

The Role of Mediation in the Parental Alienation Syndrome

by

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Abstract

This study explores the importance of a healthy family functioning - even after the breakdown of the relationship - and the responsibility both of the parents have in observing the best interest of the child. It has been observed in previous research that many children involved in divorce and custody litigation undergo a brainwashing or programming caused by one of the parents who unintentionally or deliberately sets out to denigrate the other parent, which is characterized as Parental Alienation (PA). The children, incapable of acknowledging the manipulation, align themselves with the programming parent and rejects the targeted one, with whom the relationship can be completely destroyed since there is a breakdown of a previously normal and healthy parent-child connection.

The negative consequences triggered for the adult child victim of Parental Alienation are listed in this study based on conclusions from secondary qualitative compiled from literature review of previous research regarding Parental Alienation, as well as the primary qualitative data received from the semi-structured interviews. Additionally, it stems from an interpretivist phenomenological paradigm of the researcher. Those who follow the interpretivism paradigm promotes the need for understanding of differences amongst humans as social actors.

It is crucial to discuss Parental Alienation once that it still provokes debates not only in the field of psychology but also in the doctrine and jurisprudence. Throughout this research it has been observed that mediation could be an effective remedy to ensure that families suffering from Parental Alienation receive prompt and effective intervention. Finally, it has been noted that alienation is best treated psychologically than inside the courts, in response to the existent debate about the possibility of introducing a law to make Parental Alienation a criminal offence in Ireland.

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1. Introduction

According to the Alienated Persons Support (APS, 2018), Parental Alienation occurs “when a child or children allies himself or herself strongly with the caregiver (the alienating or aligned party) and rejects the relationship with the other parent or parents (the targeted or alienated parent or parents) without legitimate justification despite a previous warm and loving relationship”.

By and large, the characteristics and concept of Parental Alienation have been subject of many debates. Psychiatric and researchers have diagnosed PA as syndrome, however, for a long time it was not defined as a condition by the World Health Organization nor recognized by the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders (Development, 2012), which made it a very controversial point. Kelly and Johnston (Kelly & Johnston, 2001) defend the view that Parental Alienation cannot be a diagnostic syndrome as there is no “commonly recognized or empirically verified pathogenesis, course, familial pattern, or treatment selection” (Kelly & Johnston, 2001). Their main concern is that it does not examine the cause, prognostic or treatment of these behaviours “the term Parental Alienation Syndrome does not add any information that would enlighten the court, the clinician, or their clients, all of whom would be better served by a more specific description of the child’s behaviour in the context of his or her family” (Kelly & Johnston, 2001).

Parental Alienation also have a lack of empirical research concerning the main author of this psychological abuse and, while this has been addressed by Johnston on previous research (Johnston, 2003), (Baker A. J., 2006) (Baker, 2005) (N Bow, W Gould, & R Flens, 2009), many gaps still remain.

For example, in a number of previous studies it has been observed that the mother is usually the aligned parent. But how much is this a gender based issue?

This indicates a need to delve into this phenomenon's essence in order to address the remaining gaps and develop a richer theoretical perspective about Parental Alienation than already exists in the literature. In this direction, this study was based on secondary qualitative research and primarily qualitative semi-structured interviews with professionals on the fields of Law, Mediation and Psychology. This research has been enriched with the interview of an adult children who believes to have suffered Parental Alienation and still feels the long-term effects. Consistent with the standard of research in psychology, this participant has been offered confidentiality for the interview, therefore the name provided is a pseudonym.

In the field of Psychology, the Brazilian hypnotherapist Geralda Cristina Bezerra and the Brazilian psychologist Aline Driver have shared their experiences and views about the PA phenomenon in interviews done through Skype. The professor and program leader of mediation in Ireland Anastasia Ward has answered questions regarding Parental Alienation through e-mail. Finally, in order to collect information from the Law field, Skype interviews were done with the Brazilian barrister Ana Maria Milanez and the Brazilian prosecutor Luiz Alberto Moura Araújo.

In the three first themes of the literature review, a study is made through Parental Alienation with a view to deepen its aspects and provide a better understanding about its first notions, the way it has been defined and developed over the years and the patterns and strategies involved.

The fourth theme of the literature review provides a list of the consequences of Parental Alienation in the adult children based on the analysis of an interview with a victim of PA as well as on secondary research, in which it is aimed to highlight the serious impacts for both the targeted parent and the victim child. It is important, however, to bear in mind that everything that has been reported is based

on the experiences reported on previous research and on the researcher interpretations of the semi-structured interviews provided for this study.

The fifth theme provides an overview of the effective ways to resolve Parental Alienation and whether mediation should be the remedial plan that will allow the child to restore his or her relationship with the noncustodial parent as it perceives to be less damaging than the court. Does mediation have the necessary tools to transform hostile couples into cooperative ones?

The sixth theme considers the way the family law system can contribute to the breakdown of the relationship between the targeted parent and the child caused by the alienating parent. It also aims to stress the importance of prioritizing what is in the best interest of the children by committing to a child-centered approach in respect of reaching agreements. Thus, throughout the research that has been conducted, this study argues about the possibility of making parental alienation a criminal offence in Ireland.

According to the Parental Alienation Association, whose attention was called in order to provide legislation, there is a lack of understanding in Ireland of the gravity of this form of alienation and how much damage can be cause to children as a result (Gartland, Parental alienation should be criminal offence, says group, 2015). Andries van Tonder, secretary of the association, states that parental alienation can be worse than physical abuse in some cases and have been linked to suicides and drug overdoses in Ireland (Gartland, Parental alienation should be criminal offence, says group, 2015). Therefore, by restraining the child from having the necessary attention and preventing him or her from acquiring good ethical, moral values and a healthy psychological construction, should the alienating parent be punished legally? Additionally, can it be consider as an undermining of the core principles of Universal Declaration of Human Rights and United Nations Convention on the Rights of the Child in which article 9 states “The child has the right to maintain contact with both parents if separated from one or both”? Due to the existence of clashing currents, it is sought to clarify and

verify the existence of moral damage when one of the parents act as a alienator, analyzing the objective and subjective aspects surrounding such injury to family law.

2. Aims and Objectives

The aim of this research is to demonstrate, through the deep analysis of several cases, the role of mediation as a suitable solution for cases where Parental Alienation is present. It also seeks to examine if a prosecution of the parent who attempts to turn the child against the other parent would be an effective remedy.

The major objective of this study is to make visible the effects of a destructive divorce that can lead to a Parental Alienation (where psychological manipulation is present and children are caught in the middle of warring parents) and provide a complete and structured understanding of the PA phenomenon.

The interest in this theme is due to the controversy surrounding this subject in the past years, where it is intended to verify the effective damage that is caused to the children when they are manipulated by one of the parents, the real and painful long-term consequences and the steps that should be taken in order to revert the effects and resolve the problem.

3. Literature Review

3.1 Historical Context of Parental Alienation

In the mid-70s, a notable increase of child-custody disputed have been witnessed like never before in history. According to Richard A. Gardner (Gardner R. A., 2002), two were the main causes appointed for that result: the replacement of the tender-years presumption with the best-interest-of-the-child

presumption and the increasing popularity of the joint-custodial concepts. Under the tender-years presumption, the assumption was that mothers, by virtue of the fact that they are female, were naturally superior to men as child raisers (Gardner R. A., 2002). Therefore, the father had the chore to provide compelling evidence of serious maternal deficiencies before the court would even consider assigning primary custodial status to the father (Gardner R. A., 2002)

The psychologist and researcher Judith Wallerstein, who spent most of her life studying the effects of divorce on the children involved, first described Parental Alienation in 1976 as a pathological alignment. Jointly with Joan Berlin Kelly, Wallerstein wrote the best-selling book “Surviving the Breakup: How Children and Parents Cope With Divorce”, in which they made a careful research in order to comprehend the subjective experiences of parents and children from divorce, as well as to bring into surface data stemming from statistical correlations and factor analysis (Kelly J. W., 1980). The research was based on the epidemiological and clinical study of 60 families, in which the predominance was white, middle class and college educated (Kelly J. W., 1980). The research design was anchored on the California Children’s Divorce Project with the intervention of researches who described themselves as counsellors, therapists, colleagues and friends in connection with the families (Kelly J. W., 1980). Through this intervention, it was possible to have a more deepen access and insights about the impact of the separation on the family throughout time, which provided an unusual perspective on the phenomenology of the experience of divorce and the direct impact on children (Kelly J. W., 1980). As a result of the study, it could be observed that the impact of divorce was attenuated by positive factors, such as the improvements made by parents on their own personal relations following the breakdown and the cooperation between the custodial and noncustodial parent. The negative factors that have been noticed, on the other hand, when parents fail to deal with the divorce in a healthy way, were noted to be capable of leading the family to several dysfunctions and psychological illness.

Following this, in the mid-1980s (N Bow, W Gould, & R Flens, 2009), the term Parental Alienation was originated and its concept developed by the American child psychiatrist Richard A. Gardner, who proposed that it was a *syndrome* based on his own experience with children of divorcing parents. Under Gardner's studies and taking into consideration the presumption of the best-interests-of-the-child, the courts started to be instructed to ignore gender in custodial considerations and focus on the parenting capacity, taking into account factors that were related to the child's best interest. This change in the scenario resulted in court litigations where the fathers found themselves with a greater opportunity to gain primary custodial status (Gardner R. A., 2002). The negative part of this new reality was that with the expansion of child-custody litigation, there was a significant increase in situations in which one parent has programmed a child to become alienated from the other with the hope to have their positions enhanced in the course of the litigation (Gardner R. A., 2002), which came to be known as Parental Alienation. According to Gardner (Gardner R. A., 1998), PA occurs when one parent in a post-divorce custody arrangement successfully manipulates the children to turn against the other parent. He states that in its more extreme form, children report to despise or be frightened of their parent and refuse to have any kind of relationship whatsoever with him or her (Gardner R. A., 1998).

Since then, much have been written about Parental Alienation in order to not only diagnose it, but also to examine the dynamics of the situation that can contribute to the occurrence of the alienation, which is described as a breakdown of the usual attachment between parent and child (N Bow, W Gould, & R Flens, 2009).

3.2 Definition

According to the psychiatrist Richard Gardner (Gardner R. A., 2002) (Gardner, 2004), the term Parental Alienation refers to a disturbance in which a parent attempts to turn the couple's child or

children against the non-custodial parent during divorce or custody disputes. “It is a disorder that arises primarily in the context of child custody disputes. Its primary manifestation is the child’s campaign of denigration against a parent, a campaign that has no justification. It results from the combination of a programming (brainwashing) parent’s indoctrinations and the child’s own contributions to the vilification of the target parent” Richard A. Gardner (Gardner, 2004). He states (Gardner, 2004) that the alienating parent programs into the child’s brain circuitry ideas and attitudes that are directly at variance with the child’s previous experiences. Children who are inserted in PA frequently add their own scenarios to the campaign of denigration, from the recognition that their complementary contributions are desired by the programmer (Gardner, 2004). He concludes that the child’s contributions are well welcomed and reinforced by the alienating parent, resulting in even further contributions by the child (Gardner, 2004). He points out that in less extreme cases the child is taught to disrespect, disagree with, and even act out antagonistically against the targeted parent (Gardner). As the disorder progresses from mild to moderate to severe, this antagonism becomes converted and expanded into a campaign of denigration. Gardner (Gardner R. A., 1998) believes that the PA diagnosis is based on the symptoms of the child, but it is clearly a family problem where in each case there is one parent who is the programmer and another parent who is the alienated one, and one or more children who exhibit the symptomatology. He concludes that PA children respond to the programming in such a way that it appears that they have become completely forgot any and all positive and loving experiences they may have had previously with the targeted parent (Gardner R. A., 1998).

The professor and program leader of mediation in Ireland Anastasia Ward (Ward, 2019) stated on her interview that parental alienation is any act or omission by a parent which is intended to have an adverse effect on the relationship of a child with the other parent. She affirmed that the first indicators of parental alienation are the behavioural changes manifested by the child (Ward, 2019). According

to her, these behavioural changes may initially take the form of reluctance by the child to engage with the the targeted parent progressing refusal to engage and denigration of that parent (Ward, 2019).

The researcher questioned the Brazilian psychologist Aline Driver (Driver, 2019) regarding her view on how Parental Alienation can be identified. She declared that it is by observing the behaviors of the parents, grandparents or other guardians, as well as the children's that one can identify the occurrence of the practice (Driver, 2019). She states that signs of anxiety, nervousness, aggression and even depression can be present in the case of children and adolescents undergoing parental alienation, which indicates that the situation is occurring (Driver, 2019). When asked about which parent had most often happened to be the alienating one in her clinical practice, Driver (Driver, 2019) declared that it had been the fathers turning the children against their mother, but both the mother and the father have the same likability to act as the programming parent once that it is not a gender based problem, but a narcissist one.

