

The Macabre Dance of Family Law Court, Abnormal Psychology, and Parental Alienation Syndrome – Summary

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*“Our litigation system is too costly, too painful, too destructive,
and too inefficient for civilized people.” ~ Justice Warren Burger*

If we accept that Family Law courts have a moral imperative to seek truth and to do as little harm as possible, our Family Court system is failing miserably. Too often what prevails in court is not the truth, but the *illusion* of truth. The current litigation system is not capable of protecting children from the horrendous damage inflicted by those parents who are disturbed. Children lose critical thinking ability, incur the devastating loss of one-half of their heritage and a lifetime doomed for failed social relationships and psychiatric disorders.

Few lawyers, judges, nor laypersons are able to recognize seriously disturbed people who look and often act “normal.” Yet, their numbers are large and the damage they do to other parents, their children, and society is staggering. Sociopaths are cruel—without moral conscience, empathy, sympathy, or compassion. Their purpose is to win by domination. Harvard psychologist Martha Stout, in her book *The Sociopath Next Door*, states that one in twenty-five people is a sociopath. Furthermore, there is an estimated 20% of the general population with personality disorders. Those individuals who are the most dangerous are described in the DSM IV, Axis II Cluster B. The descriptive labels of these disorders are *borderline, narcissistic, histrionic, and anti-social*.

We can assume that a much higher percentage of these disturbed people can be found in Family Law courts because they are unable to compromise or to work out family solutions without conflict. They lack insight, are unable to realize how they contribute to the problem, want their way, blame others, can’t self-correct, have difficulty forming trusting relationships, are unreasonable and demanding, create upset and distress with people around them, and justify inappropriate behavior. They have a “my way or the highway” mindset. Their behavior is not episodic but a pervasive character flaw that has always been present.

Therapy is of little help to these individuals, as their disorder is not fixable. The reason is that *you can’t have a conversation about a problem when the problem is answering the question*. Thus, the cure-all of sending such people to therapy is of little value. In fact, because sociopaths have no moral conscience, therapy gives them the language and skills to manipulate others more effectively; it helps them become better at being sociopaths. And they often get the upper hand in court by diverting attention off of themselves and onto the targeted parent by making numerous false allegations.

Often judges order a psychological evaluation to help them decide what would be the best orders for a family. The evaluation is intended to curb the dysfunctional parent from doing more damage; however, this is often not the outcome. When only one professional evaluates a family, the chance for error is high. Personal bias is one problem. Psychologists are not immune to being unduly influenced by a cunning and persuasive sociopath. Another problem is a policy followed by most evaluators to routinely offer a middle-of-the-road recommendation rather than address the psychiatric problems directly. A third problem is that evaluators are unwilling to use labels that would identify these disorders. While there are many valid reasons to not label people, the end result is that the psychologists’ report does not provide a clear and accurate picture of the underlying dynamics of the family and causes of the dysfunction.

Imagine a parent who has to deal with the other parent’s crazy-making behavior day in and day out as they watch his or her child deteriorate under the disturbed parent’s care. They do not understand why the alienating person is so difficult and irrational. Most of all, the targeted parent wants to know what they can

do to make the situation better. Without clarity, truth is hard to distinguish. The unfortunate outcome of too many psychological evaluations is that hard decisions to protect a child are not made early, which necessitates more litigation and future evaluations... in the mean time, more damage is done.

Furthermore, in litigation, lawyers are supposed to advocate for their clients, not for their clients' children or the well-being of the family. It is very easy for a lawyer to manipulate situations to make the healthier parent look disturbed and their own disturbed client appear superior. For those lawyers who hold litigation as a sport of winning and losing combatants, the principle of "the best interest of the child" is used as a slogan to justify what is not in a child's best interest. The result is often disastrous. The parent who will do the most damage to a child ends up with substantial legal and physical custody. In terms of preserving the mental health of all concerned, litigation of these cases causes profound and permanent damage, a loss of family assets, and untold suffering. The dance between Family Law courts and those who are psychologically abnormal is macabre indeed.

