

Response to the 2024 Guidance by the Family Justice Council on Alienating Behaviours

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The recently released Family Justice Council Guidance on responding to children's reluctance to engage with a parent and allegations of alienating behaviour brings a welcome shift in focus toward behaviour rather than syndromes. This child-centred approach, which prioritizes the welfare of the child while acknowledging the complexities of these cases, is also laudable. However, several critical issues and misrepresentations within the guidance warrant a closer look.

1. Misrepresentation of Parental Alienation

While the guidance correctly dismisses "Parental Alienation Syndrome" as a diagnosable condition, its characterization of parental alienation (PA) and associated behaviours as pseudoscientific is **inaccurate**. There is a substantial body of evidence supporting the existence and detrimental impact of alienating behaviours on children and targeted parents – reviewed in both [Harman et al. \(2022\)](https://www.parentalalienationisreal.com/uploads/2/5/5/8/25587179/harman_warshak_lorandos_florian_2022.pdf) (https://www.parentalalienationisreal.com/uploads/2/5/5/8/25587179/harman_warshak_lorandos_florian_2022.pdf) and [Hine \(2024\)](https://repository.uwl.ac.uk/id/eprint/10667/) (<https://repository.uwl.ac.uk/id/eprint/10667/>). In this sense, the guidance appears fundamentally contradictory: dismissing PA as pseudoscientific while simultaneously offering a framework to address it suggests an inconsistency that undermines its reliability. This is despite several attempts by myself and other scholars to provide a wealth of evidence to the FJC on this phenomenon, that would completely reshape the framing of the issue in Section 1 (and rightly so).

2. Balance in Credibility Assessments

A notable issue in the guidance is the imbalance in how claims of alienating behaviours are scrutinized compared to allegations of domestic violence. While it is critical to rigorously assess all claims, placing additional scepticism on one type of claim while leaving others less scrutinized risks undermining equitable treatment. Both sets of allegations—alienating behaviours and domestic violence—carry the potential for truth or fabrication and must therefore be approached with **equal care and impartiality**.

3. Evidence on Domestic Violence Frequency

Section 3 of the guidance cites evidence about the prevalence of domestic violence in family court cases. While this is essential context, the lack of large-scale, representative data raises concerns about potential overgeneralizations influencing individual assessments. Family courts must be vigilant in ensuring that reliance on such evidence does not result in pre-emptive bias, and there is an urgent need for research in this area to support these claims.

4. Centralizing Children's Voices

Incorporating children's voices is a significant step forward. However, this must be tempered with acknowledgement of how alienating behaviours can manipulate children's perspectives – again, an evidenced phenomenon within the much broader literature on the susceptibility of children's memory. Without such nuance, there is a risk of either uncritically accepting manipulated views or dismissing legitimate concerns expressed by the child. Professionals must be equipped to navigate this delicate balance.

5. Misrepresentation of Hine et al. Findings

The Hine et al. report, referenced on page 8 of the guidance, provides valuable insight into the prevalence of alienating behaviours. However, the guidance misrepresents its implications. The report does not claim that **alienating behaviours, or behaviours resulting in alienation from a parent, are rare**. Rather, it highlights that while alienating behaviours occur frequently, their **internalization and manifestation in children are less common**. This distinction is crucial: the high frequency of reported behaviours reflects their occurrence and potential harm to both parents and children, even if every child does not internalize them.

Additionally, it is essential to recognise the broader implications of seemingly small percentages when applied to large populations. For example, the report indicates that 2.9% of our representative sample of separated and divorced parents met all five key factors of alienation. When this figure is applied to the 3.8 million children living in separated families in the UK, it equates to approximately **110,200 children who may be alienated from a parent—a significant and concerning number (and not rare)**. Thus, even small percentages translate to substantial real-world issues when contextualised at scale.

Finally, the Hine et al. report itself **heavily caveats the reliance on self-reported data from parents, who may have limited contact with their children**. While this necessitates cautious interpretation, **as explicitly stated in the original research, this nuance is underemphasized in the guidance**. A more accurate representation of the findings is critical to ensuring informed and balanced discourse on alienating behaviours and their impact.

As the first author of that report, I was not approached about its inclusion and would be more than happy to discuss how it can best be represented therein.

6. Broader Concerns

– **Unaddressed Gender Bias:** The guidance fails to fully account for how societal and institutional biases influence the interpretation of allegations in family court settings. Studies consistently show that gender stereotypes affect perceptions of both male and female victims, creating additional barriers to justice.

– **Insufficient Contextualization of Alienation Behaviors:** While the guidance outlines alienation's potential manifestations, it lacks depth in exploring how these behaviours interplay with broader patterns of intimate partner violence and coercive control, a well-documented dynamic in academic literature.

Recommendations

1. **Reframe Alienation Discourse:** Acknowledge the robust evidence base supporting alienating behaviours and their impacts while avoiding oversimplifications or mischaracterizations of the phenomenon.
2. **Ensure Balanced Scrutiny:** Implement impartial guidelines for evaluating all allegations, whether of domestic violence or alienating behaviours, to promote fairness.

3. **Enhance Training for Practitioners:** Equip family court professionals with tools to discern manipulated narratives while safeguarding children's voices.
4. **Expand Research Use:** Incorporate comprehensive and representative studies to underpin guidance, avoiding overreliance on limited or anecdotal data.
5. **Correct Misinterpretation:** Work with the author of this blog to accurately reflect UK research on alienating behaviours.

In conclusion, The Family Justice Council's efforts reflect a vital recognition of the complexities surrounding family disputes. However, several issues with the report present, and, by addressing these shortcomings, future iterations of the guidance can better serve children, families, and the pursuit of justice.



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