

PARENT ALIENATION SYNDROME: A TWO STEP APPROACH TOWARD A SOLUTION

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ABSTRACT: This paper deals with the steps involved in mediation before or while legal action and the courts intervene to force a solution by law to often tragic, acrimonious human interaction between former partners. Professionals such as qualified psychologists or psychiatrists should be able to offer a full course of mediation before partners begin divorce proceedings or decisions regarding the placement of children with one party or the other. A 10-year study involving 16 cases provides evidence that the initial use of mediation may well be superior to the initial use of the adversarial system on its own.

This article advances the proposal that mediation play a much larger role in cases of parental alienation syndrome in the British justice system. With one in three or more marriages leading to separation or divorce in Great Britain, there is a great urgency to develop plans with the legal system to make certain that both parents can have the opportunity to continue to play a role in the lives of their children.

The concept of alienation syndrome, frequently termed parental alienation syndrome, was pioneered by Richard Gardner (1992, 1995), who has worked for many years as a child therapist and forensic psychiatrist dealing with cases in the courts in the United States. Gardner was one of the first to draw attention to the gross injustices committed by alienating parents, mostly in relation to fathers being re-rejected from the family as a result of separation or divorce. Although from time to time matters are reversed and the alienation syndrome refers to the mother being left out of the family conciliation, most often it refers to fathers since the courts and western societies tend to favour mothers as custodians of their children and frequently as sole custodians. Gardner's books, *True and False Accusations of Child Sex Abuse* (1992), *Protocols for Sex Abuse Evaluation* (1995), and *Recommendations for Dealing with Parents who Induce a Parental Alienation Syndrome in Their Children* (1996), are landmarks in the area of parental alienation syndrome. Some of the methods used, usually by mothers to induce alienation against the fathers, have been described as including: intimidation and threat, guilt induction, the "buy-off", playing the victim, suggesting that the child or parent will experience loneliness and fear, promises to change themselves and/or conditions, over-indulgence and permissiveness, and telling the child the "truth" about past events (Clawar & Rivlin, 1991). The authors emphasized that "brain-washing and programming" are used by parents seeking to alienate their children from another parent.

THE PARENTAL ALIENATION SYNDROME

Several significant studies in the 1990s have expanded our understanding of the parental alienation syndrome and parental acrimony in general.

Expanding the parameters of parental alienation syndrome was the focus of Cartwright's work (1993). PAS resulted from the attempt by one parent to alienate a child from the other parent. Because PAS was newly recognized and described, it had to be newly defined and redefined as new cases were observed and the phenomenon became better understood. New evidence suggested that PAS was provoked by other than custodial matters, that cases of alleged sexual abuse were hinted at, that slow judgments by courts exacerbated the problem, that prolonged alienation of the child triggered other forms of mental illness, and that too little still was known of the long-term consequences to alienated children and their families.

The parental alienation syndrome was studied in 16 selected cases by Dunne and Hedrick (1994). In an effort to validate the work of Gardner. They analyzed cases of divorcing families in which one or more of the children, aged 0-14 years, had rejected a parent after divorce. Cases were taken from the caseloads of clinicians working with the families. The cases met the majority of Gardner's criteria, including an obsessive hatred of the alienated parent on the basis of trivial or unsubstantiated accusations and complete support for the alienating parent. Although the cases showed a wide diversity of characteristics, Gardner's criteria were useful in differentiating these cases from other post-divorce difficulties. PAS (Parental Alienation Syndrome) appeared to be primarily the function of the pathology of the alienating parent and that parent relationship with the children. PAS did not signify dysfunction in the alienated parent or in the relationship between that parent and the child.

A therapist's view of parental alienation syndrome was studied by Lund (1995). She explored different reasons why a child might reject one parent in a divorced family and the ways of helping such families. Gardner's theory of Parent Alienation Syndrome (PAS) (Gardner, 1998) emphasises the psychopathology of alienating parent. The reasons for parental rejection were many according to Lund. They could be due to (1) developmentally normal separation problems, (2) deficits in the non-custodial parental skills, (3) oppositional behaviour, (4) high conflict divorced families, (5) serious problems, not necessarily abuse, and (6) child abuse (Lowenstein, 1998).