In Barker's (Baker A. J., *The Long-Term Effects of Parental Alienation on Adult Children: A Qualitative Research Study*, 2006) study of 40 adults who were alienated from their parents as a children, she notes: "...in all but six cases the alienating parent was the mother" (Baker A. J., *The Long-Term Effects of Parental Alienation on Adult Children: A Qualitative Research Study*, 2006). In 85 per cent of the cases in this study, the mother is indeed the Aliigned (alienating) Parent. Susan Heitler (Heitler, 2018) comment on her website that according to her own experience in her clinical practice, the mother most often has been the alienating parent. She points out, however, that this does not exclude the multiple cases in which the father acts as a toxic parent, poisoning the children against their mother. Nonetheless, in general, the alienating parent is the least emotionally healthy, she concludes (Heitler, 2018).

Johnston (Johnston, 2003) studied 215 children over the first three years of divorce and custody applications. As a result, she found out that only nine per cent of them showed extreme alignment to

the mother and a similar eight per cent alignment to the father. What it indicates is that there is a fairly even spread of the mother and the father alignments in cases where PA indicators are found to be present. Johnston (Johnston, 2003) explains: “Lack of warm, involved parenting was the strongest predictor of the child’s rejection of both mother and father, but this could well be a consequence of the child’s being difficult and rejecting the parent” Janet R. Johnston (Johnston, 2003). Hence, both parents might be contributing to the situation and any vulnerability of the child is also a contributing factor. In recent descriptions, Kelly and Johnston (Kelly & Johnston , 2001) have proposed a more complex analysis in which all members of the family play a role, proposing that a child may be alienated with no direct programming from one of the parents.

On that premise, Joseph Goldberg (Goldberg, s.d.) illustrates a Canadian legal study exploring parental rejection between 1987 and 2009, in which 74 cases were examined and the result was that fathers tend to be biased as rejected parents by a statistic of 62%. They show another study made sixteen years later by Richard A. Gardner and published in The Academy Forum in 2001, a publication of The Academy of Psychoanalysis that was based upon the social science literature, hence far more accurate and concluded that both genders share the same degree of high risk in being rejected by their children.

When it comes to the definition of Parental Alienation as a syndrome, Richard Gardner (Gardner, 2004) defends the view that once prognostic and treatment are provided on the aspects of the Parental Alienation (Gardner, 2004), it should be recognized as a syndrome. According to him, many are the causes and treatment modalities for the isolated signs or symptoms that might not have apparent linkage to one another, concluding that the fact that the symptoms occur together is one of the indications of the syndrome, even though all might not be present in the less severe forms (Gardner, 2004).

The controversy regarding Parental Alienation being a syndrome seems to finally have come to an end, once that, despite efforts of groups to prevent it, on May 25th 2019, the World Health Organisation accepted the present version of ICD-11 which contains within it the index term parental alienation for the code QE.52 Caregiver-Child Relationship Problem. It is the eleventh revision of the International Statistical Classification of Diseases and Related Health Problems (ICD-11) and is due to come into effect on 1 January 2022 (APS, 2018).

The International Statistical Classification of Diseases and Related Health Problems, known as International Classification of Diseases (ICD), is the international "standard diagnostic tool for epidemiology, health management and clinical purposes." The ICD is maintained by the World Health Organization (WHO), the directing and coordinating authority for health within the United Nations System (APS, 2018). ICD defines the universe of diseases, disorders, injuries and other related health conditions. They stated on the website that the inclusion of parental alienation as the index term in ICD-11 comes after a long campaign led by Professor William Bernet, head of the Parental Alienation Study Group who has worked for long days and nights in order to achieve this result (APS, 2018). The Alienated Persons Support pointed out that "there are thousands of Irish families experiencing parental alienation and asking for help. The recognition of parental alienation by the ICD – 11 will encourage further research and resources being committed to combating the problem." (APS, 2018).

3.3 Cause and Method

Studies made by Susan Heitler (Heitler, 2018) indicate that the parent who practice this harmful conduct suffers from a *narcissistic* personality disorder, which is selfishness on steroids. On the same premise, Janet R. Johnston (Johnston, 2003) claims that PA is as an "unholy alliance" between a narcissistically enraged parent and a vulnerable child or adolescent who together make effort to hurt and punish the other parent. According to Heitler (Heitler, 2018), this disorder is related to an

experience of feeling inadequate or abandoned while growing up and these individuals tend to be self-absorbed, hyper-focusing on what they want, think, feel and believe, never taking into consideration other's desires and ideas. She emphasizes (Heitler, 2018) that the narcissistic alienating parent uses the child as a weapon to destroy the other parent, claiming to be protecting the children against the evil other, which shows how little their capacity for taking into consideration what is in the best interests of the child is. Additionally, Susan Heitler (Heitler, 2018) advocate the view that people with this disorder often have difficult self-soothing, having a longer-lasting distress than most people. In this regard, they have deficits in emotional resilience in their ability of recovering from a disappointment and frustrations. Therefore, they develop a self-image of being a victim and blame others for whatever goes wrong. Heitler (Heitler, 2018) points out that it has been clearly documented that parental alienation occurs in which one of the parents – or even both – have this or other personality disorder, once that healthy parents don't produce this sort of pattern. In that premise, she quotes (Heitler, 2018) the psychologist Dr. Craig Childress, who is an expert in PAS, and have stated that the child will not turn away from a parent unless there is a perpetrator lurking and a perpetrator to whom a child is afraid: "Children don't turn away from a pathologic parent – they are too scared. But they might turn away from a loving one, there is nothing to fear there."

On the same basis, Warshack argues that some motives could be the narcissist who sees custody as a way to prove his or her self-worth to the world after a failed marriage or an avenging husband who wants to punish or get even with the spouse who left him or her. Another motive could be a lonely parent who seeks to control the children for fear of losing them, or from a need for emotional support from the children (Warshack, 1992).

On the solicitor Frances Place (Place, 2016) view, the PA often occurs when the parents are in dispute about arrangements for their child and tend to be alleged by the non-resident parent against the resident one. She claims (Place, 2016) that the process by which the children align themselves with one of the parents may happen for many reasons that are not connected with conscious or intentional

manipulation. This unintentional contribution to the alienation of the child may occur in many ways, for example crying or being upset in front of the child when they leave or visit the other parent, telling how much they will miss them when they are away with the other parent or even double checking if they will be fine by spending the weekend away from them (Place, 2016). Place (Place, 2016) remarks that all of this adds emotional pressure into the children, causing a worry about the parent they are away from and creating anxiety because of that parent is insecure about their safety. In some cases children align themselves with the parent they spend most time with simply because they feel easier to reject the other parent than to face the complications of being attached to two warring parents (Place, 2016). In other circumstances it happens because the child had witnessed or been the victim of domestic violence, which makes the estrangement both rational and beneficial for that child (Place, 2016).

As reported by Amy J. L. Baker (Baker A. J., 2007) in her book “Adult Children of Parental Alienation Syndrome: Breaking the Ties that Bind”, there is a consistently identified set of parental behaviors that encourage a child’s unjustified rejection of the targeted parent. These have been identified by adults who experienced alienation as a children. Subsequent research made by Baker (Baker A. J., 2007) and colleagues have demonstrate the validity of these behaviors. Across all of the studies, it was possible to observe that there are seventeen behaviors identified as parental alienation strategies. According to her (Baker A. J., 2007), this set of strategies includes not only making verbal comments, but also physical gestures and body language that can imply the other parent is not worthy of respect.

Taken together, these seventeen PA strategies can create psychological distance between the child and the alienated parent such that the relationship becomes driven by conflict and eventually nonexistent, as the child is pressured and empowered to cut that parent off completely (Baker A. J., 2007).

Parental Alienation Strategies:

- 1 Denigrating the Other Parent: The alienating parent speaks ill of the other parent to the child, emphasizing the negative aspects of the personality and choices. It creates the belief in the children that the other parent is unavailable and unsafe (Baker A. J., 2007) (Fine, 2014).
- 2 Interfering with Communication: Prevents the children and target parent from sharing each other's lives by not answering calls, not delivering gifts and letters and not sharing cell phone numbers (Baker A. J., 2007) (Fine, 2014).
- 3 Limiting Contact: The alienating parent interferes with the amount of face-to-face time the children spends with the other parent, such as picking up the child earlier than agreed and dropping off later. By monopolizing the children's attention, the alienating parent reduces the other parent's opportunities to create loving memories and counter the badmouthing messages (Baker A. J., 2007) (Fine, 2014).
- 4 Forcing the Children to Choose Between Parents: Offers desirable alternatives to visitation and creates situation in which the children feels compelled to reject the other parent. It creates a need for the children to justify their choice and consequently focus on the negative qualities of the target parent, who becomes hurt and angry at the child (Baker A. J., 2007) (Fine, 2014).
- 5 Telling the Children that the Targeted Parent Does Not Love Them: Creates a feeling in the children of being rejected by the other parent and can consolidate the end of the marriage with the end of the parent's love of the children (Baker A. J., 2007) (Fine, 2014).
- 6 Interfering with Symbolic Communication: The alienating parent makes it difficult for the children to think about, talk or look at pictures of the other parent (Baker A. J., 2007) (Fine, 2014).
- 7 Withholding Love and Approval from the Children: When the children show positive feelings and thoughts toward the alienated parent, the alienating one becomes cold and distant in order to keep their attention directed towards themselves (Baker A. J., 2007) (Fine, 2014).

- 8 Asking the Children to Keep Secrets from the Targeted Parent: Eg. Don't tell your mother that we are going to the shopping mall on the weekend otherwise he will try to stop us. By involving the children's self-interest, the alienating parent encourages the children to withhold information, creating a sense of guilt that is later justified by focusing on the negative qualities of that parent. (Baker A. J., 2007) (Fine, 2014).
- 9 Asking the Children to Spy on That Parent: Requests such as asking the children to look through the targeted parent's mail, cell phone or desk drawer, encouraging the children to betray their trust (Baker A. J., 2007) (Fine, 2014).
- 10 Forcing the Children to Reject the Targeted Parent: The Children personally inform the alienated parent that he or she has been excluded from important events in their lives (Baker A. J., 2007) (Fine, 2014).
- 11 Confiding in the Children: The alienating parent share personal information with the children about the other parent that promotes anger or shame about that parent and protective of the alienating parent (Baker A. J., 2007) (Fine, 2014).
- 12 Creating the Impression That the Other Parent is Dangerous: Alienating parent plants false memories of harm that suggests that the other parent has caused harm to the children, creating fear and doubt in their mind about the ability of the targeted parent to love them and keep them safe (Baker A. J., 2007) (Fine, 2014).
- 13 Undermining Authority of the Targeted Parent: The alienating parent does and say things that encourage the children to believe that he or she is the only authority figure and that the roles and regulations of the targeted parent are not valid or important (Baker A. J., 2007) (Fine, 2014).
- 14 Referring to Stepparents as "Mom" or "Dad" and encouraging the Children to Do the Same: "This is your new daddy". Conveys to the children that the new family is the only real and important to them (Baker A. J., 2007) (Fine, 2014).

- 15 Referring to the Targeted Parents by First Name and Encouraging the Children to Do the Same: It conveys to the children that the targeted parent is not an authority figure and is no more important than anyone else the children calls by the first name (Baker A. J., 2007) (Fine, 2014).
- 16 Withholding Medical and Social Information and Keeping the Other Parent's Contact Information From Relevant Forms: Deprives the other parent from opportunities to function as a parent by not sharing team lists, class lists, homework, schedules and important events in the children's lives (Baker A. J., 2007) (Fine, 2014).
- 17 Changing the children's Names to Remove the Association with the Other Parent: Tries to disconnect the other parent from the child in an important and meaningful way (Baker A. J., 2007) (Fine, 2014).

The hypnotherapist Geralda Cristina (Bezerra, 2019) stated on her interview that the behaviors that may characterize parental alienation may emerge gradually or in a simulated manner once that most of the time the minor is not aware of the “drama” in which he is inserted. She claims (Bezerra, 2019) that the symptoms usually become more evident as the child faces the possibility of visiting the alienated parent, refusing to leave or to stay with him anywhere, creating unfounded justifications for his refusal, often sounded extremely mature for a child's mind. “The child says and does these things with the hope to please the alienating parent, demonstrating their desire to be with him or her, hoping to gain their approval and acceptance”, she noted (Bezerra, 2019). Geralda Cristina (Bezerra, 2019) also affirmed that whenever the alienated parent has a chance to visit the children, they can be received with false accusations rather than in a cooperative and friendly manner. She adds that the children at this point even present deliberately bouts of anger, brutality and bad manners to embarrass the alienated parent for no apparent reason (Bezerra, 2019). The child, as a result of parental alienation, also becomes ill and reproduces harmful attitudes to act as an ally to the alienated parent (Bezerra, 2019). Additionally, she says, the child may be seen using negative words and phrase about the

alienated parent that do not reflect his or hers own experience or level of language development. He or she treats the alienated parent as a true enemy or a simple strange whose proximity is perceived as an offence, which gradually destroys the bond that unites them two (Bezerra, 2019). For this reason, the alienated child shows no guilt or remorse in this phase of the ambivalence generated by the conflict of love he feels and the hate he believes he should feel. She concludes that it is important to bear in mind that these characteristics may be present or not and when they are it can be in a greater or lesser extent, according to the stage the child and social context in which the child is developing. The cases can be mild, medium or severe (Bezerra, 2019).

