Paul DeYoub. Other psychologists conducted several subsequent psychological evaluations as well.
After the appellant remarried and moved to Florida with her children, the appellee filed for a change in custody alleging appellant's move to Florida frustrated his visitation rights. After denying appellant's continuance, the court ordered a change in custody based in large part on the testimony of Dr. Lowitz, a court-appointed psychologist who recommended a change in custody and Dr. Dyer, a guardian ad litem appointed by the court who alleged PAS. The Court of Appeals affirmed the trial court's ruling without examining the admissibility of testimony on PAS.

***In re Marriage of Bates,* 819 N.E.2d 714 (Ill. 2004)**
When Norma and Edward Bates divorced, Norma was granted custody of their daughter, with visitation for Edward. Less than a year after the divorce, Norma sought modification of the arrangement, in part because the daughter was "experiencing extreme anxiety and distress following contact with her father." She alleged that Edward abused alcohol while the daughter was in his care, and that he abused the daughter. Edward argued that

Norma's accusations of abuse were an intentional attempt to alienate the daughter from him.

Edward presented several expert witnesses, including Dr. Richard Gardner, who testified that the daughter suffered from Parental Alienation Syndrome. **The court refused to find that the daughter had been abused**, and instead followed the recommendation of Edward's experts, granting sole custody of the daughter to Edward, though it purported to "throw out the words 'parental alienation syndrome.'" When Norma appealed the decision, arguing that PAS was not scientific and not reliable, the Illinois Supreme Court asserted that it **did not need to decide whether PAS was an accepted scientific theory** because the trial court did not rely on PAS in reaching its decision. Like the trial court, the Supreme Court **accepted** the premises of PAS while purporting to decide the case without reliance on the theory. The court explained that the trial court's decision rested on the finding that Norma's allegations of abuse "interfered with [the daughter's] ability to build a 'close and continuing relationship' with her father."

*** *In re Marriage of McCord*, 2003 WL 23219961 (Iowa App. 2003)** – "We have not passed upon the issue of whether parental-alienation syndrome is a reliable theory. We find it unnecessary to do so now. Rather, we look at the evidence introduced and draw our own conclusion."

***Zafran v. Zafran*, 740 S.2d 596, 600 (N.Y. Sup. Ct. 2002)** The Court of Appeals talks in length about PAS in this case - noting that there have been numerous law review articles and a number of cases that have dealt with PAS. However, the Court notes that "[g]enerally, the New York Courts, in the context of a custody/visitation case, rather than discussing the acceptability of "PAS" as a theory, have discussed the issue in terms of whether the child has been programmed to disfavor the non-custodial parent, thus warranting a change in custody." The Court *sua sponte* permitted the defendant to proceed with a "Frye" type hearing prior to the trial of this matter, at which time they held that the defendant will have the opportunity to establish admissibility of expert testimony on the theory of Parental Alienation Syndrome.

***Hughes v. Hughes*, 588 N.W.2d 346 (Wis.App. 1998)**
Mother appeals a trial court order modifying physical placement of her child and awarding physical placement with her ex-husband because the trial relied on expert testimony of PAS which, she argues, is inadmissible because it is scientifically invalid. The Court of Appeals of Wisconsin does not examine the scientific validity of PAS because they find that "there is other evidence in the record that supports the trial court's findings."

*** *Pisani v. Pisani*, 1998 Ohio App. Lexis 4421 at *15-16 (Ohio App. 1998)**
Carol Pisani, the mother, argued the trial court committed prejudicial error when it failed to consider the testimony/report of Dr. Weinstein who concluded the children suffered from "Parental Alienation Syndrome." The Court of Appeals noted that it believed that the trial court had correctly considered the evidence of PAS and affirmed the trial court's decision to award custody to the father. The Court of Appeals did not address the admissibility of PAS because, "there is nothing in the record before this court to indicate that the trial court did not fully consider the evidence in the record."

***In re Marriage of Rosenfeld*, 524 N.W.2d 212 (Iowa App. 1994)**
"We do not pass upon the issue of whether parental alienation syndrome is a reliable theory. Rather, we look at the evidence induced and draw our own conclusion. Because this is a de novo review, we look only at the evidence we deem admissible."

***In Interest of T.M.W.*, 553 So.2d 260 (Fla.App. 1 Dist. 1989) (DICTA)**
In an appeal seeking review of a court order compelling a minor child to submit to a psychological evaluation, the court did not address the admissibility of PAS. The court does note, however, that "[n]o determination was made [at the trial court level] in the order or on the record as to general professional acceptance of the "parental alienation syndrome" as a diagnostic tool."

***Eisenlohr v. Eisenlohr*, 43 A.3d 694 (Conn. Ct. App. 2012)**
In this case the court affirmed the trial court's change of custody to the plaintiff based partially on the defendants attempt to alienate the child from the plaintiff. The defendant argued that the court abused its discretion in relying on parental alienation syndrome; however, the court dismissed this finding that the trial court did not rely on alienation syndrome and instead based the decision on specific acts where the defendant alienated the plaintiff. In a footnote the court noted that Connecticut courts have yet to address whether PAS is a reliable theory.

## C. Trial Court Rulings

*** *Bowles v. Bowles*, 1997 WL 639491 (Conn.Super. 1997)**
The Superior Court of Connecticut dismisses as unnecessary an examination of whether or not PAS is a reliable theory because "[w]hether [PAS] is legitimate or not is not a determination necessary for a proper determination of the custodial orders in this case."

***J.F. v. L.F.*, 694 N.Y.S.2d 592 (N.Y.Fam.Ct. 1999)**

In this New York Family Court (not appellate) case, the court notes that while PAS is controversial, "generally the New York Courts, in the context of a custody/visitation case, rather than discussing the acceptability of PAS as a theory, have discussed the issue in terms of whether the child has been programmed to disfavor the non-custodial parent, thus warranting a change in custody."

## IV. DISCUSSING PAS UNFAVORABLY:

***C.J.L. v. M.W.B.* 879 So.2d 1169 (Ala.Civ.App. 2003)(DICTA)**
Mother argued that the trial court erred by admitting and relying on a doctor's testimony because he, according to the mother, based his recommendation on his diagnosis of PAS which the mother contends is not widely accepted as a syndrome or diagnosis in the psychological community and therefore does not pass the "general acceptance" test for the admissibility of scientific evidence under Frye. The Court of Appeals notes that the doctor did not make an actual diagnosis of PAS – rather the doctor's report was "based on the mother's repeated and admitted inability to promote, or to at least be neutral concerning, the father's role as parent." The Court of Appeals notes, "Although we might, if faced squarely with the question whether evidence concerning an actual diagnosis of PAS was admissible under *Frye's* "general acceptance" test, be inclined to agree with the mother and find that PAS had not been generally accepted in the scientific community, we do not need to make that decision in this case."