PARENTAL ACRIMONY AND CHILDREN'S ADJUSTMENT TO DIVORCE

Feeling "Caught"

Buchanan, Maccoby, and Dornbusch (1991) examined adolescents' feelings of being caught between parents to see whether this construct helped to explain (1) variability in the adolescents' post-divorce adjustment and (2) associations between family/child characteristics and adolescent adjustment. Five hundred and fifty-two participants aged 10.5-15 years from 365 families were interviewed after their parents' separation. Feeling caught between parents was related to high parental conflict and hostility and low parental cooperation. Being close to both parents was associated with low feelings of being caught. The relation between time spent with each parent and

feeling caught depended on the co-parenting relationship. Participants in dual residence were especially likely to feel caught when parents were in high conflict. Feeling caught was related to poor adjustment outcomes.

Domestic Violence

Problems associated with divorce and causing legal confrontations were noted by Johnston and Campbell (1993). They reported data on allegations of domestic violence in two samples of high conflict families in child custody disputes. Sample one comprised 80 divorcing parents disputing custody and visitation of their 100 children, aged 1-12 years. Sample two comprised 60 divorcing parents with 75 children aged 3-12 years. Five basic types of inter-parental violence and corresponding patterns in parent-child relationships were indicated: (1) ongoing and episodic male battering, (2) female initiated violence, (3) male-controlling interactive violence, (4) separation-engendered and post divorce trauma, and (5) psychotic and paranoid reactions. It was hypothesized that children's adjustment were more disturbed in divorcing families litigating custody where the domestic violence had been more severe and repetitive and where it was perpetrated predominantly by men compared with women. The results supported this hypothesis.

Family Competence, Parental Hostility, and Rejecting Behavior

The effects of family composition, family health, parenting behaviour, and environmental stress on children's divorce adjustment were considered by Ellwood and Stolberg (1993). The participants, aged 8 -11 years included 18 children whose parents remained married, 46 whose parents were divorced, and 17 whose parents divorced and subsequently remarried. Custodial parents completed questionnaires regarding family functioning, occurrence of stressful life events, and a child's psycho-social adjustment. Children completed the Children's Report of Parent Behaviour Inventory and a self-perception profile for children. A trained examiner conducted a diagnostic interview of the child. Family composition had a significant effect on occurrence of stressful events and change in income but not children's adjustment. The most powerful predictors of child adjustment were family competence variables. Higher levels of family functioning were associated with families where parental hostility was low and parents displayed few rejecting behaviours while practicing consistent and appropriate discipline.

Visitation Interference

Turkat (1994) studied child visitation interference in divorce in an effort to raise awareness of the problem among mental health professionals seeking to find solutions to these difficulties. From the clinical and legal literature there appeared to be at least three types of situations related to child visitation interference: acute interference, parental alienation syndrome, and divorce related malicious mother syndrome. The associated difficulties in handling this problem in the legal system were considered.

Parental Conflict and Child Behaviour Problems

Amato and Rezac (1994) tested the hypothesis that children's contact with non-resident parents (NRPs) decreased children's behaviour problems when inter-parental conflict was low but

increased children's behaviour problems when inter-parental conflict was high. Data were analysed in 1,285 children aged 5-18 years of single parent families from the National Survey of Families and Households. The participants, resident parents, reported on the frequency of interaction between the child and NRP and the conflict between the resident and NRP. When the resident parent reported little conflict with the NRP, boys who had a high level of involvement with the NRP were said to have fewer behavioural problems. However, when the resident parent reported to have conflict with the NRP, boys who had a high level of involvement with the NRP were said to have a larger number of behaviour problems. No support for the hypothesis was found among girls, regardless of the family background.