According to Monè and Biringen, in these situations (Monè & Biringen, 2008), children are often unaware of this form of abuse because it has an insidious nature. It is a constant flow of negativity that becomes normalized and gradually the child begins to take the side of the alienating parent, who in most cases had primary custody. In some cases, however, the adverse may occur and result in the child growing resentful of one parent who constantly denigrates someone they love. In that premise, Moné and Birigen state that such reunification can result in the ‘backfire effect’ whereby the child rejects the alienating parent and re-establishes a relationship with the alienated parent (Monè & Biringen, 2008).

3.4 Consequences of Parental Alienation in the Adult Children

The severe effects of parental alienation on children are well-documented, such as low self-esteem and self-hatred, lack of trust, depression and substance abuse. Based on a series of confidential research interviews with individuals who were child victims of PAS, Amy Baker has provided an adult's perspective with the most common consequences of experiencing being manipulated as a child by one parent to turn against the other parent in her book “Adult Children of Parental Alienation Syndrome: Breaking the Ties that Blind”. According to her, it is crucial to point out that not all of the

adult children will experience each of following negative outcomes, however they have been consistent with previous research on the negative effects of family system disruptions (Baker A. J., 2007)

Lower self-esteem

Baker's (Baker N. B.-A., 2012) studies have found that alienation may lead to lower self-esteem in adulthood. According to her, the first source of low self-esteem is the internalization of the hatred of the targeted parent. She claims that this process is consistent with the object relations theory, in which the "bad object" is taken as an "introject" into the child's understanding of her or himself. In other words, the children feels that the "bad" parent is part of them – genetically as well as through an early relationship – and that they must also be bad (Baker A. J., 2007) (Baker N. B.-A., 2012). Therefore, the programming parent's rejection of the targeted parent is experienced as a rejection of that part of them that is like the alienated parent. Baker (Baker A. J., 2007) states that although many of the adult children interviewed declared that they recognize that they did the best they could under terrible circumstances of manipulation, many suffered from feelings of guilt and shame at their own behavior, contributing to low self-esteem and negative self-image (Baker A. J., 2007).

Depression

Another negative consequence suffered by the majority of the adult children of PA is depression. In Baker studies, it has been observed that their depression was rooted in early feelings of being unloved by the targeted parent – causing intense feeling of sadness for the child - and from the traumatic loss of that parent, both of which are known as psychosocial risk factors for depressive episodes (Baker A. J., 2007).

Drug and alcohol problems

It has also been observed that many of the adult children of PA were drawn to substance abuse as a way to escape the feeling of loss and pain. Baker states that in many of the cases in her research the alienating parents were emotionally abusive in their attempts to subjugate the child's independent feelings to their will. Additionally, for many of the adult children, the realization that one of their parents had been alienating and manipulating them has led to resentment, anger, pain and guilt and one response of the adult child to this abuse is to escape into alcohol and drugs (Baker N. B.-A., 2012) (Baker A. J., 2007).

Lack of trust

Lack of trust is a recurrent theme for the adult children from PA. Baker stated that women who were alienated from their fathers have reported not believing that a man would be ever able to love them. They assumed that if their father, who is the first male love, did not love them enough to be part of their lives, why would any other man find them worthy of love and commitment? Freud (1920/1955) termed this pattern of repeating the past no matter how painful the "repetition compulsion" (Baker A. J., 2007).

Another version of the lack of trust observed was a sense of doubting their own perceptions of people, once that from a young age they were told by one parent that the other parent – whom they have positive memories of - was bad, dangerous and worthy of fear (Baker A. J., 2007)

Alienated from their own children

This particularly tragic long-term outcome is present in many of the cases, in which the adult children of PA are alienated from their own children. In Baker studies it has been observed that several of the male participants remarked that they had married woman with very similar characteristics and

personality structure to their mother (who was the alienating parent). To them, this is what love from a woman felt like and this is all they knew (Baker A. J., 2007).

Divorce

The manipulative nature of Parental Alienation has been linked to difficulties surrounding attachments and relationships, where the alienated adult might either seek constant approval from partners or display distrust (Baker N. B.-A., 2012). Many of the adult children of PA reported that their marriage had failed because of all the negative consequences listed above: their lack of trust in their partner, the inability to be intimate and the problems with depression and substance abuse (Baker A. J., 2007).

Other forms of addiction are common, as children lose the capacity to give and accept love from one of the parents. Self-hatred is particularly disturbing among affected children as they internalize the hatred targeted toward the alienated parent and are led to believe that the alienated parent did not love or want them. As a consequence, they later experience severe guilt related to betraying the alienated parent (Baker A. J., 2007).

In the interview with the hypnotherapist Geralda Cristina Bezerra (Bezerra, 2019), she was asked about the psychological damages to the child victim of Parental Alienation. Her answer was that the emotional, psychological and social harm to a child who is abused by parental alienation is incalculable in its upbringing (Bezerra, 2019). The first and perhaps foremost serious of them, she said, is the feeling of abandonment. For children up to 7 years old any absence is recorded in the child's mind as abandonment and with this feeling the child grows up and forms his dysfunctional personality, with great emotional instability and profound affective needs (Bezerra, 2019). Moreover, she adds, in more serious situations, they may develop devastating psychiatric disorders such as

chronic depression, psychosomatic illness, anxiety or nervousness for no apparent reason, identity or image disorders, difficulty in adaptation in normal psychosocial environment, insecurity, low self-esteem, feeling of rejection, need for acceptance, isolation and malaise (Bezerra, 2019). “The lack of mental organization, hostile or aggressive behavior, conduct disorders, inclination to drug addiction, suicide, difficulty in establishing interpersonal relationships, uncontrollable feelings of guilt and non-conscious acceptance of injustices and suffering against the parent alienated are other consequences that the adult child of PA may experience” she said. She concluded (Bezerra, 2019) that over time, the child rejects or even hates the alienated parent, becoming an outsider to him, ultimately destroying the bond that bound him biologically or emotionally. Geralda Cristina Bezerra (Bezerra, 2019) advocates the view that the child sees the alienating parent as his or her only reference and a model to be followed, often reproducing the same pathological attitude in the future. According to her, this arbitrary choice can be devastating for the child’s once that it is fundamental for a healthy and balanced psychological and emotional development the coexistence with both parents, which allows them to naturally experience the process of identification and differentiation. “The child needs to have the chance to build his own version of each parent from his own references and not from the other's interpretation or feelings”, she concluded (Bezerra, 2019).

The psychologist Aline Driver (Driver, 2019) stated that regardless the relationship the couple establishes between each other after marriage or stable union is dissolved, the child has the right to maintain his relationship with both parents. It is therefore important to protect the child from the couple's conflicts and disagreements, preventing any disputes from affecting the bond between parents and children (Driver, 2019). She explains that the figure of parents is usually the main reference of the world and society for their children and, in many situations of Parental Alienation, this image is deteriorated, which impacts not only the filial relationship but also the formation of the child on its intellectual, cognitive, social and emotional aspects (Driver, 2019).

3.4.1 Interview with an adult child from Parental Alienation

Elisabeth's story

I was only a baby when I got separated from my mom, so most of what I know and I am telling you today is either what I have been told during my life or what my mind claims that happened.

My father was only 16 years old when he met my mom, who was an American Indian older than he was. They have never been in what is socially characterized as a “serious relationship”, but when my mother got pregnant of me, my paternal grandmother, with whom my father was still living with, invited her to live with them in order to provide the necessary support. Even though my father did not like the idea of having her around all the time, he saw that as the best way to keep me in his protection. From what I have been told, their relationship was not easy and my father was constantly abusive towards my mother. He used to threaten her that the minute I would be born she would have to leave the house and leave me to be raised by him and my grandmother. And this is precisely what happened. After I was born, my mom was no longer welcomed in the house and I was raised by my father and paternal grandmother. Nothing has ever been said in our house about my mother. There was a silent pact between them that as I child I did not realize nor did I ever questioned anything about. There a fact about my childhood that to this day I am not completely sure whether it happened or it was a fruit of my childish imagination: When I was four years old, I was in the balcony of my house with my paternal grandmother when a car stopped in front of us and a woman, who introduced herself as my mother, put her head outside of the car window and said she was there to collect me. Since I did not know who she was, I decided to stay with my grandmother.

I live with the dilemma of whether this was real or if it was a creation of my mind. I have kept this with me during my whole life either because it happened or to justify to myself the idea that my own

mother would never have abandoned me and on the contrary she had tried to be with me and the only reason why it did not happened was because of my own choice.

I remember that my father's sister used to take me very often to my maternal mother's house without his knowledge. Even though I did not understand why, I always knew I could not tell him anything about that. Never would I have thought it was because he had forbidden any contact with anyone related to my mother.

Many years later, I heard that two of my maternal aunties had died because of a disease named Tifo that occurred in 1968 in Recife, Brazil. That was the last thing I ever heard about my mother's family.

During all my childhood, I had a babysitter to take me and collect me from my school, which was only a few minutes from my house. Today I know that she was there because of my father' insecurity and fear that I would be taken by my mother.

I have spent all my childhood and teenage hood determined to never demonstrate to my father any feeling or desire to meet my mother, leave alone have any contact with her. This was out of cogitation because I wanted my father to see me as someone strong and fulfilled enough to need any kind of connection with my mother.

Only in the past few years, after deciding to go through psychologists, have I understood that I did everything as an act of extreme loyalty to my father. I have always made sure I would not have anything to do with my mother, not even through thoughts. Consequently, I have separated myself completely from my feminine maternal lineage. I did not learn how to be a mother; I learned how to be a father. I was always demanding, always hard, always logical and always acted in a linear manner. I have never left my children in need of anything material, on the other hand, there was a lack of a mother's essential characteristics on me, such as the feminine and fragile aspects.

I had to overcome all of this, often without realizing what was happening, to be able to fill the role that would represent my strength without needing that connection with my mother. Considering that

I was not familiar with the concept of Parental Alienation until recently, I did not have the scope to realize and identify the phenomenon in which I was inserted.

With all that said, I can say that there was a lot of pain involved in my development. My conclusion is that parental alienation brings several pain to everyone inserted and we need to be sympathetic and have compassion for the situations where PA is present.

3.5 Mediation and the Parental Alienation Syndrome

"Mediation is an informal, but structured process in which one or more impartial third parties assist disputants in talking about the conflict and in negotiating a resolution to it that addresses the needs and interests of the parties. Mediators do not impose a settlement and participation in the process is usually voluntary." (Umbreit, 1995, p. 24)

The family area provides different treatments for different problems. According to Anita Vestal (Vestal, 1999), the area of child custody litigation has presented a constant growth in demand and concern for family mediators. She points out (Vestal, 1999) that once there is no standard for determining custody in light of the child's best interests, the judge ends up confined with a backlog of dispute custody cases without a clear and concrete guideline to follow when deciding whether to favor the mother or the father. An increase in deceptive and manipulative tactics used by divorcing parents has been observed by many experts in family law from both the legal and mental fields (Vestal, 1999).

Over the past decades, recommendations have been given regarding the model that could be employed by family mediators when dealing with Parental Alienation and the question of whether mediation is the best remedy to reverse the effects of the alienation has been a matter of controversy. In order to ensure that the families inserted in the PA will receive a prompt and effective intervention, it has been put in question to which extent is it congruent to require unwilling parties to participate in a process

that is designed to be cooperative, interactive and participatory. Anita Vestal (Vestal, 1999) states that there is a number of issues that the mediators need to take into consideration. First, the detection of PA presents itself a dilemma for mediators who are not trained in mental health diagnostic procedures (Vestal, 1999). Second, she continues (Vestal, 1999), once PA is suspected and successfully detected or diagnosed, should mediation be the remedy? If so, under what circumstances? It goes without saying that the education, training and skills of the mediator are put to the prove when dealing with the highly deceptive and manipulative tactics of parents who have succeeded in programming their children. Hence, mediators need extensive training to understand and recognize the underlying motives for a parent's refusal to promote accessibility between the child and the other parent (Vestal, 1999).