*** *Cichanowicz v. Cichanowicz*, 2008 WL 4292724 (Ohio App. 3 Dist. 2008)**
Father appealed a magistrate order naming his ex-wife and mother of their children the residential parent of the children. The Court of Appeals of Ohio upheld the magistrate's finding that the expert testimony offered on PAS "was unreliable because [the expert] reached this conclusion without interviewing [the child]." This is fact specific. This may indicate that PAS testimony would have been permissible if the expert had met with the child prior to articulating her report.

***People v. Loomis*, 658 N.Y.S.2d 787 (N.Y.Co.Ct. 1997)**
**(Criminal Case)**
In this criminal case, the court rejected a father's evidence of PAS to show sexual abuse did not occur because "New York practice does not allow experts to offer an opinion on the ultimate issue of fact as to whether sexual abuse has occurred."

*** *In re J.C.*, 2007 WL 4239288 (Cal.App. 2 Dist. 2007)**
While the issue on appeal in this case did not relate to PAS directly, the California Court of Appeals refers to the trial testimony of an expert who characterizes PAS as merely the father's "externalization of responsibility for problems largely of his own making" rather than a problem with the child. Describing PAS as somewhat of a red herring, the therapist frames PAS as a way for the father in the case to refuse to accept "any responsibility for his daughter's estrangement from him" and instead incorrectly believe that "[the child] has become a troubled teen and her mother and stepfather have alienated her from him."

***Martin v. Martin*, 120 Nev. 342 (Nev. 2004)** – The Supreme Court of Nevada notes that "interference by a custodial parent with a non-custodial parent's visitation privileges does not necessarily give rise to parental alienation syndrome."

***Pearson v. Pearson*, 5P.3d 239, 243 (Alaska 2000)**
Court of Appeals affirmed the trial court's ruling that the mother was not attempting to alienate her child – after accepting evidence on PAS. The Court of Appeals, however, did note that syndrome is "**not universally accepted.**"

***Hollingsworth v. Semerad*, 799 So.2d 658, 660 (La.App. 2 Cir. 2001)**
The trial court found that the evidence did not support a finding of PAS (despite the one court evaluator's assertion that it did). The Court of Appeals did not address PAS specifically, but they did note the child's credibility by saying, "[n]one of [the] professionals found evidence of the child being coached as to what to say."

***Wiederholt v. Fischer*, 485 N.W.2d 442 (Wisc. 1992)(DICTA)**
The trial court found that the children were alienated from their father and that the alienation was attributable to both parents. The court denied the father's motion to change primary placement because it found that it was not in the children's best interest. The Court of Appeals noted, "the cure [for PAS] is controversial and that there is limited research data to support the success of transferring the children to the 'hated' parent."

## V. DISCUSSING PAS FAVORABLY:

*** *Arello v. Rich*, 2011 WL 3856158 (V.I.Super. March 17, 2011)**
Plaintiff-father filed a motion to compel seeking a court order for his child to be examined by Dr. Richard Sauber. Plaintiff called Dr. Sauber to testify as a forensic psychologist specializing in family related cases. Dr. Sauber testified that he would perform an assessment on the child, which would "not focus solely on the issue of "parental alienation syndrome," but on the child's overall mental and emotional condition." The father argued that examination was necessary to determine whether the child was suffering from parental alienation syndrome. The court determined that hearing Dr. Sauber would be helpful in determining the best interest of the child because of the divergent testimony that had been heard. The court ordered Dr. Sauber to provide an assessment of the child including a discussion of any syndromes or other concerns revealed.

***Noland-Vance v. Vance*, 321 S.W.3d 398, 402 (Mo. Ct. App. 2010)**
In a divorce action the trial court determined custody of the couple's six children. Sole custody with supervised visitation was ordered for the four youngest children. The court ordered psychological evaluations for all parties by Dr. Alan Aram and appointed a *guardian ad lidem* for the children. Dr. Aram determined that there was domestic abuse between the father and the mother but did not find evidence that the father had physically abused the children. Dr. Aram also found that the mother had alienated the children from their father. The court cited Dr. Aram's testimony explaining the ten indicators

of parental alienation and his conclusion that all ten indicators were present in this case, which he described a one of the worst cases of parental alienation he had seen. The mother brought her own expert, clinical psychologist Dr. Adelman, to evaluate the children. Dr. Adelman concluded the children had experienced trauma, not parental alienation. However, when asked by the court how one could differentiate between trauma and parental alienation, Dr. Adelman answered that it was difficult because of the similarity in symptoms. After the *guardian ad lidem* investigation, he concluded that the children were severely traumatized by parental alienation syndrome and not by any physical abuse from the father. The lower court made a specific finding that "all the children have been alienated from their father by their mother." The court also relied upon Dr. Aram's conclusion that it was unlikely individual counseling would change the mother's alienating behavior.

The Court of Appeals found that the trial court's finding of parental alienation by the mother was appropriate as it was amply supported by evidence from Dr. Aram's testimony and the findings of the *guardian ad lidem*. The Court of Appeals also stated that, "Given the court's finding of extreme parental alienation in this case, the court gave "little weight" to the testimony of the children or Mother. It was well within the trial court's discretion to accept or reject all, part or none of the testimony it hears."

***In re Marriage of Hatton*, 160 P.3d 326, 334, (Colo. 2007)**
The court cites an "extensive longitudinal study" that notes that "parental alienation has been found to occur in twenty percent of cases involving custody and parenting time." However, the only mention of PAS is in string cite which does not mention admissibility or validity, but rather cites to a law review article which says, "Remediation [for parental alienation syndrome] should almost never consist of excluding a relationship with the problematic parent."

*** *Curie v. Curie*, 2006 WL 3350734 at *2, 4 (Ohio App. 11 Dist., Nov. 17, 2006)**
The trial court believed that "the children [were] neglected or dependent because of the parental alienation on the part of their mother, the Defendant, towards the Plaintiff, their father." Furthermore, a psychologist reported extensive PAS. The trial court terminated all visitation rights of the mother. The Court of Appeals only mentions that PAS was found to be present by the trial court.

***M.W.W. v. B.W.*, 900 So.2d 1230, 1233 (Ala.Civ.App. 2004)**
The trial court awarded custody to the father; a decision that was partially based on the finding of PAS. The Court of Appeals affirmed: "The trial court had a compelling reason for separating the daughters because of the older daughter's current inability to get along with the father and the mother's negative influence on the younger daughter in regard to the father." The Court of Appeals noted that there was also a compelling reason for the trial court to split up the children because "the older daughter's alienation from the father arose out of unproven sexual-abuse allegations and the mother's influence on her."