ALTERNATIVES TO LEGAL SANCTIONS

Gardner (1996, 1997, 1998) has recommended legal and therapeutic interventions in instances of parental alienation syndrome on the basis of whether a case was assessed to be one of mild, moderate, or extreme parental alienation. Success in the treatment of the PAS cases was to be defined as the maintenance of some contact between parent and child. Some of the alternatives to the use of legal sanctions and court control to ameliorate or resolve conflict or potential conflict between divorcing and divorced parents include:

Dispute Resolution Processes

Kelly (1991) compared the interactions and perceptions of two groups of divorcing parents using different dispute resolution processes at final divorce and at one and two years post-divorce. The effectiveness of a comprehensive divorce mediation process was contrasted to the more customary two attorney adversarial process. The mediation sample at two years post-divorce consisted of 52 participants and the adversarial sample 73. The participants in the divorce mediation group reported less conflict during the divorcing period and less conflict, more contact and communication, and a more positive attitude toward the other parent at final divorce. The majority of differences favouring the mediation intervention continued through the first year after divorce and disappeared by the second year post-divorce data collection.

Psychological Assistance for Custodial Parents

Following a contested custody case, parents who have won custody of their child may appear to need a particular kind of psychological help in order to prevent the development of the problems to which children of divorce were subjected (Solomon, 1991). Solomon found that the critical time was between the third and sixth month after the court had awarded custody of the child to the parent with whom the child had been living. Three case studies illustrated the nature and timing of the necessary interventions. The therapeutic interventions (1) made the parent aware of the changes in his or her perception of the child and the reasons underlying these changes, (2) furnished the parent with several bodies of information, and (3) made the links between these factors and events occurring in his or her family.

Clinical Evaluation of Custody Manipulation Efforts

Lowenstein (1992) was concerned with the manipulation which parents carry out in seeking child custody. He considered it vital to weigh the removal of children from the home and the danger to the child in placing him or her with one or other parent without making adequate provisions for the other parent who was capable of playing an important role in the child or children's diagnostic interview which was capable of leading to further meetings, leading eventually to cooperation, and the avoidance of continued disputes and legal actions. The fact that PAS occurred in which the controlling parent will frequently accuse the parent seeking contact of sexual abuse needs to be properly investigated. Allegations of sexual abuse do not necessarily indicate that sexual abuse occurred (Lowenstein, 1998). Unfortunately, fathers in particular may lose contact with their children due to false accusations of sexual abuse by (usually) the mother in seeking to prevent children from having contact with their rightful father. It is the role of mental health professionals carrying out tasks of mediation to help the antagonists find a solution which, at least in part, provides what they seek.

Mediation with Abusive Couples

Geffner (1992) focused on techniques and issues concerning mediation of abusive couples during and after separation or divorce. A questionnaire was used to help identify abusive relationships. It was important that the wife and the children be safe during mediation, since research showed that the period when divorce is imminent the risk of being battered or even killed is higher for battered wives. Since the balance of power was unequal in the relationship, mediation had had to be modified so that the situation became neutral. The mediator had to model ways of dealing with intimidation. Other issues facing mediators in these cases involved living arrangements, conversion changes in children, financial support, joint custody, and parent alienation syndrome.

Parental Involvement in Drafting Post-Divorce Agreements

Mediation strategies discussed by Bonney (1993) proposed that the focus of child custody evaluation and mediation was to be broadened beyond custody arrangement to consideration of the range of factors that had an impact on post-divorce relationships. The amount of conflict between parents, parental agreement on access, use of support, parental well-being, and parent-child relationships were factors associated with children's post-divorce adjustment. Strategies for involving parents in drafting agreements to guide relationships with each other and with the children were offered. These included communication, consistent discipline, warmth and support, encouraging a relationship with the other parent, and listening to feelings and sharing values.