Vestal notes (Vestal, 1999) that when divorcing couples choose to participate in mediation, there might be an assumption of their willingness to cooperate on a settlement for the child's best interests. But it has to be considered that PA families come to mediation not completely voluntarily but rather as part of a court-ordered or mandatory mediation process (Vestal, 1999). According to Turkat (Turkat, 1994), if one of the parents is unreasonable or uncooperative, the mediation effort can easily be sabotaged. It has been observed in previous studies that in cases with severe PA symptoms, mediation is not the appropriate remedy. Cartwright (Cartwright, 1993) states that the lack of a clear and strong power of judgment is often perceived by the alienator who sees it as act of approval of his or her alienating behavior. Mediation is also not an appropriate way of intervention for couples who have experienced domestic violence because it may place the parent victim of the abuse and children at risk for ongoing intimidation.

With all of that taken into consideration, this paper attempts to defend the view that – while there is no question regarding the need for training to teach mediators how to detect and deal with PA families - mediation can be an effective way to resolve parental alienation in mild to moderate cases. Not only mediators but all professionals who work with divorcing population need to be aware of the symptoms

of the PA and of the difficulties that these cases can present, once that a failure to properly identify and intervene in the early stages of PAS cases may result in the extension of the alienation.

According to Anita Vestal (Vestal, 1999), studies of custody cases were made in several large cities and reported that over one half (between 50% and 90%) of the cases are settled through mediation, which supports it as a positive intervention in custody disputes. A considerable empirical evaluation of mediation services in three court-based programs showed high levels of user satisfaction according to the researchers. Both the Denver Mediation Project of the early 1980s and a study conducted in Toronto found mediation to be successful in keeping divorcing families out of court (Vestal, 1999). The Toronto study compared couples that mediated custody with those that litigated without mediation and only 10% of mediated couples returned to the courtroom after 2 years with problems related to custody or visitation, whereas 26% of the non-mediated couples were back in court within 2 years (Herman, 1990)

The professor and program leader of mediation in Ireland Anastasia Ward (Ward, 2019), when questioned if mediation is the best remedy to resolve parental alienation, declared that in order to answer this regard must be head to the theories of mediation. Is the objective practical problem solving and settlement, or does the objective have a social justice, or promotional equality, or transformation of the individuals foundation (Ward, 2019).

Gardner (Gardner R. A., 1998) maintains that only after a depth analysis of the PA case, the concept of mediation can be initiated. He recommends training programs to be set up to ensure that only experient qualified mediators will be used (Gardner R. A., 1998). Gardner (Gardner R. A., 1998) envisions court-designated mental health clinics that would provide mediation services at a fee commensurate with the parents' financial situation. It is contained in Gardner's stepwise mediation process the fact that the process is conducted by professionals trained in psychiatry at the Child Psychiatry Clinic of the University of Kentucky Medical Center (Gardner R. A., 1998).

Considering the theories of mediation, this study attempts to show that mediation can offer real benefits in dealing with Parental Alienation Syndrome. First and foremost, mediation can give a more partial evaluation of alienation accusations against any of the parents, which prevents more damage in the relationship. Hence, once that the mediator operates from the point of partiality and does not side with any parent, there is no bias. By and large, lawyers can align themselves with one parent and end up losing their perspective. Competent mediators are trained and always pursue partiality, which allows them to evaluate the parent's veracity when they make accusations against each other.

Once that mediators can spend some quality time alone with the parents, they can learn about their parenting styles and the way they interact with the child and with each other, which allows them to recognize the syndrome of Parental Alienation in its initial stages and take steps to mitigate its development. Therefore, whilst a lawyer may have contact with only the parent that hires them, mediators have a close relation to both parents.

In litigated divorce within the Family Court system, when one of the parents make accusation against the other, it will be necessary to make evaluations. These evaluations require a big number of steps, people and time to address the accusations. In mediation, on the other hand, due to the extend exposure the mediator have to both parents, the mediator is more than capable to analyse the credibility of the parent who is making the accusations.

Another advantage is that dealing with a mediator is time-saving. Cases taken to the court, including divorce cases, can take months or even years before they are heard. In Parental Alienation cases it can result in the expansion of the conflict and more damages in the relationship between the parents and the minor. Against this background, when choosing mediation, the problem can promptly be identified and a partial qualified psychologist can be brought in order to assist the affected family, whereas such a professional would only be assigned by a court mandate after what can be a long delay. With the

benefit of the Mediator's extensive knowledge gathered about the family, he will work side-by-side with the psychologist in order repair the damaged parent-child relationship.

It has been demonstrated through this research that Parental alienation can lead to unhealthy relationships within the family at a dimension that it can affect the development of the child and eventually everyone's well-being. This study confirms the importance of identifying and reverting the negative impact of Parental Alienation Syndrome, which can be sought through Mediation.

3.6 Parental Alienation as a Criminal Offence In Ireland

It has been demonstrated in this study that Parental Alienation is harmful to children, mothers, fathers and extended members of the family. It also undermines the core principles of Universal Declaration of Human Rights and United Nations Convention on the Rights of the Child in which article 9 states "The child has the right to maintain contact with both parents if separated from one or both." As a serious form of child abuse, "PA not only alienates the children involved from their targeted parent but it also negatively affect their future relationships, emotional well-being and ability to thrive as individuals in their own right and within the wider realms of our society" (Anderson, 2018). As observed in this study, the manipulation a child results in psychological damage that distort the child's developing personality and subsequent life adjustment. Additionally, the damages for the targeted parent cannot be forgotten, once that it creates an affliction of grief once that they might lose contact with their children. And this is where the questions arises: Should parental alienation be criminalized in Ireland?

According to the Irish Times (Gartland, 2015), a group of researchers has stated that a parent who attempts to turn their child or children against the other parent following the breakdown of a relationship is committing parental alienation and should be prosecuted. According to The Parental Alienation Awareness Association (Gartland, 2015), there is a lack of understanding in Ireland of how serious this phenomenon can be and the severe consequences it can have for the children. According

to the therapist Brian O’Sullivan, whatever the label of Parental Alienation is, regarding being a syndrome or not, its dynamics have been noted since the 1950s and children are still being damaged (Gartland, 2015). The Parental Alienation Awareness Association has called for legislation to make parental alienation a criminal offence (Gartland, 2015). Andries van Tonder in an interview to The Irish Times, (Gartland, 2015) claimed there should be State support and rehabilitation provided for PA children once that it is a serious form of child abuse to turn a child against a parent and that the problem is that it is not taken seriously in Ireland. He also claims (Gartland, 2015) that the after-effects can be worse than physical or sexual abuse and have been linked to suicides and drugs overdose in Ireland. He added that a child who suffered parental alienation might not realize the damage that has occurred and may only show the exhibit the effects at the age of 24 or 25 (Gartland, 2015). He also informed that he is aware of a 69-year-old who was a PAS child and still suffers the effects. “Our big fight is to educate on this form of child abuse; Ireland does not want to listen yet, but we hope it will listen soon” he stated (Gartland, 2015).

According to Geralda Cristina (Bezerra, 2019), against this background, parental alienation is taken seriously in Brazil. She claims that the Brazilian President has signed legislation defining parental alienation as “the interference in a child’s or adolescent’s psychological training promoted or induced by either parent, by grandparents, or by those who hold the child or adolescent under their authority, guardianship, or surveillance to reject one of the parents, or that hampers building or maintaining bonds with them” (Bezerra, 2019).

When asked about what measures can be taken in cases where PA is present, she affirmed (Bezerra, 2019) that the Law 12.318 / 2010, in addition to other previously listed forms of parental alienation, stipulates the means to punish their practice based on their inclusion in the minor’s life quickly and efficiently without the need for expertise or medical reports. She stated (Bezerra, 2019) that the ways

to punish the alienating parent are especially expressed in Article 6 of the law, in proportion to the gravity of his conduct or based on the general context of the concrete situation:

Law No. 12,318 , ON 26 AUGUST 2010

Provides for parental alienation and amending Art. 236 of Law No. 8069 of July 13, 1990 .

THE PRESIDENT OF THE REPUBLIC makes it known that the National Congress has passed, and that he enacts the following Law:

Art. 1. This law rules on parental alienation.

Art. 2. An act of parental alienation is deemed the interference in a child's or adolescent's psychological education promoted or induced by either parent, by grandparents, or by those who hold the child or adolescent under their authority, guardianship, or surveillance to reject one of the parents, or that hampers building or maintaining bonds with them.

Sole paragraph. Illustrative forms of parental alienation, in addition to those so determined by a judge or ascertained by experts, either directly committed or with the aid of third parties are:

I – to carry out campaigns for disqualifying a parent's behaviour upon exercising his/her parenthood;

II – to obstruct the exercise of parental authority;

III – to obstruct the contact between a child or adolescent with one of their parents;

IV – to obstruct the legal right to exercise family life;

V – to deliberately withhold from a parent relevant personal information on the child or adolescent, including school-related, medical, and address changes;

VI – to file false charges against a parent, their family members, or against grandparents, to obstruct or prevent their presence in the child or adolescent's life;

VII – to change residence to a distant place, without justification, in order to make it difficult for the child or adolescent to live with the other parent, their family member, or grandparents.

Art. 3. The practice of parental alienation infringes a fundamental right the child or adolescent has in having a healthy family life, impairs affection in their relationship with the parent and other family members, and constitutes moral abuse on the child or adolescent, in breach of the duties inherent to parental authority, or to guardianship or custody.

Art. 4. Once an act of parental alienation has been so stipulated, either on a motion or by default, at any stage of the proceedings, either on a lawsuit or after an incident, proceedings shall have priority, and the judge shall determine expeditiously, after the Public Prosecutor has been heard, the provisional action required to preserve the child or adolescent's psychological integrity, including to assure their life with the parent, or to facilitate the actual reapproximation between both, if applicable.

Sole paragraph. Both the child or adolescent shall have ensured minimum assisted visits, except in cases where there is imminent risk to the child or adolescent's physic or psychological integrity, so attested by a professional eventually appointed by the judge to assist such visits.

Art. 5. Whenever there is evidence of parental alienation practice, brought by a lawsuit or after an incident, the judge, if necessary, shall determine a psychological or bio psychosocial expert assessment.

§ 1st The expert report shall be based on a wide psychological or bio psychosocial assessment, as applicable, also including interviews with the parties, review of court records, history of the couple's relationship and separation, chronology of incidents, assessment of the involved parties' personalities, and an examination of the child or adolescent's response to a possible charge against one of their parents.

§ 2nd The expert assessment shall be carried out by a qualified professional or multifunctional team, requiring, in any case, proven qualification from either professional or academic records in diagnosing parental alienation acts.

§ 3rd The expert or multifunctional team assigned to determine the occurrence of parental alienation will have up to 90 (ninety) days to submit their expert report, such time being extended solely on court order based on properly grounded justification.

Art. 6. After having ascertained typical acts of parental alienation or any behaviour obstructing the life of a child or adolescent with either parent, either brought by a lawsuit or after an incident, the judge may, either cumulatively or not, with no prejudice to any civil or criminal liability, widely using the procedural instruments capable of inhibiting or mitigating their effects, according the severity of the case:

I – declare the occurrence of parental alienation and notify the alienator;

II – extend the family life schedule in favour of the alienated parent;

III – apply a fine to the alienator;

IV- determine psychological or bio psychosocial counselling;

V – determine change of custody to joint custody, or its reversal;

VII- determine, by restraining order, the place of residence of the child or adolescent;

VII – declare the suspension of parental authority.

Sole paragraph. Once an abusive address change, obstruction or prevention of family life, have been ascertained, the judge may also reverse the duty of taking the child or adolescent to or from the parent's home upon their changing the place of family life.

Art. 7. Guardianship attribution or modification shall be made in favour of the parent who makes the life of the child or adolescent feasible with the other parent, in cases where shared custody is not viable.

Art. 8. Changes in the child or adolescent's domicile is irrelevant for determining competence over lawsuits grounded on the right to family life, except as arising from mutual agreement between parents, or a court ruling.

Art. 9. (ANNULLED)

Art. 10. (ANNULLED)

Art. 11. This Law becomes effective as of the day of its publication.

Brasília, August 26th, 2010; 189th of Independence, and 122th of Republic

In the same vein, Ana Maria Milanez (Milanez, 2019) stated on her interview that with the advent of this Parental Alienation law for the Brazilian legal system, the operators of law have an extra tool in their power once that this norm seeks to identify and typify in the first paragraphs the attitudes of the alienator (Milanez, 2019). In fact, she observed, on its own articles the law brings the possible conducts of this alienator in an exemplary list and that in face of this behavior, there will be an abuse of power. “In addition, the norm itself provides the means that may be declared acts of parental alienation, whether the parents are acting intentionally or unintentionally” she concluded (Milanez, 2019).