*** *Doerman v. Doerman*, 2002 WL 1358792 at *6-7 (Ohio App. 12 Dist. June 24, 2002)**
The trial court found the testimony of Dr. Dix of "the utmost importance in reaching its decision." Dr. Dix found that there was moderate parental alienation syndrome on the part of the mother. The doctor differentiated severe cases of PAS versus moderate cases. In moderate cases the doctor noted that the children should stay with the mother and attempts should be made to foster a good relationship with the father, while in severe cases the children should be taken away from the mother. **The Court of Appeals notes while Dr. Dix may have felt that the PAS was moderate, the trial court decided that the PAS had become severe by the time the court made their decision.** The trial court decided that the father should have physical custody of the children, and the mother was given limited visitation. The Court of Appeals affirmed the trial court's decision

***Barton v. Hirshberg*, 767 A.2d 874, 891 (Md.App. 2001)**
The mother challenged a doctor's report which she claimed was based on "the so-called parental alienation syndrome." The Court of Appeals held that there was adequate basis for the doctor to have come to the conclusions that he did. The Court of Appeals found the doctor's report that the child was at risk for parental alienation syndrome persuasive and upheld the trial court's decision to award joint custody.

***In re Marriage of D.T.W. & S.L.W.*, 964 N.E.2d 573 (Ill. 2012)**
The mother cited *In re Marriage of Bates*, 819 N.E.2d 714 (Ill. 2004) for the proposition that before the court awarded sole custody to the father on the basis of PAS the court had to give her a chance to change her behaviors. The court ultimately rejected this contention.

***K.T.D. v. K.W.P.*, 2012 WL 5458549 (Ala. Civ. App. Nov. 9, 2012)**
The court cited *C.J.L. v. M.W.B.*, 879 So.2d 1169 (Ala.Civ.App. 2003) for the proposition that even if a parent's behavior does not rise to the level of PAS the court could consider evidence by one parent designed to alienate the other. In this case the court found that the mother's alienating behavior toward the father supported a change in custody.

## VI. ACCEPTING PARENTAL ALIENATION (NON-SYNDROME) BUT NOT RULING ON ADMISSIBILITY

### A. Rejecting PAS but Affirming Parental Alienation

*** *Rice v. Lewis*, 2009 WL 1027544 at *10-11 (Ohio App. 4 Dist. Apr. 10, 2009)**
The Court of Appeals stated that the "trial court abused its discretion to the extent it considered ... Parental Alienation Syndrome when determining the best interest of the child." The Court of Appeals found that the trial court abused its discretion when it "[e]ssentially, started with the assumption that [the mother] had Parental Alienation Syndrome and placed the burden on her to prove that she did not." However, the Court of Appeals noted that there are two circumstances under which to consider parental alienation: (1) whether a "parent is more likely to honor and facilitate court-approved

parenting time rights or visitation and companionship rights" and (2) whether "the residential parent has continuously and willfully denied the other parent's right to parenting time in accordance with and order of the court."

*** *In re Jamie S.*, 2009 WL 939852 at *10 (Conn. March 9, 2009)**
The Court of Appeals in a footnote in this case differentiated between parental alienation as a factual issue and parental alienation syndrome as "an alleged psychiatric disorder not listed or set forth in the American Psychiatric Association's current Diagnostic and Statistical Manual." The Court of Appeals notes that the trial court made a factual finding that the plaintiff had engaged in parental alienation. The Court of Appeals further notes that the trial court did not address any potential health condition. As a result, the Court of Appeals asserted that they were making "no decision concerning the validity of such a syndrome."

*** *Krukiel v. Krukiel*, 2007 WL 241257 at *6 (Conn. Jan. 18, 2007)**
Lower court decision where they differentiated between "a state of alienation" and PAS. The court found the "state of alienation" argument by one doctor more persuasive than another doctor's critique of parental alienation syndrome, ultimately awarding custody to the father.

***Coleman v. Coleman*, 2004 WL 1966083 (Conn.Super. 2004)(Trial Court)**
The lower court notes "Connecticut courts have not, as a matter of law, recognized parental alienation syndrome." They did however cite to *Ruggiero v. Ruggiero*, 819 A.2d 864 (Conn. App. 2003) in a footnote, "the court made a factual finding that the plaintiff had engaged in parental alienation. The plaintiff's claim concerning parental alienation dealt with the issue of the validity of a finding of parental alienation syndrome. The court did not address any potential mental health condition. This opinion utilizes the court's factual conclusion that the plaintiff's activity as a parent alienated the defendant, and this court makes no decision concerning the validity of such a syndrome." The lower court claims "[t]he issue [of the validity of PAS] remains one for another date and need not be reached here."

## B. Affirming Parental Alienation without Discussion of PAS

***Balaska v. Balaska* 25 A.3d 680 (Conn. App. 2011)**
The Court of Appeals upheld the finding that the mother had alienated child "A" from the father. The Court of Appeals reasoned that the trial court's consideration of treatises and articles regarding parental alienation were not grounds for reversing the order, which increased the father's visitation with respect to child "C". The mother argued that modification of the father's visitation to C was improper because the court erroneously found that she engaged in parental alienation with respect to child A. The trial court found that the mother's "virtually radioactive" hatred toward the defendant had "poisoned" child A. However, the Court of Appeals found that reliance on treatises and articles regarding alienation was not reversible error. In addition, the Court of Appeals concluded that the trial court made its decision with regard to visitation with child C based on the relationship the father and C enjoyed, not on the findings in regard to child

A. The Court of Appeals included a footnote to define their discussion of parental alienation, noting that the syndrome "occurs when one parent campaigns successfully to manipulate his or her children to despise the other parent despite the absence of legitimate reasons for the children to harbor such animosity." I. Turkat, "Parental Alienation Syndrome: A Review of Critical Issues," 18 Am. Acad. Matrimonial Law 131, 133 (2002–2003).

***Turner v. Benson*, 953 S.W.2d 596, 598 (Ark. 1997)**
The Court of Appeals upheld the finding of alienation, stating "[w]hether one parent is alienating a child from the other is an important factor to be considered in change of custody cases, for, as the chancellor noted, a caring relationship with both parents is essential to a healthy upbringing." However, they never mentioned PAS, its admissibility or validity.

*** *Faucher v. Bitzer*, 2002 WL 432750 (Ark.App. 2002)**
Appellant Denise Faucher and appellee Lon Bitzer divorced in 1995. Ms. Faucher was awarded custody of the couple's four children. During the next several years, the children's relationship with Bitzer deteriorated. Three separate child abuse reports were filed with the state department of human services during this time, though the department determined them to be "unfounded." Mr. Bitzer filed for a change of custody in 1999 alleging Ms. Faucher alienated the children from him. The court found his allegations credible and awarded full custody to Mr. Bitzer. On appeal, Ms. Faucher argued, among other things, that evidence presented was insufficient to support a finding that the strained relationship between the children and their father was a result of her actions.