Educational Intervention to Reduce Stress

Kurkowski, Gordon, and Arthbutnot (1993) used a brief educational intervention to reduce the number of times divorced parents put their children in the middle of parental conflict. Ninety-eight 9th-12th graders were divided into two groups: a 49 member intact family group and a 49 member divorced group (participants from divorced or separated homes). An intervention group consisted of 45 of the 49 participants, who were located for post-intervention assessment. They

completed a questionnaire, which rated the frequency and stressfulness of 32 situations into which a parent had put them “in the middle” within the past month. Parents of the intervention group were mailed the participants’ averaged responses and an explanatory letter. The same 32-item questionnaire was given about one month after the mailing as the intervention evaluation. The participants in the intervention group improved more than the two control groups combined.

Community Education for Parents

Petersen and Steinman (1994) described the development, goals, and preliminary evaluation of ‘a helping children succeed after divorce’ (HCSD) seminar mandated by the domestic relations court of Franklin County, Ohio. The programme was designed to educate divorcing parents about the effects of divorce and parental conflict on their children. HCSD was a 2.5 hour seminar presented by two mental health professionals and covered the adult’s and child’s divorce experience, co-parental relationship building, and problem-solving. An evaluation involving 600 initial HCSD participants, indicated that response to HCSD was favourable; following HCSD participation, the majority were more aware of their children’s divorce experience, the importance of a continued relationship with their former spouse, and options available for resolution of child-related disputes.

Evaluating Child Custody Evaluation Methods

A review of the methods used in litigation and child custody evaluations was carried out by Hysjulien, Wood, and Benjamin (1994). They studied the current assessment methods used in child custody litigation and mediation and discussed the reliability and validity. Existing outcome studies concerning child custody evaluations were presented. Psychological tests, semi-structured interviews, and behavioural observations of parents and children in child custody disputes were reviewed. The related issues of child abuse, sexual abuse, domestic violence, and parental alienation syndrome were discussed. They concluded that there was little empirical evidence to support the efficacy of methods typically used by professionals in making recommendations to the court. This view was not shared by Lowenstein (1997a) in his unpublished work, *The Law and Protecting the Child and Accused from False Sex Abuse Allegations*, and his unpublished study of shared parenting after divorce (Lowenstein, 1997b).

Assessing Child Abuse/Child Sex Abuse Allegations

Lowenstein (1994, 1998) considered child abuse and child sex abuse allegations. Although these were considered serious allegations which need to be taken seriously by anyone investigating them, it was felt that frequently allegations were considered valid even if disproved eventually. Concern with providing both the victim of alleged child sexual abuse and the alleged perpetrator with truth and justice in such situations urgently requires an objective assessment of allegations of child sexual abuse in the interview situation and the use of more sophisticated psychological tests or inventories specifically constructed to assess children as well as the accused and the accuser. Lowenstein (1993a, 1993b) developed a Sexual Abuse Personality Inventory (LSAPI) and also concluded (Lowenstein, 1994) that many interviewers of children were leading them in the direction of assuming that sexual abuse had taken place and provided an illustration of such

action. The use of Gardner's paper (1992) and his true and false accusation interview and process is recommended.

LONG-TERM ACRIMONY AND ADVERSARIAL APPROACHES

Frequently, adversarial approaches have gone on for a long period and have failed to resolve the essential issue: Whether an alienated non-custodial parent will be allowed to have contact with the children, which may result in better times for the children through the improved parental relationship.

Anyone involved with warring parents will note that each often attempts to portray the other in the most dismal or black light vis-à-vis their behaviour and attitudes. Little can be achieved through this approach and certainly those who suffer the most as a result are likely to be the children who are confused by warring parents, or who are poisoned by one parent against the other. Often the parent who has contact initially on a total basis with the children is able to portray the other parent as evil and unworthy of playing a parental role. Most cases involve mothers who have contact with their children and fathers who seek such contact but who have been left out of the playing of a parental role by the mother. Such parents, as noted, may make allegations of physical abuse, sexual abuse, or neglect in the form of failing to provide sufficient support, care, guidance, or discipline.

In my experience the adversarial system leads itself splendidly toward being manipulated by one or both parents and to failure to find a solution. Frequently an impasse is reached wherein the parent who currently has control of the children retains such control despite the fact that the other parent could play an effective role in the parenting arrangement. In later years, children themselves often acknowledge the fact that they have been poisoned against the other parent unjustifiably. Both parents suffer, even the parent who has sought to keep the other out of the parental rearing arrangement.

