

MEDIATION AND PARENTAL ALIENATION SYNDROME: Considerations for an Intervention Model

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Parental alienation syndrome (PAS), a term that originated in the mid-1980s, refers to a disturbance in which children are preoccupied with viewing one parent as all good and the other parent as all bad. Conscious or unconscious words and actions of custodial parents cause the child(ren) to align with them in rejection of noncustodial parents during divorce or custody disputes. Issues of concern for mediators include detection of PAS and an understanding of appropriate remedial plans that will allow the child to restore his or her relationship with the noncustodial parent.

An area of growing demand and concern for family mediators is in the minefields of child custody litigation. With no-fault divorce, and a standard for determining custody in light of the child's best interests, judges are besieged with a backlog of disputed custody cases without clear and concrete guidelines to follow in deciding whether to favor the mother or the father. Many experts in family law — from both the legal and mental health arenas — have observed an increase in deceptive and manipulative tactics used by divorcing couples. This article looks at parental alienation syndrome (PAS), which is a complex manifestation of mental and emotional abuse resulting from conflicted parents fighting for custody. Recommendations are given for a model that could be employed by family mediators to ensure that families suffering from PAS receive prompt and effective intervention.

MEDIATION IN CHILD CUSTODY DISPUTES — HISTORICAL PERSPECTIVES

The surge in divorce rates during the past two decades, along with major judicial reforms since the 1970s, has led to several significant changes in the ways that courts handle family law cases. Divorce and custody laws have been widely revised by states, and alternatives to litigation have emerged and gained prominence. Mediation has become a popular option, and in many states, mediation is mandatory for divorcing couples. Judicial systems in California, Minnesota, and Wisconsin were early experimenters with the concept of conciliation courts, where parents were encouraged to work out divorce and custody conflicts. In the past two decades, many states have introduced mandatory mediation of contested child custody.

There has been research that supports mediation as a positive intervention in custody disputes. Studies of custody cases in several large cities report that over one half (between 50% and 90%) of the cases are settled through mediation (Atkinson 1996). A large empirical evaluation of mediation services in three court-based programs showed generally high levels of user satisfaction according to the researchers (Pearson and Thoennes 1986). 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. The Toronto study compared couples that mediated custody with those that litigated without mediation; 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). These studies of divorcing couples did not focus exclusively on “high conflict” divorce situations.

Herman (1990) challenges the suitability of mediation in some custody disputes. He asserts that the assumption that mediation will deter the bitterness, disappointment, and anger of divorcing couples and lead them toward cooperation, understanding, and tolerance has not been documented. “Even a highly skilled mediator cannot compensate for the sharp differences in sophistication and power that often exist between divorcing spouses” (p. 56). The issue of mandatory mediation of child custody cases has some outspoken critics. Carol Bruch, professor of family law at the University of California at Davis, publicly testified before the New York state legislature about her concerns that children are not best represented in mediation and women are often at a distinct disadvantage. She observes that there is no research evidence to support a claim that children whose parents mediate custody settlements do better than children of litigating parents. Furthermore, she points to her own experience with family law attorneys and mediators to support her assertion that the husband and his views are accorded more respect than the wife and her views (Herman 1990).

These conflicting viewpoints with regard to the pros and cons of mediation in child custody disputes indicate a need for additional research.

PAS AND CUSTODY DISPUTES

The foregoing section reviewed the historical context of mediation in child custody disputes and some of the research findings, both pro and con, relative to the suitability of mediation in custody cases. There are concerns that mediation may not work to the advantage of everyone concerned in all cases of contested custody. “In most divorce cases where there is animosity and conflict between the parents, there is some degree of brainwashing and programming (of children)” (Clawar and Rivlin 1991, 9). This brainwashing and programming may be relatively mild or it may be quite severe. It may be conscious or unconscious on the part of the parent(s). The parent’s conscious or unconscious disparaging of the separated spouse often leads to the phenomenon of PAS.

PAS refers to a disturbance in which children are preoccupied with viewing one parent as all good and the other parent as all bad. The bad parent is hated and verbally maligned, whereas the good parent is loved and idealized. Another hallmark of PAS is the false charging of child abuse, which comes about when one parent is intent upon driving away the other parent (Carper, et al. 1995). Cases in which PAS is suspected require a diagnosis from a mental health expert prior to being referred for mediation.