The trial court based its ruling on the testimony of Dr. Paul DeYoub and Dr. Glenn Lowitz, both court-appointed psychologists. Both doctors recommended a change of custody to the father based on their finding that Ms. Faucher alienated the children from their father. The Court of Appeals cited *Turner v. Benson*, noting "[w]e have held that whether one parent is alienating a child from the other is an important factor to be considered in change of custody cases because a caring relationship with both parents is essential to a healthy upbringing." The Court of Appeals noted that they were "not convinced that the chancellor's findings [in regards to parental alienation] [were] clearly contrary to the preponderance of the evidence."

***Ruggiero v. Ruggiero*, 819 A.2d 864 (Conn. App. 2003)**
The Court of Appeals states, "[t]he [trial] court made a factual finding that the plaintiff had engaged in parental alienation. The plaintiff's claim concerning parental alienation dealt with the issue of the validity of a finding of parental alienation syndrome. The court did not address any potential mental health condition. This opinion utilizes the court's factual conclusion that the plaintiff's activity as a parent alienated the defendant, and this court makes no decision concerning the validity of such a syndrome."

*** *Hopkins v. Whittemore,* 2004 WL 539085 at *1-2 (Mich.App., Mar. 18, 2004)**
The Court of Appeals affirmed trial court's decision to order a custody evaluation due to "possible parental alienation." However, the case never mentions PAS, its admissibility or validity.

*** *Krieger v. Krieger*, 1999 WL 33453292 at *2, 5-6 (Mich.App., Mar. 26, 1999)**
There were a number of evaluations performed by doctors that favored the father over the mother based on "best interest factors," which took into consideration alienation. However, Richard Gardner testified on behalf of the mother saying that there was no alienation present and recommended awarding her custody. The trial court found for the mother and the Court of Appeals affirmed that decision. While parental alienation was mentioned a number of times, parental alienation syndrome was never discussed.

***Zafran v. Zafran,* 306 A.D.2d 468 (N.Y. Sup. Ct. 2003)**
A father appealed the court's decision to award custody of the youngest daughter to the mother. The court upholds the decision finding it amply supported by the evidence. One of the things the court notes is evidence presented at trial that the father alienated the couple's two sons from their mother.

***P.M. v. S.M.*, 17 Misc. 3d 1122(A). (N.Y. Sup. Ct. 2007).**
It does not appear that there was any expert testimony on parental alienation in this case but the father did allege that the mother alienated him. The court however found the allegations to lack credibility and that the father would be more likely to alienate the children from their mother if he was awarded custody.

***S.D. v. B.D.*, 962 N.E.2d 702 (Ind. Ct. App. 2012)**
The father argued that the trial court erred by awarding the mother custody of their child based partially on allegations of parental alienation syndrome. The father cited to *Hanson v. Spolnik,* 685 N.E.2d 71 (Ind. Ct. App. 2007), for the proposition that parental alienation can be detrimental to the welfare of the child. The court found that the few incidents of parental alienation here (the mother helped the child make a family collage and didn't include any pictures of the father, and the mother enrolled the child in day care over the summer even though the father was available to watch the child) did not rise to the level of endangering the welfare of the child. However the court did say "we acknowledge the mother's actions appear adverse to father and she should be mindful not to repeat such behavior in the future. Parental alienation is a serious problem and can have lasting implications."

***Lasater v. Lasater,* 809 N.E.2d 380 (Ind. Ct. App. 2004).**
The appellate court held that the trial court properly considered evidence of the mother's animosity towards the father in restricting the mother's visitation.

***Lisa B. v. Salim G.*, 7 Misc.3d 1011(A) (N.Y. Fam. Ct. 2005)**
Cited *J.F. v. L.F.*, 694 N.Y.S.2d 592 (N.Y.Fam.Ct. 1999) for the proposition that that court must consider the effect that an award of custody to one parent might have on the

child's relationship to the other parent. In this case the court used the fact that an abusive father attempted to alienate the children from their mother as partial justification for awarding custody of the children to the mother

***John A. v. Bridget M.*, 4 Misc.3d 1022(A) (N.Y. Fam. Ct. 2004)**
Cited *J.F. v. L.F.*, 694 N.Y.S.2d 592 (N.Y.Fam.Ct. 1999) for the proposition that that court must consider the effect that an award of custody to one parent might have on the child's relationship to the other parent. In this case the court awarded custody to the father after they found that the mother had alienated the children from the father by coaching them to make false sexual abuse allegations.

***In re Marriage of Rohlfsen,* 720 N.W.2d 193 (Iowa App. 2006).**
Court cited *In re Marriage of Rosenfeld*, 524 N.W.2d 212 (Iowa App. 1994) for the proposition that stepparents' actions in seeking to alienate the children from the non-custodial parent can be taken into account when determining whether to modify custody. In this case the court transferred custody from the mother to the father based in part on the actions of the child's stepfather attempting to alienate the child from her father.

***In re Marriage of Oostenink,* 705 N.W.2d 107 (Iowa App. 2005)**
Court cited *In re Marriage of Rosenfeld*, 524 N.W.2d 212 (Iowa App. 1994) for the proposition that a parent's ability to foster a relationship between the child and the non-custodial parent is an important consideration in custody case. In this case the court affirmed a change in custody from the mother to the father based partially on the mother's failure to foster a relationship between the child and the father.

***In re Marriage of Little,* 698 N.W.2d 336 (Iowa App. 2005)**
Court cited *In re Marriage of Rosenfeld*, 524 N.W.2d 212 (Iowa App. 1994) for the proposition that a parent's ability to foster a relationship between the child and the non-custodial parent is an important consideration in custody case. In this case the court concluded that the father had shown that the mother had alienated him

***In re Marriage of Crotty,* 584 N.W.2d 714 (Iowa App. 1998).**
Court cited *In re Marriage of Rosenfeld*, 524 N.W.2d 212 (Iowa App. 1994) for the proposition that third parties' actions in seeking to alienate the children from the non-custodial parent can be taken into account when determining whether to modify custody. In this case the court did not find that the mother's parents were seeking to alienate the children from the father.

***In re Marriage of Benhart,* 810 N.W.2d 533 (Iowa App. 2012).**
Court cited *In re Marriage of Rosenfeld*, 524 N.W.2d 212 (Iowa App. 1994) for the proposition that a parent's ability to foster a relationship between the child and the non-custodial parent is an important consideration in custody case. In this case the court found that the mother had not established that the father or stepmother was seeking to alienate the children from her and refused a modification in custody.