Do we really want to continue to let mentally unstable people get the upper hand and create mayhem? We are the professionals, the leaders, the creative thinkers who have the responsibility to implement a better way of handling family reorganization. The destruction of our families, our children, our wealth, has a horrific ripple effect into all of society.

Following is a paradigm that will not only stop parental alienation syndrome but preserve the well-being of all members of separating families. The plan relies on mediation, education, and prompt legal intervention. Highly trained professionals who understand family systems and are able to recognize mentally disturbed parents work as a team. Families are tracked by a Case Manager. A 6-week Divorce Education course provides a foundation of knowledge that creates understanding and enhances positive adjustment in the reorganizing family. Financial issues are worked out by professionals who also educate parents about how to manage their money. Parents pay for the services they receive according to their ability to pay. Most of all, parents always have a place to go when they see that the family plan is not working. The cost of this method of resolving family dissolution is minimal compared to the cost of maintaining an elaborate Family Law court system. High-conflict disputes are minimized or eliminated. The result of using this method would have a healthy impact on society as we would not be passing on from one generation to the next abusive practices that carry mental instability to the next generation.

Model for Family Reorganization

Presumptions:

Both parents will share legal and physical custody 50/50. Time share is decided according to the developmental stage of the child(ren) and the needs of the family.

Tier One:

- a. Parents seeking a divorce meet with a Case Manager, who completes a detailed family assessment. The Case Manager gives parents an orientation packet to the program and assigns a Mediator to the case. The Case Manager is responsible for all record-keeping.

Parents are provided information about the financial division of the Court, which will handle decisions about child or spousal support and distribution of property and will investigate abuses.

Parents begin a series of meetings with their Financial Advisor. Parents are given an income and expense declaration and asked to return it completed at a future meeting. Parents make arrangements to pay for services, which are decided according to their ability to pay.

- b. Parents arrange for the services of Paralegals, who will handle dissolution papers.

- c. Parents schedule a series of meetings with the Mediator. The Mediator orients them to the program and assigns the child(ren) to divorce-adjustment educational groups based on their age. Reports of the child(ren)'s attendance and adjustment are sent to the Case Manager.
- d. Parents are given a booklet that explains how to create a detailed parenting plan and are asked to complete a plan and be ready to discuss it at a future meeting.
- e. All parents are required to complete a 6-week divorce education course, which totals 18 hours.

Divorce Education Curriculum:

- 1. The Do's and Don'ts of Divorce in relation to the child(ren) and the other parent (Parents make agreements regarding expectations.)
- 2. How children experience divorce ("Children in the Middle")
- 3. Adjustments parents make after a divorce, including emotion issues
- 4. Conflict Resolution (New Ways for Families, High Conflict Institute)
- 5. Resolving financial matters, planning for the future
- 6. Resources for parents, consequences for not following agreements, requirements to report aberrant behavior
- f. The Mediator discusses specific areas of family conflict as well as services that are available to resolve the issues. Such choices might be parent education classes, alcohol and drug treatment, anger management, domestic violence classes, and treatment for inappropriate sexual behavior. Parents are encouraged to obtain private therapy.
- g. The Mediator will close a case as soon as the family appears to be stabilized. Parents are told that they may come back at any time to resolve new issues.
- h. Reports are sent to the Case Manager regarding progress, achievements, and the status of the family.
- i. As soon as the Mediator sees that there is severe conflict where one or both parents are behaving inappropriately and are unlikely to change, he or she prepares a report for the Judge and recommends that the family move to Tier Two for evaluation.

Tier Two:

- a. A judicial order is obtained to further evaluate the family. Parents who are unable to resolve conflict in Tier One are appointed a Supervisor. The Supervisor is in charge of reviewing all work to date, meeting the parents, and deciding what additional information is needed to understand why the family is unstable. For example, the Supervisor may order forensic testing of the psychological status of each parent, including a parenting skills assessment. Each parent is assigned a minimum of three sessions with a Clinical Psychologist trained in recognizing serious psychological problems. Children are provided with a Child Development Specialist who will investigate the adjustment of the child(ren). A team of five professionals (a Supervisor, two Psychologists, a Forensic Tester, and a Child Psychologist) write reports as to their findings. These reports are submitted to the team members, and include recommendations for resolving the problems.
- b. Team meetings are scheduled to share findings and make remediation suggestions. The Supervisor prepares a plan of action for the family.
- c. The Supervisor meets with the parents and explains their findings and suggestions for remediation.
- d. The Supervisor follows up with additional meetings with the parents and assesses their progress.
- e. If the family becomes stable during this time, the case is closed with the invitation to the parents to go back to their Mediator if additional problems arise.