Two broad categories of attempted solution to dealing with long-term acrimony exist. The first approach is one that involves securing the voluntary cooperation of both parents in finding a solution which is mutually satisfying. The second approach essentially establishes who is the cooperative and who is uncooperative as a parent and takes issue with the uncooperative parent by depriving that parent of autonomy in deciding on the issue of who shall be involved in further contact with the children involved in the relationship.

A TWO-STEP APPROACH

Now follows a somewhat disguised case which supports the importance of using a two-step approach involving mediation.

Step 1

As a consultant psychologist trained in forensic, clinical, and educational psychology, I have found it useful to involve both parents in a discussion which could lead to a solution in front of a

judge. The approach commences as follows: the psychologist or other mental health professional sees each of the partners separately, gaining insight into what each feels about the situation and seeking any common ground that may exist between the two warring parties. It is made clear to both parties that that partner who fails to cooperate with the clinician in seeking a true, positive, and constructive solution is likely to fail to benefit from the decision of the court. It is, of course, imperative that the clinician have a mandate from the court which enables him or her to engage both parents, separately at first, in discussions to find a solution to a problem which, in many cases, has lasted for a long period of time.

Once it has been established that some form of rapport exists between the two parents and the clinician who has seen them separately, then the two parties in the dispute are brought together for a mutually valuable positive and constructive engagement to find a solution which will be agreeable to both, although not totally agreeable in every way to both parties. It is frequently necessary in this situation to refrain from bringing past acrimoniousness and hurts of both members of the dispute into the open; rather, the finding of a solution to the problem becomes the primary objective.

Once a decision has been reached by the consultant clinician with what he or she has found from both parents and consent to this decision has been obtained from both parties, this is then brought before the court so that a legal decision can be made. Should one or other of the parties fail to cooperate, it would then be necessary to go to Step 2.

Step 2

Having witnessed the cooperation or lack of cooperation of one or both members of the dispute in earlier sessions, the court has mandated that the consultant (psychologist or other mental health professional) seek to find a solution which it will be possible for the court to implement in due course. The court's reaction will be at least partly dependent on the evidence obtained from the warring factions on their desire or willingness to cooperate in finding a solution or the reverse tendency. Unless the case is proven against one or other of the parties that there has been serious dereliction in parental responsibility and, in extreme instances, that sexual abuse has been proven, it must be considered that both parties have a right to the responsibility of caring for their children, be it the father or the mother. The degree of the responsibility and the degree of contact must be decided upon by the court, perhaps with the advice of mental health workers. The fact that both parents are aware that the law will take a hand if they fail to be able to cooperate as in Step I should incline the parents to seek a solution together rather than have it imposed upon them by the actions of the court. There are however, situations where one or both parties fail to respond in a voluntary sense and hence it is vital to have Step 2 available, this being however dependent on the reaction to Step 1.

COMPARING THE ADVERSARIAL LEGAL AND MEDIATION APPROACHES

What follows are the results of a study undertaken by the author over 10 years in dealing with 16 cases which used a purely adversarial approach and 16 which relied almost totally on the mediation method.

Table 1 illustrates the time taken by the adversarial approach without necessarily achieving a resolution of the problems and by a mediation approach in parent alienation syndrome cases. Table 2 shows the degree of ultimate satisfaction by both the children and the parents after the use of mediation.

Table 3 depicts the degree of ultimate satisfaction among the children and parents in 16 families when mediation was not used.

The results in all three tables appear clear and definitely reflect the expressed greater satisfaction among both children and parents in these cases when mediation was used as opposed to an adversarial approach.

TABLE 1
Mediation Approach and Adversarial Approach—Time Taken to Achieve a Solution

	<i>Less than 6 Months</i>	<i>Years</i>							
		<i>1</i>	<i>1-2</i>	<i>2-3</i>	<i>3-4</i>	<i>4-5</i>	<i>5-6</i>	<i>6-7</i>	<i>7-8</i>
Adversarial	—	—	—	1	2	5	3	4	1*
Mediation	9	3	2	2	—	—	—	—	—

*This case was ultimately settled via mediation.