***In re Marriage of Simms,* 695 N.W.2d 42 (Iowa App. 2004).**
Court cited *In re Marriage of Rosenfeld,* 524 N.W.2d 212 (Iowa App. 1994) for the proposition that a parent's ability to foster a relationship between the child and the non-custodial parent is an important consideration in custody case. In this case the court affirmed a grant of custody to the father based partially on the fact that the mother and her family sought to impede the child's relationship with his father.

***In re Marriage of Kajtazovic,* 2002 WL 575713 (Iowa Ct. App. Mar. 13, 2002)**
Court cited *In re Marriage of Rosenfeld,* 524 N.W.2d 212 (Iowa App. 1994) for the proposition that a parent's ability to foster a relationship between the child and the non-custodial parent is an important consideration in custody case. In this case the court overturned the district court's decision to award an abusive father custody of the child based in part on his attempts to alienate the child from the mother.

***In re Marriage of Seavey,* 2000 WL 1826046 (Iowa Ct. App. Dec. 13, 2000).**
Court cited *In re Marriage of Rosenfeld,* 524 N.W.2d 212 (Iowa App. 1994) for the proposition that a parent's ability to foster a relationship between the child and the non-custodial parent is an important consideration in custody case. In this case the court overturned a district court's denial of the mother's petition to modify custody based on the father's attempt to alienate her from the child.

***In re Marriage of Gallmeyer,* 2002 WL 536044 (Iowa Ct. App. Apr. 10, 2002)**
Court cited *In re Marriage of Rosenfeld,* 524 N.W.2d 212 (Iowa App. 1994) for the proposition that a parent's ability to foster a relationship between the child and the non-custodial parent is an important consideration in custody case. In this case the court found that the mother's inability to support the child's relationship with his father justified modifying a the custody arrangement from joint custody to the father having custody.

***Bledsoe v. Cleghorn,* 993 So.2d 456 (Ala. Civ. App. 2007)**
Court cited *C.J.L. v. M.W.B.*, 879 So.2d 1169 (Ala.Civ.App. 2003)
for the proposition that problems with visitation coupled with one parent's attempts to alienate the child from the non-custodial parent can warrant a change in custody. In this case the court overturned a trial court's decision to transfer custody to the father. The court concluded that the trial court's decision was not based solely on problems with visitation but that it was based on an erroneous finding that a modification would be in the child's best interests.

***In re Preston C.G.,* 2012 WL 5830584 (Tenn. Ct. App. Nov 15, 2012).**
Court cited *Costley v. Benjamin,* 2005 WL 1950114 (Tenn.Ct.App. 2005) for the proposition that it is the public policy of the state that the best interests of the child will be served by having a close relationship with both parents. The court noted that while this was important the trial court was not required to place greater weight on this factor than the other enumerated factors. In this case the court affirmed an order denying the father's petition to modify custody based on the mother's allegedly alienating behavior

*** *Maynor v. Nelson,* 2006 WL 3421288 (Tenn. Ct. App. Nov. 27, 2006).**
Court cited *Costley v. Benjamin*, 2005 WL 1950114 (Tenn.Ct.App. 2005) for the proposition that it is the public policy of the state that the best interests of the child will be served by having a close relationship with both parents. In this case the court affirmed a denial of the father's petition to modify custody. In support of his petition the father had argued that the mother was unwilling to allow any extra visitation than that provided for in the initial agreement. The court stated that the mother had no obligation to allow extra visitation although they did note that it is the public policy of the state to foster a relationship between the child and both parents.

***Dufner v. Trottier,* 778 N.W.2d 586 (N.D. 2010)**
Court cited *In re T.T.*, 681 N.W.2d 779 (N.D. 2004) for the proposition that continually exposing a child to parental conflict is not in the child's best interests. In this case the court upheld an order reducing the mother's visitation in part because of all of the conflict between the parents.

***Bittick v. Bittick,* 987 So.2d 1058 (Miss. App. 2008).**
Court cited *Ellis v. Ellis*, 952 So.2d 982 (Miss.App. 2006) for the proposition that interference with visitation may constitute a material change in circumstances justifying a change in custody. In this case the appellate court found that the trial court did not err by failing to find a material change in circumstance despite evidence that the mother had interfered with some of the father's visits and telephone calls.

***In Re Jonathan S.,* 2012 WL 3112897 (Ct. App. Tenn. July 31, 2012)**
In this case the trial court found that the best interests of the child were served by being placed with his father because the mother made repeated allegations of sexual abuse that the court determined were unfounded. The court noted that the mother's hostility towards the father was detrimental towards the son. The appellate court affirmed.

***Hanna v. Hanna,* 377 S.W.3d 275 (Ark. Ct. App. 2010)**
In this case the court transferred custody from the mother to the father, finding that the mother had engaged in parental alienation. The evidence of alienation by the mother included reports of sexual abuse, calling the father names in front of the children, and her proposed move. The appellate court affirmed despite the fact that there was evidence that the mother had never actually interfered with the father's visitation, the fact that the children wanted to stay with their mom, and evidence that the children's relationship with their father had actually improved while they were living with their mom.

***Sharp v. Keeler,* 256 S.W.3d 528 (Ark. Ct. App. 2007).**
In this case the court affirmed a transfer of custody from the mother to the father based on the mother's alienation of the father. Evidence of alienation included refusing to tell the father about the son's medical condition, interfering with visitation, refusing to let the father baby-sit when she was unavailable to care for the son, and refusing to call the son by the father's last name. The court however did reverse the part of the order requiring the mother's visits to be supervised.

***Carver v. May,* 81 Ark. App. 292 (Ark. App. Ct. 2003)**
In this case the court affirmed a transfer of custody from the mother to the father based on the mother's alienation of the father. Evidence of alienation included reported sexual abuse that was determined to be unfounded, interfering with visitation, and making unfounded allegations of drug abuse.

***Faucher v. Bitzer,* 2002 WL 432750 (Ark. Ct. App. 2002)**
In this case the court affirmed a transfer of custody from the mother to the father based on the mother's alienation of the father. Evidence of alienation included reports from several doctors.

***Bell v. Bell,* 1998 WL 760251 (Ark. Ct. App. 1998).**
In this case the court found a material change in circumstances justifying a change in custody based partially on the fact that mother was alienating the child from her father. Evidence of alienation included the fact that the mother had told the child that her father was not her real biological father.