In the interview with the prosecutor Luiz Alberto Moura Araújo, the researcher questioned about what can be done in Parental Alienation cases under this law. He answered (Araújo, 2019) that as soon as it is identified, the practice must be restrained and measures must be taken to preserve the psychological integrity of the child, and the psychological follow-up of all involved is important, and the matter may be dealt with in the judicial sphere (Araújo, 2019).

He (Araújo, 2019) stated that in the event of evidence of an act of parental alienation in actions conducted by Family Courts, priority is given to the proceedings, with the mandatory participation of the Public Prosecution Service, and the judge adopts the necessary measures to preserve the psychological integrity of the child or adolescent. In this regard (Araújo, 2019), the judge shall, as a matter of urgency, after hearing the Public Prosecution Service, determine the provisional measures necessary to preserve the psychological integrity of the child or adolescent, including to ensure their coexistence with the harmed parent or to facilitate the effective approximation between them, if necessary. If there is evidence of occurrence of the practice, the judge may determine the preparation of the situation report, made from psychological or biopsychosocial expertise (Araújo, 2019). He add that for the formulation of the report of identification of parental alienation, psychological assessment, personal interview with the parties, documentary analysis, history of the couple's relationship and

separation, incident chronology, evaluation of the personality of the involved and examination of the way the child may be performed. child or adolescent expresses himself about possible accusation against the parent (Araújo, 2019).He concluded (Araújo, 2019) that the law provides that children should be provided with the minimum guarantee of assisted visitation, except where possible risks to the physical or psychological integrity of the child or adolescent are identified. Both parents and children are also referred for psychological follow-up by specialized professionals (Araújo, 2019).

According to Anastasia Ward (Ward, 2019), there are three stages at which the family law system can address this issue;

- (a) Pre-litigation: As a preliminary step to the conduct of litigation, relational assessment of all parties, and a review of the interpersonal dynamics by an appropriate professional (Ward, 2019).
- (b) During the litigation process: Courts should have greater discretion in relation to the procurement of assistance from appropriate experts in the context of the determination of issues pertaining to custody and guardianship (Ward, 2019).
- (c) Post litigation - Parents should have the entitlement to refer such matters to court following the hearing of the substantive issue (Ward, 2019).

When asked about whether Parental Alienation should be considered a criminal offence in Ireland, she argued (Ward, 2019) that regard must be had to the purpose of the criminal justice system. She stated that the definition of a criminal offence of this nature would carry significant challenges and the identification and resourcing of the relevant authorities (investigatory and prosecutorial) would also present a significant challenge. She points out (Ward, 2019) that the criminalisation of such conduct would have both positive and negative aspects. “On the positive side, it would potentially have a deterrent effect. However, on the negative side, it would require the child to engage with the investigators, prosecutors and a court process. On balance my view is that this would not be a constructive approach to dealing with this issue” she said (Ward, 2019).

When asked about whether parental alienation should be a crime, Geralda Cristina (Bezerra, 2019) declared that she didn't know to what extent making parental alienation a crime would solve a problem that is present on the emotional side of alienating parent. She said that "What seems like the first analysis, inhibiting the "bad" can cause collateral damage in proportions similar to all involved because we are dealing with sick adults who intentionally or unintentionally cause pain to the targeted parent and the minor" (Bezerra, 2019). In her view, the criminalization all too often can be weak and rather than rehabilitating and recovering, in some cases it only increases the prison population and turns people to something worse than they were before being put inside bars (Bezerra, 2019). She supports the view that what should be available for such cases is multidisciplinary monitoring not only for the minor but also for the parents, in a family circuit of mutual living and forgiveness. "An intense and therapeutic psychological and social work can help recovering respect, self-esteem and love of all involved, being extended to family and friends" (Bezerra, 2019). She concluded that patients should be treated, not simply criminalized (Bezerra, 2019).

Sharing the same view, Susan Heitler wrote an article about a therapeutic jurisprudence that has been used by the Israel Family court. She makes reference to the article "The Israel Family Court—Therapeutic Jurisprudence and Jurisprudential Therapy from the Start," where Judge Marcus described radical innovations that have upgraded his country's family courts' functioning, making them less adversarial and more psychologically informed.

According to her (Heitler, 2019), the court system has developed a parallel team of social workers who assess every family law case. In addition, litigants do not hire their own evaluators, rather, they are provided by the court from a list of people who have training and extensive experience in assessment, treatment, and domicile recommendations for divorcing families in general and alienating situations in particular (Heitler, 2019).

She informed that the judge has judicial authority to make immediate decisions, aided by the advice of the court social services team (Heitler, 2019). The team members are experts in assessing cases in which violence or other endangerment has been alleged. She maintains that the priority is the children who must be protected from all kinds of abuse: physical, sexual, and emotional, as well as abuse via parental alienation (Heitler, 2019).

She (Heitler, 2019) defends the view that the combination of experienced judges and highly professional social work/psychologist teams results in a radical decrease in ongoing post-divorce family disputes and when subsequent disputes do erupt, the court again evaluates the family and makes an appropriate new ruling as necessary. Heitler points out (Heitler, 2019) that the outcome is a quicker and longer-lasting resolution of disputes, as well as restoration of healthy relationships in the family and termination of costly and damaging litigation.

About the results, she affirms that the statistics have been so good that family courts throughout all of the state of Israel have followed the initial Jerusalem court's example and that therapeutic jurisprudence has become the standard court procedure throughout the country for determining living arrangements for children of divorcing and contested post-divorce families (Heitler, 2019).

4. Research Methodology and Methods

Methodology is a way to exam and understand the numerous methods available for conducting academic researchers. The Methodology at an applied level studies, describes and evaluates research methods and techniques that enable the collection and processing of information to direct and solve problems or research questions. This chapter will provide a discussion of the chosen research design in order to answer the research questions of this study.

According to Saunders, Lewis and Thornhill (Saunders, Lewis, & Thornhill, 2019), research in

common parlance refers to a search for knowledge or a scientific and systematic search for pertinent information on a specific topic. Further, The Advanced Learner's Dictionary of Current English lays down the meaning of research as "a careful investigation or inquiry especially through search for new facts in any branch of knowledge." (Saunders, Lewis, & Thornhill, 2019) It is defined by Redman and Mory as a "systematized effort to gain new knowledge." For C. R. Kothari (Kothari, 2004) it is actually a voyage of discovery. Kothari claims (Kothari, 2004) that whenever the unknown confront us, we all possess the vital instinct of inquisitiveness for wonder and our inquisitiveness makes us probe to attain full and fuller understanding of the unknown. Kothari also states (Kothari, 2004) that this inquisitiveness is the mother of all knowledge and the method, which man employs for obtaining the knowledge of whatever the unknown and can be termed as research. Research is, therefore, a rational procedure which aims to seek answers to the problems proposed. In addition, Kothari affirms that the research design is the general plan of how the researcher will go about answering the research questions and it should contain clear objectives derived from them (Kothari, 2004).

The Integrative Review Methodology, known as an indispensable tool for synthesizing available research on a given theme and directing practice based on scientific knowledge, will be used in this paper. It involves defining the problem, identifying the essential information, conducting the search for studies in the literature and identifying the applicability of the data coming from the publications (Tavares de Souza, Dias da Silva, & de Carvalho, 2010) This method, which was originally created for use in patients, will be adapted in the context of this research, considering the victims of the parental alienation, the psychologists, the mediators and lawyers as main actors, in which the data and the knowledge obtained in the studies will be utilized. According to Kothari (Kothari, 2004), an integrative review is a good instrument for defining concepts, reviewing theories, reviewing evidence and pointing out gaps in the literature, which was essential for this study.

Furthermore, the conduction of this research was made mainly under the phenomenology paradigm

as a tool to describe how human beings may experience the Parental Alienation (PA). The phenomenological approach purpose is to develop a complete, clear and accurate description and understanding of this particular human experience.

“It achieves its goal through the use of a special investigator stance and approach and through specialised methods of participant selection, solicitation of information, systematic data treatment, and assembling of interview components into a final report” (Saunders, Lewis, & Thornhill, 2019). Advantages of the phenomenological approach includes the fact that it provides a complete description of human experiences and meanings. Findings seems to emerge, rather than being imposed by the researcher. (Saunders, Lewis, & Thornhill, 2019) Moreover, careful techniques are used to keep descriptions as faithful as possible to the experiential raw data, which is accomplished by extreme care in moving step by step and in being ever mindful not to delete from, add to, change, or distort anything originally present in the initial “meaning units” of the participant transcripts. Researchers often attempt to “bracket” in pursuance of suspending judgment and removing themselves from the process when documenting personal experiences. One method of bracketing is memoing, which minimise their influence on the findings (Maxwell, 2013).

On the other hand, this method can also present disadvantages since it depends on the articulate skills of the participants who provide the information, which brings logistical and generalisation issues. (Saunders, Lewis, & Thornhill, 2019) By and large, the language and terms employed in existential-phenomenological philosophy and phenomenological inquiry are usually obtuse or difficult and in its orientation toward a particular time frame or moment, the method may miss information about broader periods or about the development (time course) of an experience. In focusing on a rich description of an experience, (Saunders, Lewis, & Thornhill, 2019) Saunders holds the view that the method may miss information about what led up to that experience, what the outcomes or consequences might be, and what the concomitants and other factors associated with the experience are.

Hence, this approach was essential for the researcher to focus on the commonality of the PA experience lived by the participants and the primary goal is to arrive at the description of its nature (Creswell, 2013). According to Moustakas, in order to have successful interviews, two broad questions must be attempted to be answered by the interviewees: What have you experienced in terms of this subject? What contexts or situations have typically influenced your experiences of the phenomenon? (Creswell, 2013).

Through this research, the meaning of the PA, the consequences of it on the adult children who suffered it and the best remedy to restore the relationship between the parents and children involved will be analyzed with the view to arrive at a more profound understanding of this phenomenon. According to Maxwell (Maxwell, 2013), phenomenology has roots in philosophy, psychology and education, attempting to extract the most pure untainted data. This study, therefore, stems from an interpretivist phenomenological paradigm of the researcher here who understands that the effects and long-term consequences of the Parental Alienation are too complex to theorize definite laws in this research. Those who follow the interpretivism paradigm promote the need for understanding of differences amongst humans as social actors. This highlights the distinct differences in research that is carried out with human individuals, opposed to inanimate objects. Phenomenology is derived from interpretivism and describes the way people experience and view the world. The researcher experiences a challenge to understand the world from the standpoint of the participants. The interpretivist perspective has been deemed by some to be fitting for research conducted in areas of social context.

Many (Saunders, Lewis, & Thornhill, 2019) varieties of qualitative research commence with an inductive approach to theory development. According to Saunders, Lewis and Thornhill (Saunders, Lewis, & Thornhill, 2019), the naturalistic and emergent research design is not always necessarily used only to build theory, it can instead develop a richer theoretical perspective than already exists in the literature. This is precisely the aim of the researcher in this study in order to code the data. By

employing the inductive approach it was possible to develop empirical generalisations and relationships throughout the research (Creswell, 2013).

Creswell claims (Creswell, 2013) that when it comes to induction, the conclusion is to the premises as the whole is to the parts. From particular truths one concludes general truths. The inductive method is based on the generalization of common properties and a number of cases observed so far and on all occurrences of similar facts that may be verified in the future (Saunders, Lewis, & Thornhill, 2019). The degree of confirmation of the statements depends on the evidence. In order for the conclusions of induction to be true as often as possible and to be more sustained, additional evidence can be added to the argument in the form of new assumptions that appear alongside the assumptions initially considered. Since the conclusion of an inductive argument may be false, even when the premises are true, the additional evidence may favor perception more accurately if the conclusion is indeed true.