TABLE 2
Degree of Ultimate Satisfaction After Mediation
(52 children, 32 parents, n = 32)

	<i>Very Satisfied</i>	<i>Satisfied</i>	<i>Less than Satisfied</i>	<i>Very Unsatisfactory</i>
Children	33	14	5	—
Parents	22	9	1	0

TABLE 3
Degree of Ultimate Satisfaction Without Mediation
(16 families, 49 children, n = 32)

	<i>Very Satisfied</i>	<i>Satisfied</i>	<i>Less than Satisfied</i>	<i>Very Unsatisfactory</i>
Children	1	3	31	14
Parents	7	1	11	13

CONCLUSIONS AND RECOMMENDATIONS

1. It is urged that mediation play a larger role in cases of parental alienation syndrome before British courts. Those most likely to be effective in helping parents and eventually their children are psychologists, psychiatrists, and other mental health professional workers. It is now vital to consider the importance of the court appointing expert consultants to act as intermediaries between the parents and the court and to seek reconciliation of some kind by deliberately focusing on the positive aspects of the relationship between the former partners. This is the best way whereby children will benefit and parents will both be able to play a positive and constructive role in rearing such children. At the present time, through the adversarial system, there is often the use of two expert witnesses, one on each side, and their loyalty may well be to their “camp” rather than to seeking a solution which is favourable or as favourable as possible to both parties rather than merely to seek the advantages for their own side. A person attempting to work as a mediating consultant must be highly experienced and qualified to carry out this important work, for the individual concerned must be able to win the confidence of both parents if possible and thereby seek their cooperation after often highly acrimonious periods which have resolved nothing between the parents and the judicial system seeking to find the most appropriate solution.
2. There is also considerable evidence that mediation approaches are found superior to adversarial approaches although the combination of the two cannot be ruled out as a useful approach. The role of mediation performed by mental health workers can produce a positive and constructive result which is desirable for all concerned. There is an importance to linking benefits to children of this in both the educational and therapeutic process wherein the parents must be involved. As a result of such approaches, litigation plays a lesser role and mediation a greater one.
3. Judges and magistrates should take heed of the most recent research which illustrates the role played by mental health professionals in seeking to repair pathological relationships that have developed due to the parent alienation syndrome. Mental health professionals and others must distinguish between pathological relationships between one partner and the children as well as between the children and alienating partner and when this is manufactured for the purpose of controlling children and preventing the alienated partner from having contact with these children. Alleged sexual abuse is just one of the strategies used by a partner to eliminate the other from having contact with children which they had mutually produced. Much research has concluded that inter-parental conflict reduces the likelihood of children developing normally.
4. It is vital to have the court and its power overseeing that the mediation process occurs effectively. It is especially important for the court to take cognisance with any parent who fails to cooperate in the process and take appropriate action. This may well mean that the parent who fails to cooperate after ascertaining that both parents have done nothing pathologically wrong in relation to their children, will be duly dealt with through the court’s action.

It will take a considerable period of time and the pioneering spirit and courage of British justice to heed the advice which has been given in this article. Judges must see their role as more than perpetuators of previous cases and seek new ways of dealing with difficult issues such as parental alienation syndrome and probably other cases. The adversarial system does not lend itself particularly well to such issues, albeit it is ingrained in British justice as the method forward and the most fair way of dealing with a variety of offences and problems faced by members of society. Furthermore the methods advocated of bringing in expert consultants to deal with such cases as marital problems and issues and parental alienation syndrome does not dilute the power of the court for it still retains the option of ruling, in the final analysis, as is noted in Step 2 of the two-step approach described above. Step 1 provides the court with an additional way which is always preferable when the parties concerned in the dispute can be helped to solve their problems without the teeth of judicial decisions being immediately utilised.

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