## VI. Rejecting Parental Alienation without Discussion of PAS

***J.R. v. N.R.* 929 N.Y.S. 2d 200 (N.Y. Sup. Ct. 2011)**
The court denied father's motion for visitation of his two children and enjoined the father from filing further petitions against the mother or children without prior approval of the court. The court credited testimony of the mother and two children regarding an extensive history of domestic violence against the mother, which the children witnessed, as well as physical abuse against the children. The father testified that the mother had "brainwashed" and actively worked to alienate the children from him. The court found that there was no evidence that the mother attempted to alienate the children and that it was in fact the father's conduct towards the mother and the children that resulted in their refusal to visit with him.

## VII. PAS MENTIONED IN FACTS:

### A. Appellate Court

***N.D. v. M.D.*, 2012 N.J. Super. Unpub. LEXIS 2617 *(*App. Div. November 30, 2012*)***
PAS mentioned in evaluator's report, but not challenged on appeal.

***New Jersey Div. of Youth and Family Services v. I.S.*, 422 N.J. Super. 52 (App. Div. 2011)**
The Division of Youth and Family Services filed abuse and neglect complaints against divorced biological parents of twins. Subsequently, the father filed a petition for custody and was granted custody of one child and the mother appealed. The mother expressed a desire to retain a "parental alienation syndrome" expert. The court delayed the trial to give the mother an opportunity to bring such an expert but one was never offered. The Court of Appeals upheld the decision to award the father custody. The court credited Dr.

Ronald Gruen's testimony, a psychologist retained on behalf of the girls by the law guardian, who conducted a bonding evaluation.

***Gendich v. Whiteman*, 2010 WL 2595085 (Mich. Ct. App. June 29, 2010)**
The father appealed the trial court's order giving the mother sole legal and physical custody of their minor daughter. When asked by the court why his daughter felt alienated from him the father cited his long absence which resulted in "parental alienation syndrome in which children when ... deprived of contact with somebody for a long period of time become alienated." The Court of Appeals affirmed the decision of the lower court because it appropriately made the custody decision based on the best interest of the child factors in the applicable Michigan statute.

***Ex Parte S.C.*, 29 So.3d 903, 2009 WL 2477938 at *1 (Ala.Civ.App., Aug. 14, 2009)**
This case briefly mentions that the child was sent to a doctor who was an "expert" in parental alienation syndrome. There is no other discussion of PAS or parental alienation.

***Krebsbach v. Gallagher*, Supreme Court, App. Div., 181 A.D.2d 363; 587 N.Y.S. 2d 346 (1992)**
The Supreme Court, Appellate Division, found that the Family Court had improperly awarded sole custody to the father since the change in custody was contrary to the best interests of the child. The Court of Appeals noted that two evaluators (a psychiatrist and a Law Guardian) both said that PAS was not present and yet the trial court changed the custody from Mother to Father. Court of Appeals found that this was not sound, "[w]here there is no indication that a change in custody will result in significantly enhancing a child's welfare, it is generally considered in his best interest not to disrupt his life." PAS was not addressed on appeal.

**** Janell S. v. J.R.S.*, 571 N.W.2d 924 *4-5, 13 (Wisc. App. 1997)**
A court appointed doctor, Dr. Heinz, expressed that he felt that the child was suffering from PAS at the hands of the mother. Despite indications that the father had purposely burned the child with his cigarette, the doctor recommended that the child be placed with the father. The trial court decided, in part based on the doctor's recommendation, that custody be awarded to the father. On appeal, new testimony from a well-established pathologist and doctor, Dr. Bauman, stated that the burns were indeed intentional and that the risk posed to the child was not only severe, but potentially lethal. Furthermore, on appeal an affidavit was read from a social worker, Betty Cameron, who scathingly wrote that PAS was not present and that Dr. Heinz's motivation was questionable. The Court of Appeals remanded the case based on the new information presented by Dr. Bauman and Ms. Cameron, however neither court specifically addressed PAS beyond the factual findings.

***In Re L.J.S.*, 247 S.W.3d 921, 928 (Mo.App. S.D. 2008)**
Therapist claimed that if the mother was "not kept in check" that she might be diagnosed with PAS. The trial court awarded joint custody partially based on the report that the mother might alienate the child. The Court of Appeal affirmed the ruling, without addressing PAS.

***Goetsch v. Goetsch*, 990 So.2d 403, 409 (Ala.Civ.App. 2008)**
A psychologist held that the children in this case were suffering from PAS towards their father and recommended that the father be awarded custody. However, the trial court found against the father and awarded custody to the mother. The Court of Appeals upheld the trial court's decision, arguing that it had enough evidence on which to base its factual findings and that it was better suited to determine custody.

*** *Horning v. Wolff*, 2006 WL 3505864 at *4 (Ohio App. 5 Dist. Dec. 4, 2006)**
Despite an alleged history of domestic violence, the trial court awarded custody to the father. A psychologist testified that PAS was present. The Court of Appeals mentions that while domestic violence allegations were considered at the lower court level, they found that based on the "best interest" factors, the father was better suited to have custody. The Court of Appeals affirmed without discussing PAS.

*** *Bielaska v. Orley*, 1996 WL 33324080 at *23 (Mich.App., July 19, 1996)**
The trial court found in favor of the mother, despite doctor's testimony of the presence of PAS. The Court of Appeals reversed the trial court's decision based on the lack of evidence supporting a finding of sexual abuse.

*** *In re Marriage of Shen*, 111 Wash.App. 1046 at *2 (Wash.App. Div. 1, May 20, 2002)**
The only mention of PAS was in a doctor's report that the child was suffering from PAS towards the father.

***Coursey v. Superior Court*, 194 Cal.App.3d 147 (Cal.App. 3 Dist., 1987)**
The only mention of PAS is that the child's therapist advised the court that the child suffered from "Parental Alienation Syndrome." Neither the lower court nor the Court of Appeals addressed the admissibility or significance of PAS.

***In re Violetta*, 568 N.E2d 1345, 1350 (Ill.App., 1991)**
This was a case to determine guardianship between a foster mother and a paternal grandmother. The grandmother was seeking custody. The psychologist briefly mentioned that the child was experiencing parental alienation syndrome in dealing with her grandmother. The trial court found for the grandmother, but the appellate court reversed.

*** *Pathan v. Pathan*, 2000 WL 43711 at *4 (Ohio App. 2 Dist., Jan. 21, 2000)**
The Court of Appeals affirmed the trial court's decision where both parents were accused of PAS and alienating behavior.

***McCoy v. State of Wyoming*, 886 P.2d 252 (Wyo. 1994)**
Father was convicted of second-degree sexual assault and indecent liberties with a minor. Father wanted to introduce a state expert for parental alienation syndrome arguing, "it was ineffective assistance of counsel not to produce an expert regarding 'parental alienation syndrome.'" However, the state's expert discredited the notion that the charges

were fabricated or the result of coaching. There was no further discussion of parental alienation or PAS.