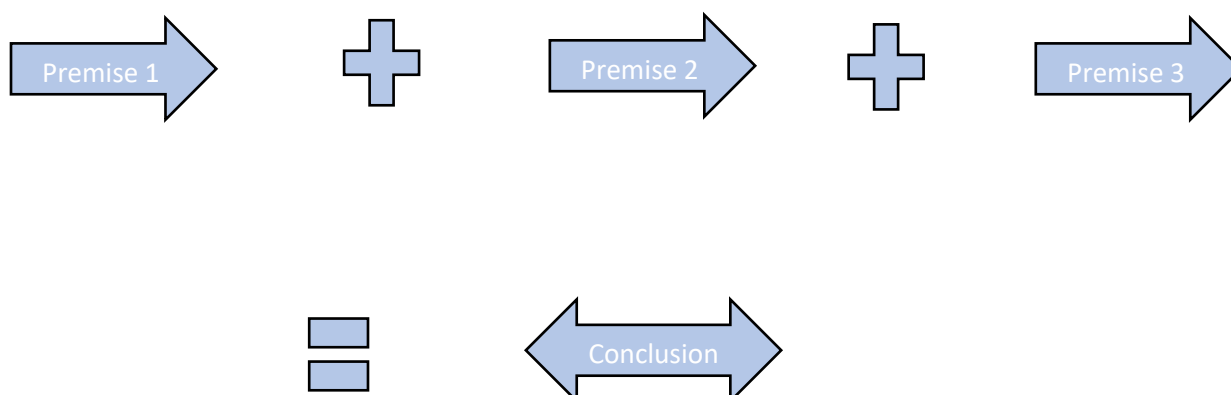
For Saunders, Lewis and Thornhill (Saunders, Lewis, & Thornhill, 2019), induction is a kind of reasoning that moves from the record of particular facts to the broader conclusion that establishes a general proposition. Starting from particular data (facts, experiences, empirical statements) and, through a sequence of cognitive operations, it comes to more general laws or concepts, ranging from effects to cause, consequences to principle, experience to theory. In this form of reasoning, the major premise is not an absolute truth, it does not contemplate the whole truth of the smallest. He states that it is valid only for a restricted number of cases; thus it is not fully inserted, contemplated in the greater and the conclusion does not generalize all the cases. This is true for a particular situation and may be extended to other situations, provided that the same elements as in the larger premise are repeated (Saunders, Lewis, & Thornhill, 2019) Therefore, the conclusion is a generalization. The major premise does not contemplate the smallest; it is a hypothesis, a real proposition (Saunders, Lewis, & Thornhill, 2019). Inductive method, inductive reasoning or simply induction, is a type of argument used in various areas of knowledge. This method is intended to reach a conclusion.

The inductive research was the approach chosen for this study once that it starts from the particular to the general. In other words, from the detailed study of Parental Alienation that has been done before, the researcher came to other statements both abstract and generic. This study started from true premises and arrived to its own conclusions, adding new information to assumptions that were previously given.

Premise 1 (P1): Mediation is the most effective way to resolve parental alienation.

Premise 2 (P2): Parental Alienation leads to severe and long-term consequences for the children.

Premise 3 (P3): Parental Alienation should be seen as a criminal offence in Ireland.



Furthermore, for the accomplishment of this study, the qualitative literature review methodology was strategically employed once that it focus on human beings and their subjectivity.

According to Saunders, Lewis and Thornhill (Saunders, Lewis, & Thornhill, 2019), qualitative research is every research where there is any data collection technique – such as interview – or data analysis procedure – such as categorizing data – that generates or uses non-numerical data. Moreover, it is often associated with an interpretive philosophy (Saunders, Lewis, & Thornhill, 2019). It is interpretive because researchers must make sense of the subjective and socially constructed meanings expressed about the phenomenon being studied. In order to obtain success in this study, hence, the researcher here depends not only on the physical access of the participants, but also to build rapport and be able to demonstrate sensitivity to gain valid access to their data.

The use of the qualitative approach was crucial to establish not only participation, but more importantly the trust of the participants in order to them to feel opened with their views and meanings, which provided an in-depth understanding for the researcher. Saunders, Lewis and Thornhill (Saunders, Lewis, & Thornhill, 2019) explains that for that reason the qualitative approach can be referred to as naturalistic, since the researchers tend to operate in a natural setting or research context with the view to obtain this comprehension. It is important to add that for this reason those who consent to take part of in qualitative research are not seen as mere respondents but as participants in the collection of data.

For this study, the meanings were derived from words and images, which was vital for the researcher to learn about the individual experiences and perspectives of the participants on the given set of questions. The interviews were scheduled in advance at a designate time and were organized around a set of predetermined open-ended questions. This is known as semi-structured in-depth interviews and they are the most widely used interviewing format for qualitative research, according to (Saunders, Lewis, & Thornhill, 2019), which can occur either with an individual or in groups. The researcher's choice as to proceed with individual interviews rather than interview with multiple participants since the goal as to delve deeply into the personal matters of the participants.

The semi structured interviews were used in this paper as a single data collection technique, corresponding qualitative analytical procedure, which is known as mono method qualitative study (Saunders, Lewis, & Thornhill, 2019).

To reach a satisfactory study of the Parental Alienation, interviews were made with professionals from different areas of the same field, which help to establish if there were any differences in the approaches. The Psychologist and hypnotherapist presented utmost importance providing meaning to the behaviors of the mind, taking into account the conscious and unconscious phenomena. Moreover, qualified Family Lawyers, Mediator and Attorney enriched this study with their legal view on the subject. Last but certainly not least, the researcher had the opportunity to interview an

adult children of Parental Alienation, which greatly provided a higher quality for study. The researcher here, therefore, is not independent from those researched, who made it provided a discussion on the theme and facilitated the development and conclusions regarding its controversies not only in the field of psychology but also in the doctrine and jurisprudence.

The purpose of the individual interview is to investigate the subject, in this case of study the Parental Alienation Syndrome, in an in-depth way, discovering how individuals think and the feelings they may have about this topic and why do they hold that opinion. It is also necessary to provide a safe environment once that this might be seen as a sensitive topic and the participants may feel uncomfortable discussing in a focus group (Gordon, 2002). Advantages of the individual interviews includes the fact that they are useful to obtain complete information about personal feelings and perceptions, more detailed questions can be asked, they provide a high response rate, participants own words are recorded and they are not influenced by others in the group. Disadvantages of individual interviews are that they can be very time-consuming in general when it comes to setting up, interviewing, transcribing, analysing and reporting. In some cases they can also be costly and different interviewers may understand and transcribe interviews in different ways (Gordon, 2002). These aspects were considered during the interview design process.

Furthermore, not only primary qualitative research was delivered for this study, it was used in conjunction with secondary sources in order to obtain its data. The primary sources were crucial once that it provided raw information and first-hand evidence with the interviews transcripts. What is more, it gave the researcher direct access to valuable sources of information, providing the connection necessary to fully comprehend the participants meanings and avoid misinterpretations.

During the in-depth interviews, the researcher found of utmost importance to establish rapport with the participants, once that a positive relationship is crucial to develop trust and respect for the information shared.

The direct evidences and materials regarding Parental Alienation provided through the semi structured individual interviews were delivered voluntarily by the participants and were kept confidential. This approach was fundamental in order to make the researched feel safe comfortable to deliver unfiltered information and personal experiences as they occurred and therefore reduce the chance of acquiring incorrect data.

According to Spradley (Spradley, 1979), the stages of rapport generally include apprehension, exploration, co-operation and participation. He states (Spradley, 1979) that the initial apprehension phase is characterised by uncertainty from the strangeness of a context in which the interviewer and interviewee are not familiar with. During this phase the aim is to get the interviewee talking. Questions that can be interpreted as leading or that prompt the interviewee through the use of words other than those used by the interviewee can result in misleading answers (Saunders, Lewis, & Thornhill, 2019). The exploration phase is when the participants start to engage in an in-depth description. Spradley claims that this process is accompanied by learning, listening, testing and a sense of bonding and sharing. The next phase, the co-operative phase, is characterised by a comfort level in which the participants are not afraid of offending one another and find satisfaction in the interview process (Saunders, Lewis, & Thornhill, 2019). He concludes affirming that the participation stage may occur with the time limit of the in-depth interview and states that this stage of the process reflects the greatest degree of rapport and at this point the interviewee takes on the position of guiding and teaching the interviewer (Saunders, Lewis, & Thornhill, 2019).

Qualitative data analysis occurred concurrently with data collection, making possible for the researcher here to generate an emerging and clear understanding regarding the information provided. In order to be as precise as possible and get closer to cases where Parental Alienation was experienced directly or indirectly by the participants, the data was collected mainly through a recording device and transcribed in the Microsoft Word with the genuine consent of the interviewees. This method was

carried out through Skype using the internet browser Chrome in a structured way with the view to obtain answers to a set of questions developed in advance by the researcher.

According to Damian Gordon (Gordon, 2002), that the procedure of recording and transcription interviews has the following advantages:

- a) It helps to correct the natural limitations of our memories and of the intuitive glosses that we might place on what people say in interviews;
- b) It allows more thorough examination of what people say;
- c) It permits repeated examinations of the interviewees' answers;
- d) It opens up the data to public scrutiny by other researchers, who can evaluate the analysis that is carried out by the original researchers of the data (that is, a secondary analysis);
- e) It therefore helps to counter accusations that an analysis might have been influenced by a researcher's values or biases;
- f) It allows the data to be reused in other ways from those intended by the original researcher.

Duo to a very limited time of one of the participants, another method of collecting information was through telephone interview. Lastly, one participant was mailed with the same sufficiently focused questions as the others.

In order to provide this study with different ideas and standpoints about Parental Alienation, secondary sources were utilized which provided an engagement with more than one interpretation of the subject. The use of secondary sources, known as second-hand information, was vital in order to support the researcher's arguments with the support of well-known experts in the fields of psychology, law and mediation. It provided a solid foundation to analyse the historical context, the definition, the cause and method and consequences of Parental Alienation, as well as to examine the best remedy when it occurs and the eventual possibility of becoming a criminal offence in Ireland.

The accessibility of the secondary data was possible through internet and library. The researcher here have read books and journal articles regarding Parental Alienation, which provided a reasonable vast knowledge on the subject and gave an idea of the sort of data that was available. Scientific articles, books, websites, academic journals, periodicals, quality national newspapers, relevant bibliographies, theses and legislation in Ireland were be employed, as well as decisions made by the court in other countries were accessed. The researcher has viewed the secondary data in this paper with the same carefulness as the primary data collected. All the second-hand information were necessary on the path to answer the research questions and meet the objectives and provided great benefits for the final conclusion.

According to Saunders, Lewis and Thornhill (Saunders, Lewis, & Thornhill, 2019), the main advantage of secondary data considered by many researchers is the gigantic saving in resources, in particular time and money. It will also provide more time for them to think about theoretical aims and substantive issues, and subsequently spend more time and effort analysing and interpreting the data. Other advantages and the fact that it is unobtrusive, can provide comparative and contextual data and result in unforeseen discoveries and new insights. They also points out a few disadvantages, such as the difficulty and cost of gaining access to some websites and no real control over data quality (Saunders, Lewis, & Thornhill, 2019). They also states that aggregations and definitions may be unsuitable, hence the documents used may represent the interpretation of those who produced them, rather than offer an objective picture of reality (Saunders, Lewis, & Thornhill, 2019).

In terms of ethics, this research does not intend to make any of the participants feel uncomfortable regarding the subject of the research, taking into account that Parental Alienation, as most types of alienations, can be a subject that the participants can be sensitive to. The researcher has tried to act openly and has been truthful in order to promote accuracy. This study was conducted with honesty and no participant was forced into taking part. The participants rights of privacy and dignity were respected at all times and any method of intrusive research that could cause embarrassment, stress

or anxiety avoided.

According to Saunders, Lewis and Thornhill (Saunders, Lewis, & Thornhill, 2019), ethics refer to the standards of behavior that guide the researcher's conduct in relation to the rights of those who become subject of the study and are affected by it. Codes of ethic aim to avoid poor practice and harm, as well as to promote ethical practice and private or public good. Research might result in benefits for the researcher, research participants or even for the community or society within which it occurs. He states that it is crucial to be ethical and realistic about the benefits claimed in the research project and that the quality of the research depends in part of the integrity, fairness and open-mindedness of the researcher.

General categories of ethical issues are recognised in codes of ethics. The interviews was prepared in accordance with the Ethical Codes and Research Standards.

5. Presentation of the Data

As pointed out previously, this study has gone through primary and secondary research and the data gathered was showed throughout this paper and is summarised in this chapter, considering the points of controversy within the field and the PA long-term effects:

Parental Alienation Points of Controversy:

- Research demonstrated that the Parental Alienation Phenomenon - the unjustified rejection of parent by a child after divorce and separation - is now defined as a caregiver-child relationship problem and a syndrome recognised by the World Health Organisation (Gardner R. A., 1998) (APS, 2018).
- Research has indicated that Parental Alienation is not a gender based problem and both parents might be contributing to the situation (Driver, 2019) (Kelly & Johnston , 2001) (Heitler, 2018) (Gardner R. A., 2002).

- Studies have found satisfaction rates in custody cases settled through mediation and have found generally positive results. A study in Toronto compared couples that mediated custody with those that litigated without mediation and only 10% of mediated couples returned to the courtroom after 2 years with problems related to custody or visitation, whereas 26% of the non-mediated couples were back in court within 2 years (Vestal, 1999) (Ward, 2019) (Cartwright, 1993) (Gardner, 2004).
- Studies indicate that making Parental Alienation a Crime Offence in Ireland would not be a constructive approach to resolve this issue (Bezerra, 2019) (Ward, 2019) (Heitler, 2019).