- f. If there are serious and unfixable problems in the family, the Supervisor recommends a Special Master at Tier Three.
- g. Records of treatment and recommendations in Tier Two are sent to the Case Manager.

Tier Three:

The Special Master reviews the information on the family and decides what legal action is necessary. This recommendation will be presented to a Judge. Parents may hire a lawyer to present to the Judge their own point of view about what needs to happen. Arguments are then presented to the Court with recommendations for court orders.

Tier Four:

The Special Master will present the evidence and recommendations to the Judicial Officer. Lawyers may present each client's case. A Judge will make orders as to what parents must do to stabilize the family. This may include greatly minimizing time with a child, monitoring, move-away issues, termination of parent responsibilities, or adoption. The Judge may be asked to rule on financial issues if no settlement has been reached.

ADVANTAGES:

1. By using educational programs and mediation, parents have the advantage to being oriented to the do's and don'ts of how to manage their separation. When parents have a knowledgeable person to mentor them through the divorce process, they are much more likely to arrive at an agreeable solution to their family's problems.
2. Parents preserve family income; they do not have to give up to lawyers their savings, IRAs, children's college funds, or home equity. They pay an affordable amount for the services they receive.
3. Decisions are made on the basis of accurate assessment, testing, and collaboration among professionals. One person is not responsible for making recommendations, as is currently done in a 730 Evaluation. This greatly enhances the chance of a more accurate assessment and outcome.
4. Due to the education parents receive through the help of a Mediator, the family unit becomes stronger and parents learn how to solve problems appropriately as they arise.
5. Children are provided with help to adjust to their parents' separation.
6. It minimizes court time.
7. Parents benefit by preserving assets, minimized court appearances, and more focused recommendations based on accurate data.

CHALLENGES:

1. All professionals working in this program would need to be highly trained to do their job successfully.
2. Implementation, judicial backing, and legislation will need to be passed to support the program.
3. Grants will be necessary to fund the program.
4. A pilot study is needed.
5. Family law lawyers may feel displaced and be unsupportive.
6. Problems may arise with enforcement of orders with those who are unstable.
7. A non-court agency needs to work with the Family Law Court and be responsible for delivering the services.

I believe that most lawyers care deeply about their clients. While I have greatly minimizing their role in this model, I know about lawyers are highly intelligent people who are capable of practicing their chosen profession in many other fields of law and doing quite well. Over 75% of parents do not use a lawyer, which deprives them of the skill and knowledge that lawyers could offer if they could afford that level of help.

I invite those of you who recognize the issue, share my concern, and are interested in leading the way to stop parent alienation to please join me in exploring a new paradigm for reorganizing families. Our Family Court system as we know it is the wrong way to handle the delicate affairs of families. The current financial burden on families and taxpayers is untenable. I invite each of you to join me in leading the way to a more effective and just resolution to parental alienation. We need to start today to focus our resources more effectively, lessen the financial burden on families and taxpayers, and put children first.

While the changes that I am proposing are radical and revolutionary it is time to understand Einstein's oft quoted "insanity is doing the same thing over and over again and expecting different results. What can YOU do to make a difference? Are you one willing to participate in making a revolutionary change in the way that Family Law cases are handled?

I invite those of you who recognize the issues, who share my concern, and are interested in leading the way to stop parent alienation to join me in exploring a new paradigm for reorganizing families. Our Family Court system as we know it is the wrong way to handle the delicate affairs of families. The current financial burden on families and taxpayers is untenable. I invite each of you to join me in leading the way to a more effective and just resolution to family conflict and stop stopping parental alienation when it begins. We need to start today to focus our resources more effectively, lessen the financial burden on families and taxpayers and put children first.

You can contact me at:

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