***Ellis v. Ellis*, 952 So.2d 982 (Miss.App. 2006)**
Court allowed expert testimony of PAS without ruling on its admissibility or validity as a scientific theory. There was only a factual discussion of experts' findings about PAS.

***In re Marriage of Kimbrell*, 119 P.3d 684 (Kan.App. 2005)**
In this case, Dr. Gardner finds the children DO NOT suffer from PAS and that the mother is not engaging in alienating activity.

*** *Chambers v. Chambers*, 2000 WL 795278 (Ark.App. 2000)**
This case permitted PAS testimony by Dr. Warren Sieler.

***John W. v. Phillip W.*, 41 Cal.App.4th 961, (Cal. 1996)**
A court appointed doctor blamed the mother for inducing the child to make statements indicating abuse, claiming that there was subtle Parental Alienation Syndrome. The doctor recommended that the child be placed with his father, because the father was "best suited to provide uninterrupted contact" with the other parent. The trial court released the child to the physical custody of the father, despite allegations of molestation. Admissibility of PAS was not addressed or raised on appeal.

*** *Fischer v. Fischer*, Ct. of App. of WI, Dist. Two, No. 97-2067, 221 Wis. 2d 221; 584 N.W.2d 233 at *2 (July 15, 1998)**
There was a factual mention of PAS in experts' opinions. Neither the lower court nor the Court of Appeals addressed its admissibility.

***Blosser v. Blosser*, 707 So.2d 778, 780 (Fla. 1998)**
Doctor noted that the child "did not exhibit any parental alienation syndrome which is sometimes seen with children who are shunted between separated parents in divorce situations." No other mention of PAS, its admissibility or validity.

***Smith v. Bombard*, Supreme Court, App. Div., 741 N.Y.S.2d 336 (N.Y.A.D. 3 Dept. 2002)**
Father claimed PAS was present. Two psychologists found that PAS was not present. The trial court found for the mother. Court of Appeals affirmed.

*** *State v. Koelling*, 1995 WL 125933 at *6 (Ohio App. 10 Dist., Franklin County, Mar. 21, 1995)**
Father was accused of extensive sexual abuse of his three youngest children. Parental Alienation Syndrome was only mentioned briefly in this case. A political psychologist testified on behalf of the father as to PAS. There was no mention by the Court of Appeals to the admissibility or validity of PAS - it also had no bearing on the court's decision.

***Marquard v. Secretary for Dept. of Corrections*, 429 F.3d 1278, 1286 (11th Cir. (Fla.) 2005)**
Briefly mentions that a death row inmate suffered from PAS as a child. The Court does not address PAS, its validity or admissibility.

*** *Ange v. Ange*, Court of Appeals of Virginia, 1998 Va. App. Lexis 59 at *6-7 (Feb. 3, 1998)**
Doctor noted that the child was said to be suffering from parental alienation syndrome at the hands of the child's biological mother toward the child's foster parents. There was no further mention of PAS, its validity or admissibility.

***State v. Fuller*, 160 N.C.App. 250 (N.C.App. 2003)** – Allowing expert testimony of PAS without ruling on its admissibility or validity as a scientific theory.

***White v. Kimrey*, 847 So.2d 157 (La.App. 2 Cir. 2003)** – same

*** *In re S.G.*, 2003 WL 125122 (Ohio App. 8 Dist. 2003)** – same

*** *Conner v. Renz*, 1995 WL 23365 at *3 (Ohio App. 4 Dist., Athens County, Jan. 19, 1995)**
Bobbi Connor, the mother, had custody of her children because of allegations of sexual abuse by the father witnessed by the paternal grandmother. Due to the sexual abuse, both the father and the paternal grandmother were denied visitation. The Wiles, the father's sister and brother-in-law, sought visitation, which was granted. A court appointed therapist met with the parties and the children and deemed that the mother was involved in parental alienation syndrome towards the father. Soon thereafter, the mother moved to South Carolina for work and the court decided to announce a time out in which Connor's children would have an extended visit with the Wiles and their children. The Court of Appeals affirmed. PAS was not challenged on appeal.

*** *D.M.W. v. T.V.W.*, 2005 WL 3557436 at *6-9 (Delaware June 6, 2005)**
Two doctors testified. One doctor's testimony on PAS was not given significant weight because he did not meet with the children or the parties. The other doctor that evaluated the children said that there was "an element of alienation" present, to which the Court gave "credence."

***Schutz v. Schutz*, 522 So.2d 874, 876 (Fla 3rd Dist. Ct. App. 1988)**
In a footnote, the Court of Appeals mentions Gardner's "use of the term, 'parental alienation syndrome'" in regards to why there "may be deep-rooted psychological reasons why the child may not want to see the [secondary residential parent]".

*** *Zigmont v. Toto*, 1992 WL 6034 at *2, 9 (Ohio App. 8 Dist Cuyahoga County, Jan 16, 1992)**
The Court of Appeals notes that psychologists said the children suffered from PAS. However, the Court also said "[t]here was no evidence in the record to support [the

father's] claim that [the mother] was brainwashing the children" and further, the Court asserts that there is "very little evidence to support the claim" that the mother was alienating the children from the father. The Court of Appeals noted that while there was PAS towards the father based on a number of psychologists' reports, both the Court and the psychologists felt that the mother should maintain custody. The Court noted, "[b]ecause of the 'Parental Alienation Syndrome' the children shall continue therapy." The judgment of the trial court was affirmed.

***White v. White*, 655 N.E.2d 523 (Ind. App. 1995)**
Discussing PAS in a doctor's report.

**B. Trial Court**

*** *Tabner v. Cessario*, 2008 WL 366637 at *5 Conn. Jan. 28, 2008**
The father claimed that the mother was engaging in PAS. Dr. found that PAS was not present. The Court did not address PAS.

*** *Metza v. Metza*, 1998 Conn. Super. Lexis 2727 at *6-7 (Sept. 25, 1998)**
This is a lower court case where a psychologist claimed that one of the parties' children, Andrew, was alienated from the father. The trial court did not address PAS or parental alienation outside of noting the doctor's claim.

**C. Conflicting Opinions about Presence of Parental Alienation Syndrome**

*** *Hamilton v. Hamilton*, 2008 WL 2861705 at *7 (Ohio App. 2 Dist. July 25, 2008) (affirming trial court's finding that Parental Alienation was not present over Dr.'s indication that it was).**
The father's witness, a licensed psychologist who only met with the father twice and never met the mother or the children, claimed that there was PAS present and that the mother was the root of the alienation. The trial court weighed the evidence and found against the father and in favor of the mother. Furthermore, the court appointed psychologist noted that there was no evidence supporting the notion that the mother was alienating the children from the father's affection.