Consequences of Parental Alienation in the adult children:

- Previous research carried out by Amy. J. L. Baker and the primary semi-structured interviews provided for this study demonstrated that there is a number of long-term negative effects for the adult children who experiences being manipulated by one parent and turned against the other parent (Bezerra, 2019) (Baker, 2005) (Baker A. J., 2007) (Baker A. J., 2006) (Driver, 2019) (Fine, 2014).

6. Findings and Discussion

According to the data gathered and presented, there is a solid basis for saying: 1) Parental Alienation is officially recognised as a mental disorder; 2) mother and father are likely to present the narcissistic personality disorder that leads to the selfish inability to comprehend the needs and feelings of others, which is a Parental Alienation pattern; 3) in mild to moderate cases of PA the mediation can be an effective remedy; 4) there are more constructive approaches to deal with Parental Alienation than making it an Crime Offence in Ireland; 4) the children who undergoes this harmful interference where they were forced to separate from one of the parents are highly subject to post-traumatic stress and negative effects.

The controversy regarding Parental Alienation being a syndrome has finally have come to an end on May 25th 2019, when the World Health Organisation accepted the present version of ICD-11 which contains within it the index term parental alienation for the code QE.52 Caregiver-Child Relationship Problem. It is the eleventh revision of the International Statistical Classification of Diseases and Related Health Problems (ICD-11) and is due to come into effect on 1 January 2022 (APS, 2018).

Regarding the controversy of whether parental alienation is a gender based problem, studies have indicate that there is a fairly even spread of the mother and the father alignments in cases where PA indicators are found to be present. Johnston's (Johnston, 2003) for, example, examined 215 children over the first three years of divorce and custody applications. As a result, she found out that only nine per cent of them showed extreme alignment to the mother and a similar eight per cent alignment to the father.

Research has demonstrated that mediation can be a beneficial remedy when dealing with Parental Alienation Syndrome, considering the following theories and principles of mediation:

- Confidentiality
- Impartiality of the mediator
- Voluntariness
- Independence of the mediator
- Legality
- Diligence and honesty

It has also been observed that the process of mediation is time-saving and less costly. Cases taken to the court can expect a long delay before they are heard, which, in Parental Alienation cases, can result in the extension of the conflict and extra damages in the relationship between the parents and the minor.

In relation to the possibility of making parental alienation a crime in Ireland, studies have demonstrated that it would not provide the aimed results. “We do not believe that it is necessary to introduce a criminal offence against parents who alienate their child against the other parent as the court can take effective action against such behavior” stated the UK Government and Parliament Petition regarding the a petition to introduce a law that recognizes Parental Alienation as a criminal offence. According to Stanton E. Samenow (Samenow, 2009), arguing against criminalizing parental alienation is the fact that it is all too often hard to be proven “beyond a reasonable doubt.” The targeted parent might have to demonstrate that his own behavior is not the cause of the alleged alienation when making the claim, he states (Samenow, 2009).

Research shows that parental alienation has been proved to cause long-lasting negative effects child’s wellbeing. However, getting through the Family Court means more emotional damage for the children once that it requires them to engage with an intense court process and recognizing it as a criminal offence would not be the most constructive way to reverse the effects of the PA.

Richard Hogan (Hogan, 2018) highlights for Irish Times that in his clinical experience he have observed how devastating parental alienation can for the child, the targeted parent and ultimately in the end for the programming parent. He claims that in his experience he has noticed how the child inevitably comes to resent the alienating parent for forcing them to think and say awful things about the targeted one. Consequently, he concludes, no one wins there and in fact it is utter destructive for the entire family (Hogan, 2018).

7. Conclusion

Taking into consideration that family is the basis of society, it was by observing the consequences that may occur when the Parental Alienation is present that it was possible to analyze the best remedy to restore the relationship between the parents and children involved. Moreover, possible adaptations

in the Judiciary system of the Irish Law in order to protect the fundamental rights inherent to each one, especially the minor, have been examined in this study.

Through the analysis of the Parental Alienation phenomenon, it has been demonstrated that it should be considered a syndrome manifested in the child, as it meets the American Psychiatric Association's definition of syndrome in the "Diagnostic and Statistical Manual of Mental Disorders" fifth edition. It states that syndrome is "a grouping of signs and symptoms, based on their frequent co-occurrence that may suggest a common underlying pathogenesis, course, familial pattern, or treatment selection."

It has been notable through the research that the parents are more prone to engage in these behaviors consciously and intentionally and both the mother and father are likely to present the narcissistic personality disorder that leads to the selfish inability to comprehend the needs and feelings of others, which is a Parental Alienation pattern.

This study set out to find effective treatments for families that are inserted in Parental Alienation and it supports the view that in mild to moderate cases of PA the mediation can be an effective remedy. An experienced mediator can facilitate the communication between the conflicting parents and achieve a number of goals to benefit them.

It is very possible that in mild to moderate cases of PAS, mediation could be effective for achieving a number of goals to help conflicted parents. However, in severe cases, the research cited herein indicates that negotiating with an aligned parent who exhibits serious psychopathology would be futile. It is very possible that in mild to moderate cases of PAS, mediation could be effective for achieving a number of goals to help conflicted parents. However, in severe cases, the research cited herein indicates that negotiating with an aligned parent who exhibits serious psychopathology would be futile. It is very possible that in mild to moderate cases of PAS, mediation could be effective for achieving a number of goals to help conflicted parents. However, in severe cases, the research

cited herein indicates that negotiating with an aligned parent who exhibits serious psychopathology would be futile.

With the ultimate objective of navigating their conversation in order for them to reach an agreement, the mediator can help them accommodate their wishes whilst protecting the best interest of the child. Moreover, when choosing to resolve their dispute through mediation, the parents avoid that the children will be triangulated in the conflict, having the mediator as the triangulated person instead. It has also been demonstrated that the mediator can also help the custodial parent to be more flexible in relation to visitation schedules and other situations that require cooperative interaction between the parts.

In more severe cases, however, previous research has exemplified cases where negotiating with an alienating parent who exhibits serious psychopathology can be unsuccessful. Moreover, the unsuccessful mediation may prolong and even increase the emotional damage to the family once that rather than help, it may delay the appropriate intervention and treatment necessary to allay the programming of the children.

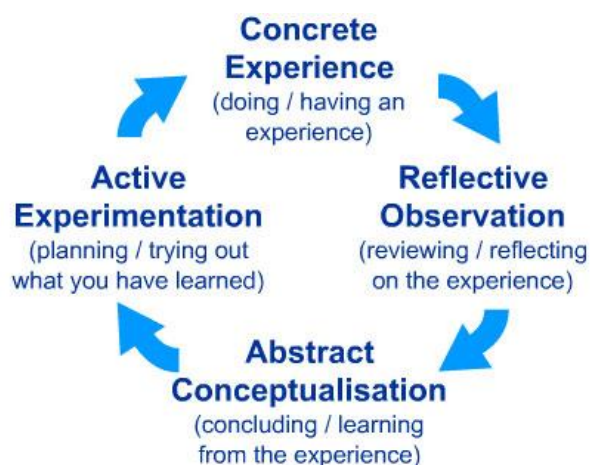
In relation to the possibility of Parental Alienation being a criminal offence in Ireland, the researcher has adopted the view that this would not be the most constructive approach when dealing with this phenomenon. Although on one hand parental alienation has been proved to cause long-lasting negative effects on the child's wellbeing, getting through the Family Court means more emotional damage for the children once that it requires them to engage with an intense court process. It has been noted through this research that whenever courts recognize allegations of parental alienation during custody proceedings, a number of them have tried mandating intensive therapy for the parents to repair the relationship and try to reverse the effects of the alienation. It has been observed that alienation is best treated psychologically than inside the courts and that therapeutic works with joint sessions with the victims of alienation can bring positive results.

In relation to the consequences on the adult children of Parental Alienation, this study has demonstrated that every child has a fundamental right and need for a loving relationship with both parents in order to have a healthy development. The parent who denies this unthreatened environment without sufficient justification is committing a child abuse. It has been observed that the children who have undergone this harmful interference where they were forced to separate from one of the parents are highly subject to post-traumatic stress, feeling of abandonment, low self-esteem, lack of trust, depression and substance abuse. It has been shown in this research that children can transform quickly from refusing contact with the targeted parent with the intention to get approval from the alienating parent and show and receive love. From what has been observed, in suspected cases of alienation, children's wishes regarding parental contact in contested custody should be considered but not determinative. Additionally, the rapprochement efforts with the alienated parent should proceed with sensitivity and carefulness.

It is crucial to add that hatred is not an emotion that comes naturally to a child, it has to be taught. The consequences of alienating a child are devastating and in some cases have irreversible effects. The child is no less damaged than other child victims of physical and more extreme conflicts. In conclusion, any parent who would teach a child to hate the other parent and fear their company with no justification – such as abuse or neglect - represents a persistent threat to the emotional health and development of that child.

8. Personal Reflection

In order to delve into this topic, I have decided to follow a model based on Kolb's learning cycle, which is a theory known as "Experimental Learning". This theory points out how our experiences play a crucial role in our learning process (McLeod, 2010):



I first came across the term “Parental Alienation” in one of the professor Anastasia Ward’s classes on my Masters in Dispute Resolution. As an expert in the Family Law field, she demonstrated a vast knowledge regarding the subject and drew our attention to the current debate about whether a law should be introduced in order to make Parental Alienation a crime in Ireland. *Step one of the cycle: Getting new experiences.*

It instantly caught my attention as I started to recall having witnessed this phenomenon with very close relatives of mine. At the time, however, little did I know about this syndrome and the negative long-term effects it would have for the children. *Step two of the cycle: Reflecting on experiences.*

After having read books, journal articles and essays about the topic in order to write my dissertation proposal, I felt that I had gathered enough knowledge to move on and develop the concept of Parental Alienation and its consequences for my final dissertation. Further, I decided to link it with my current course, Masters in Dispute Resolution, and my graduation in Law. In the Alternative Dispute Resolution area, I decided to study and demonstrate the benefits of applying mediation in cases where Parental Alienation is present. In relation to my Law field, I decided to analyse how constructive it

would be to make parental alienation a crime in Ireland. *Step three of the cycle: Interpreting the events and relationships between them, making conclusions which will be tested in future situations.*

It was very interesting and beneficial to write about this syndrome not only to make it more visible and bring answers for its controversies but also to have a more in-depth understanding in order to provide support for the people I know that are currently inserted in Parental Alienation and for possible future actors. *Step four of the cycle: Generate new experiences so the cycle will be repeated since each stage feeds the following one.*

When writing this dissertation, I thought that my biggest challenge would be to write the Methodology since it was something relatively new to me. However, having shared this concern with my thesis supervisor, I was recommended to read the book “Research Methods for Business Students” by Mark Saunders, Philip Lewis and Adrian Thornhill and to start writing my project from the Methodology. It turned out that this book helped more than I have hoped for and in two days I had my methodology done. After that everything seemed clearer and I was free to move on with the following chapters.

Another point that I thought I would have problems with was the interviews. People are usually busy and some of them just do not want to participate in this kind of project. Fortunately, I got my desired participants interested and our schedules matched perfectly, so everything flowed well.

After I had my interviews done, I did not work on my project until three weeks before the deadline. I always prefer to do everything at once rather than a little bit at the time giving that whenever I start a new project I get addicted to it and give my complete focus and attention from the undertaking to the finish, which usually means several hours front of the computer for consecutive days.

I think that my Master in Dispute Resolution was genuinely beneficial to me in very important areas. Not only it provided me the knowledge necessary to be a competent mediator, it also has pushed me to improve important life skills, such as active listening, the power of body language, reading between the lines and reframing. I look forward for the next steps in order to develop myself as a mediator.

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10. Appendices

The subsequent documents are as follows:

Appendix A: Transcription of the interviews

A) Geralda Cristina Bezerra's Interview

YA: What do you understand as parental alienation?

GB: Parental alienation is harmful interference by a parent or guardian or guardian of the minor, with the aim of denigrating and alienating the other parent from healthy and harmonious coexistence with the minor.

YA: What are the harms of parental alienation to the minor?

GB: There are many prejudices, the main one being the deprivation of love, affection, cuddling of the absent parent by the imposition of the guardian or vigilance as previously mentioned. Not only was the break of the parent's affection, the isolation and removal of the related family, such as grandparents, uncles, cousins and aggregates, follows.

In addition, the minor who suffers this moral abuse has his emotional and psychological shaken giving rise to feelings of fear, abandonment, insecurity, reflecting dysfunctional signs before the deteriorated family foundation. The child is manipulated silently and slowly against the other parent through lies, destabilizing confidence and doubting feelings, which creates aversion.

YA: What are the psychological and affective damages to the child?

GB: The emotional, psychological and social harm to a child who is abused by parental alienation is incalculable in its upbringing. We can start with the first and most serious of them which is the feeling of abandonment. A devouring, silent and devouring monster that erodes the infantile soul that only speaks and introduces himself to the infantile soul, which only speaks and introduces himself to the minor in the silence of his room, of his intimacy. And this "monster" will be part of your secret, will be your confidant friend. Only he will know his true pains and needs of the other absent parent, who "abandoned" him.

For children up to 7 years old any absence. Even in case of loss of the parent by death, it is recorded in the child mind as abandonment. And with this feeling the child grows up and forms his dysfunctional personality, having to choose his caregiver and partner emotionally all the time before my disputes between parents. They are children and future adults with great emotional instability and profound affective needs and may even, in more serious situations, develop devastating psychiatric disorders in emotional health such as chronic depression, psychosomatic illness, anxiety or nervousness for no apparent reason, identity or image disorders, difficulty in adaptation in normal psychosocial environment, insecurity, low esteem, feeling rejection, need for acceptance, isolation and malaise; lack of mental organization, hostile or aggressive behavior, conduct disorders, inclination to drug addiction, suicide, difficulty in establishing interpersonal relationships, uncontrollable feelings of guilt and non-conscious acceptance of injustices and suffering against the parent alienated.

An unhealthy loyalty develops between the child and the alienated in which affection for one is extended as betrayal by the other, which often causes the child to begin contributing to the alienated parent's campaign of demoralization. Over time, the child rejects or even hates the alienated parent, becoming an outsider to him, often ultimately destroying the bond that bound him biologically or emotionally. For the minor, the alienating parent becomes his or her only reference, safe haven, and model, often reproducing the same pathological attitude in the future. And because of his loyalty, the son feels pressured to choose one parent to consolidate forced alienation. This arbitrary choice nullifies a part of the child, fundamental for a healthy and balanced psychological and emotional development that only the presence and coexistence with both parents would allow her to naturally experience the processes of identification and differentiation, without imbalances or emotional damage in the constitution. of your personality. The child needs to have a chance to build his own version of each parent from his own references and not from the other's interpretation or feelings.

YA: What are the behaviors that can characterize parental alienation?

GB: The behaviors that may characterize parental alienation may emerge gradually or in a simulated manner, since most of the time the minor is not aware of the drama in which he is inserted. Symptoms usually become more evident as the child faces the possibility of visiting with the alienated parent, refusing to leave or to stay with him creating unfounded justifications for his refusal, but extremely real for his childish mind. All by doing or saying with the intuition of pleasing the alienated parent, demonstrating their sacrifice in being or staying with another to gain their approval and acceptance. All by doing or saying with the intuition of pleasing the alienated parent, demonstrating their sacrifice in being or staying with another to gain their approval and acceptance.

It creates false stories, expresses hatred for the alienated parent, makes false accusations without being cooperative or friendly throughout the visit, even having deliberately bouts of anger, brutality and bad manners to embarrass the alienated parent for no apparent reason.

The child, the result of parental alienation, also becomes ill and reproduces attitudes harmful to convenience with the alienated parent. Becomes a tormentor victim. Mind, exaggerate and disguise the truth, trying to manipulate the interlocutor, treating his alienated parent as a true enemy or a simple unknown whose proximity is perceived as aggression gradually destroying the bond that unites the two.

And this revulsion strikes not only the alienated parent but all his family and friends. The hatred, contempt and antipathy shown by the child is a machine-like and unambivalent feeling, as it is constructed as a reactive formation in an attempt to disguise the love she feels for the alienated parent by not knowing how to deal with the mixture of contradictory feelings due to fear. to displease the alienator. There are so many sequels that terrify even the best psychologists and therapists who specialize in the subject. However, it should be added that these characteristics are present or not present, to a greater or lesser extent, according to the stage the child is in and the family social context in which he is developing, which may be mild, medium or severe. .For the same reason, the alienated child shows no guilt or remorse in this phase of intolerance of ambivalence generated by the conflict of love he feels and the hatred he should feel. Always have a speech ready with terms inappropriate for your age group where one parent is entirely good and the other entirely bad. He learns early to manipulate by speaking only half truth, getting entangled in false lies and emotions and becoming prematurely able to decipher the emotional environment. Regardless of the level of alienation suffered by the minor, it is certain that in any of the three levels it is pathological and its damage often irreversible with devastating effects.

YA: Under Brazilian law, what measures can be taken in this case?

Law 12.318 / 2010, in addition to listing the forms of parental alienation, stipulates the means to punish their practice based on their inclusion in the minor's life quickly and efficiently without the need for expertise or medical reports. The punitive means presented by Law 12.318 / 10 are increasingly expressed in Article 6, in proportion to the gravity of the alienane's conduct or based on the general context of the concrete situation.

YA: In your opinion, what is the importance of making parental alienation a crime?

GB: Really, I do not know to what extent making parental alienation a crime solves a problem that originates in the emotionality of the human being. What seems like the first analysis, inhibiting the "bad" can cause collateral damage in proportions similar to all involved because we are dealing with sick adults who, each for personal reasons, do not see the harm they are causing themselves and so more serious to the minor who believes to be the reason for their lives. Weak criminalization that does not rehabilitate or recover delinquents will only increase the prison population further and sicken well-suffering people who are already over-suffering. In my opinion, what should be available as a conviction for such cases is multidisciplinary monitoring not only for the minor but also for the parents, in a family circuit of mutual living and forgiveness. An intense and therapeutic, psychological and social work, recovering respect, self esteem and love of all involved, being extended to family and friends. A therapeutic work of unconditional love for the period necessary for the recovery of the injured nucleus. Patients are treated, not simply criminalized. The family area imposes different treatment for all the problems.

B) Ana Maria Milanez's Interview

YA: What is Parental Alienation and how can it be identified?

AM: Law 13,431 / 17, effective April 5, 2017, establishes the system to guarantee the rights of the child and adolescent victim or witness of violence. Recognizes as a form of psychological violence the act of parental alienation (art. 4, II, b), ensuring the victim the right, through his legal representative, to seek protective measures against the perpetrator, in light of the provisions of ECA and the Maria da Penha Law (art. 6 and sole paragraph).

The ECA ensures that children and adolescents apply protective measures when they are victims of the omission or abuse of their parents or guardians (ECA, art. 98, II), giving them the obligation to comply and enforce court orders (ECA, art. 22). In the event of abuse, oppression or sexual abuse, the judicial authority may determine, as a precautionary measure, the removal of the aggressor from ordinary housing, as well as the temporary fixation of food that the child or adolescent dependent on the aggressor needs (ECA). , Article 130 and sole paragraph). The Maria da Penha law authorizes the judge to apply, in addition to the listed protective measures, other measures whenever the safety of the victim or the circumstances so require (LMP, art. 22 and § 1). To ensure the effectiveness of protective measures of urgency, the judge may request the assistance of the police force (LMP, art. 22 § 3) and, at any time, order the pre-trial detention of the aggressor, by letter, at the request of the Public Prosecutor or upon representation of the police authority (LMP, art. 20). And now, failure to comply with urgent protective measures has become a criminal offense (law 13.641 / 18): imprisonment from 03 months to two years. Thus, it must be recognized that the same penalties apply to those who perform acts of parental alienation, considered as psychological violence that affronts the rights and guarantees of children and adolescents victims or witnesses of violence. Non-compliance with a protective measure that ensures, for example, the exercise of shared custody, and the judge decrees the offender - father, mother or guardian - is subject to criminal prosecution.

Thus, once parental alienation is recognized as psychological violence, the judge may apply the protective measures of the Maria da Penha Law (Law 13.431 / 2017, art. 4, II, b) and art. 20). If the imposed measure is not complied with, besides the preventive detention (LMP, art. 20) the alienator commits crime of disobedience (LMP, art. 24-A, added by the Law 13.641 / 18). That is, it is possible to penalize who - after all - fails to pay attention to the best interests of the children.

YA: Why was it important to recognize Parental Alienation?

AM: With the advent of this Law of Parental Alienation for our legal system, the operators of law have an extra tool in their power, behold this norm tries to make viable, seeking to identify and typify in the first paragraphs the attitudes of the alienator. In fact, in his own articles, he brings the possible conduct of this alienator in an exemplary list and that in face of this behavior, there will be an abuse of power. In addition, the norm itself provides the means that may be declared acts of parental alienation, may be in own or incidental action.

C) Luiz Alberto Moura Araujo's Interview

YA: In your view, how should parental alienation be restrained?

LA: As soon as it is identified, the practice must be restrained and measures must be taken to preserve the psychological integrity of the child, and the psychological follow-up of all involved is important, and the matter may be dealt with in the judicial sphere.

YA: Under the law, what can be done in these cases?

LA: In the event of evidence of an act of parental alienation in actions conducted by Family Courts, priority is given to the proceedings, with the mandatory participation of the Public Prosecution Service, and the judge adopts the necessary measures to preserve the psychological integrity of the child or adolescent. In this regard, the judge shall, as a matter of urgency, after hearing the Public Prosecution Service, determine the provisional measures necessary to

preserve the psychological integrity of the child or adolescent, including to ensure their coexistence with the harmed parent or to facilitate the effective approximation between them, if necessary. If there is evidence of occurrence of the practice, the judge may determine the preparation of the situation report, made from psychological or biopsychosocial expertise.

D) Aline Driver's Interview

YA: How to identify the situation of Parental Alienation?

AD: It is a narcissist problem. Observation of behaviors by parents, grandparents or other guardians, as well as children, may indicate the occurrence of the practice. In the case of children and adolescents undergoing parental alienation, signs of anxiety, nervousness, aggression and depression, among others, may be indicative that the situation is occurring. In the case of parents, grandparents or other guardians, the legislation indicates some behaviors that characterize Parental Alienation.

YA: What are the behaviors that can characterize Parental Alienation?

AD: Cases of Parental Alienation are frequent in Family Courts, especially in litigation processes of marital dissolution, where child custody is discussed, which causes negative emotional, psychological and behavioral consequences to all involved.

YA: What are the harms (psychological, affective, etc.) to the child?

AD: Regardless of the relationship the couple establishes between each other after marriage or stable union is dissolved, the child has the right to maintain his relationship with his parents. It is therefore important to protect the child from the couple's conflicts and disagreements, preventing any disputes from affecting the bond between parents and children. The figure of parents is usually the main reference of the world and society for their children and, in many situations of Parental Alienation, this image is deteriorated, which impacts not only the filial

relationship but also the formation of the child. its intellectual, cognitive, social and emotional aspects.

YA: How should parental alienation be curbed?

AD: As soon as it is identified, the practice must be restrained and measures must be taken to preserve the psychological integrity of the child, and the psychological follow-up of all involved is important, and the matter may be dealt with in the judicial sphere.

Appendix B: Anastasia Ward's Interview (e-mail)

YA: In your opinion, what should be a definition of Parental Alienation and how to detect it?

AW: Definition: Parental alienation is any act or omission by a parent which is intended to have an adverse effect on the relationship of a child with the other parent of that child.

The first indicators of parental alienation are behavioural changes manifested by the child. These behavioural changes may take the form initially, of reluctance by the child to engage with the the other parent progressing to refusal to engage and denigration of that parent.

YA: What kind of effects it can have on a child?

AW: This goes beyond the scope of my expertise and/or experience. The appropriate expert is a psychologist/psychiatrist.

YA: Is mediation an effective way to resolve parental alienation?

AW: To answer this regard must be had to the theories of mediation. Is the objective practical problem solving and settlement, or does the objective have a social justice, or promotional equality, or transformation of the individuals foundation.

YA: How can the family law system contribute to resolve it?

AW: There are three stages at which the family law system can address this issue;

(a) Pre-litigation - As a preliminary step to the conduct of litigation, relational assessment of all parties, and a review of the interpersonal dynamics by an appropriate professional.

(b) During the litigation process - Courts should have greater discretion in relation to the procurement of assistance from appropriate experts in the context of the determination of issues pertaining to custody and guardianship.

(c) Post litigation - Parents should have the entitlement to refer such matters to court following the hearing of the substantive issue.

YA: Do you believe it should be considered a criminal offence in Ireland?

AW: Regard must be had to the purpose of the criminal justice system. The definition of a criminal offence of this nature would carry significant challenges. The identification and resourcing of the relevant authorities (investigatory and prosecutorial) would also present a significant challenge. The criminalisation of such conduct would have both positive and negative aspects. On the positive side, it would potentially have a deterrent effect. However, on the negative side, it would require the child to engage with the investigators, prosecutors and a court process. On balance my view is that this would not be a constructive approach to dealing with this issue.