***K.B. v. Cleburne County Dept. of Human Resources*, 897 So.2d 379, 383 (Ala.Civ.App. 2004) (discussing Dr.'s reports as to whether there was alienation or not).**
Child's therapist discussed parental alienation syndrome, but stated that he had found no evidence to support the notion that PAS was present. A counselor, however, found that the child's behavior was so-called consistent with one suffering from alienation, though the counselor opined that it was likely the result of all of the parties (the mother, the aunt, and uncle). There was no discussion of PAS by the trial court or the Court of Appeals.

*** *Bates v. Bates*, 2001 WL 1560915 at *1 (Ohio App. 11 Dist. Dec. 7, 2001)**
The Court of Appeals notes that there were independent evaluations done by the respective parties' psychologists as far as parental alienation syndrome. The doctors

disagreed on whether PAS was present. Each psychologist found favorably for their patient, the mother's psychologist found PAS, while the father's did not. The trial court awarded custody to the mother and the Court of Appeals affirmed without considering PAS.

*** *Sims v. Hornsby*, 1992 WL 193682 at *3-4 (Ohio App. 12 Dist., Butler County, Aug 10 1992) (affirming trial court where there was evidence both for and against the existence of PAS).**
There were contradictory reports about the existence of PAS - the father's doctor said that it was present while the court appointed doctor said that it was not. The trial court found in favor of the mother and the Court of Appeals affirmed. The Court of Appeals noted that there was sufficient evidence for the trial court to have made the determination that there was no change in circumstances. The Court of Appeals never addressed the validity of PAS.

***Truax v. Truax*, 874 P.2d 10, 11 (Nev., 1994)**
There was conflicting testimony from different caseworkers and psychologists in regards to PAS. The father felt the district court had erred in disregarding one psychologist's opinions about “coaching” and “parental alienation syndrome.” However, another psychologist and a CASA found that there was no evidence that parental alienation was present. The trial court did not find the parental alienation syndrome argument persuasive. The Court of Appeals affirmed.

**D. Parental Alienation (not PAS)**

*** *Ostermann v. Ostermann*, 2005 WL 2323410 at *2-3 (Mich.App., Sept. 22, 2005)**
Court of Appeals affirmed the trial court's finding that there was alienation by both parents.

***In re S.E.K.*, 294 S.W.3d 926, 2009 WL 2648263 at *1-2 (Tex.App, Aug. 28, 2009)**
The Court of Appeals affirmed the trial court's finding that parental alienation was present. The Court of Appeals notes that "the trial court found Mother had engaged in a pattern of parental alienation toward Father regarding the children."

*** *Lopez-Negrete v. Lopez-Negrete*, 2009 WL 1506668 at *15 (Mich. App., May 26, 2009)**
Doctor doing psychological evaluations briefly mentioned that the mother's anger "could lead to a situation called parental alienation." This is the only mention of alienation in the entire decision.

***Wade v. Hirschman*, 903 So.2d 928, 935 (Fla. 2005**)
Court of Appeals affirmed trial court’s conclusion that there were substantial and material changes in circumstances supported in part by evidence of parental alienation of the Father by the Mother. The Court of Appeals notes that the trial court’s findings were supported by “competent, substantial evidence.”

***Chase v. Richardson*, 1996 WL 434281 at *2-3 (Conn. Super. July 16, 1996)(Trial Court)**
This is a lower court decision where the court noted "[the] mother has demonstrated a clear and continuing pattern calculated to prevent a relationship between… the minor child and her father, to the detriment of the child."

*** *In re Mackenzie F*., 2010 WL 3623656 (Cal. Ct. App. Sept. 20, 2010)**
The minor child's family law court appointed counsel petitioned to declare that Mackenzie was a dependent child because of the serious emotional damage she suffered due to the ongoing visitation dispute between her parents. Visitations were successful until April 2007 when Mackenzie began to refuse visitation and physically lash out at the father. Mackenzie accused the father of sexual abuse. The Family Law Court appointed Dr. Keith Peterson to conduct an evaluation. Dr. Peterson recommended placing Mackenzie in a neutral setting away from her mother, who was alienating Mackenzie from the father. After Mackenzie's social worker, Karen Cabico, reported that the mother alienated and isolated Mackenzie from her father the family law court ordered reunification efforts. Dr. Leslie Drozd was appointed as the family therapist with an emphasis on reunification. After sessions with the family, Dr. Drozd concluded that there was alienating behavior in this case.

The juvenile court found that there was insufficient evidence that Mackenzie's animosity towards the father was due to the mother's alienating behavior. The court found Mackenzie's acting out was a result of the reunification therapy itself. The Court of Appeals affirmed the denial of the motion to declare Mackenzie a dependent child. The Court found that the family court could reasonably conclude the specific incidents the experts pointed to were not sufficient to support a finding of offending parental conduct.

***Zafran v. Zafran*, 28 A.D.3d 753 (N.Y. 2006)**.
The father appealed the court's decision to terminate all visitation between the father and the daughter based on the father's failure to attend family therapy sessions designed to address parental alienation syndrome and a fear that the father would seek to alienate the daughter against her mother as he had with the couple's two sons. The court reversed the termination finding that it was not in the child's best interests and instead suspended the visitation providing that the suspension could be lifted by the father's cooperation in therapy.

***Davis v. Davis*, 973 N.E.2d 109 (Ind. Ct. App. 2012)**
Court cited *Hanson v. Spolnik*, 685 N.E.2d 71 (Ind.App. 1997) for the proposition that a parent's attempts to isolated acts of misconduct and failure to cooperate with the other parent cannot serve as the basis for a modification of custody.

***In re Paternity of A.S.*, 948 N.E.2d 380, 385 (Ind. Ct. App. 2011)**
Court cited *Hanson v. Spolnik*, 685 N.E.2d 71 (Ind.App. 1997) for the proposition that a parent's attempts to isolated acts of misconduct and failure to cooperate with the other parent cannot serve as the basis for a modification of custody.

***A.M.L. v. J.W.L.*, 98 So.3d 1001 (Miss. 2012).**
The Court found no error in a trial court's determination that parental alienation had not occurred despite some evidence that the mother had encouraged the children to falsely report sexual abuse by their father.

***Appel-Meller v. Meller,* 285 A.D.2d 430 (N.Y. Sup. Ct. App. Div. 2001)**
In this case the court affirmed the trial court's order denying the father's petition to change custody from the mother to him despite some evidence that the mother was alienating the child from the father. The court noted that while it did not condone the mother's actions the court deferred to the finding of the trial court that a change in custody would not be in the child's best interests.