Forensic psychologist Dr. Richard Gardner originated the term PAS in the mid-1980s; however, the phenomenon was described in an earlier work by Wallerstein and Kelly (1980). They characterize an “alignment with one parent” that is a “divorce-specific relationship that occurs

when a parent and one or more children join in a vigorous attack on the other parent” (p. 77). In parental alienation, one parent who has previously had a good relationship with the child becomes the object of hate and degradation by the child due to conscious or unconscious brainwashing by the other parent. Gardner (1992) claims that between 80% and 90% of all custody cases exhibit some form of PAS from mild to moderate to severe symptoms. This claim has not been supported by research, and many experts in the field feel it is an exaggeration of the proportions of the problem. Gardner, however, includes cases that he feels are relatively mild; these very mild cases will improve as soon as the custody decision has been made, according to Gardner. The issue of concern for mediators and court officials is that they may have difficulty recognizing PAS and could easily assume the “rejected” parent is indeed a poor parent and merits the child’s rejection when in fact researchers have shown the opposite is true.

Manifestations of PAS in children consist of eight elements described by Gardner (1992) (see Table 1).

Table 1

Common Characteristics of Children With Parental Alienation Syndrome (PAS)

PAS Trait	Description of Behavior
A campaign of denigration	The child is obsessed with hatred of a parent. This denigration by the child often has the quality of a litany.
Weak, frivolous, or absurd rationalizations for the deprecation	The child provides irrational and often ludicrous justifications for not wanting to be near the hated parent.
Lack of ambivalence	All human relationships, including parent-child relationships, are ambivalent. In PAS, the children have no mixed feelings. The hated parent is all bad, and the loved parent is all good.
The “independent thinker” phenomenon	Many children proudly state that their decision to reject the other parent is completely their own; they deny any contribution by the custodial parent.
Reflexive support of the loved parent in parental conflict	Commonly, the children will accept as 100% valid the allegations of the loved parent against the hated one, even after seeing evidence that the loved parent was lying.
Absence of guilt	The child shows total disregard for the hated parent's feelings.
The presence of borrowed scenarios	There is a rehearsed quality to the scenarios, and they often use language or phrases that are not commonly used by the child.
Spread of the animosity to the extended family of the hated parent	The child rejects the network of relatives that previously provided numerous and important psychological gratifications.

Walsh and Bone (1997) refer to parents as the “alienating parent” and the “target parent.” Another terminology, used by Johnston and Roseby (1997), is “aligned parent” and “rejected

parent.” Typically, the aligned parent has an agenda for turning the child against the other parent. The motive may include revenge, guilt, fear of loss of the child or loss of the role of primary parent, or the desire to have control or ownership over the child. The aligned parent may be jealous of the other parent, or desire to obtain leverage in the divorce settlement relative to property distribution, child support, or alimony. It may be that the aligned parent suffers from a past history of abandonment, alienation, physical or sexual abuse, or even loss of identity (Walsh and Bone 1997). These motives lead him or her to program the child to deny love for, or even deny the existence of, the target parent.

Johnston and Roseby (1997) offer a more sympathetic portrayal, describing the aligned parent as one who feels rejected, sad, and afraid of being alone as a result of an unwanted divorce. “Consequently these vulnerable people can become acutely or chronically distressed . . . and turn to their children for nurturance and companionship, as allies against the world and salve for their wounded self-esteem” (p. 198). He or she may project all the blame onto the divorcing spouse and view him or her as an incompetent parent. These parents feel self-righteous and compelled to protect their children from the other parent.

The rejected parent becomes the victim of false allegations and may feel frustrated and bewildered over the changes in the child’s behavior. Although the allegations are grossly distorted, perhaps to the point of being obviously fabricated, nevertheless the child and the aligned parent appear to deeply believe them (Walsh and Bone 1997). Most PAS researchers have described the rejected parents as passive victims of the other parents’ vengeful rage; Johnston and Roseby (1997) depart from this view and characterize rejected parents as “often rather inept and unempathic with their youngsters” (p. 199). Based on their observations, the rejected parent may contribute to the continued alienation by a combination of counter-hostility and dogged pursuit of the child with telephone calls, letters, and appearances at the child’s activities. The argument that a rejected parent should not pursue the relationship may be in contradiction to conclusions made by Clawar and Rivlin (1991) in their 12-year study of 700 PAS cases. They concluded that it may prolong the alienation if a rejected parent loses contact. The longer there is little or no contact between a parent and a child, the more difficult the impact will be to overcome.

In their study of 16 PAS cases, Dunne and Hedrick (1994) found that PAS does not necessarily signify dysfunction in either the rejected parent or in the relationship between the child and rejected parent. Instead, they argue that PAS appears to be attributable to the pathology of the aligned parent and the unhealthy relationship between the aligned parent and the child. All of the aligned parents in their study experienced intense feelings of dysphoria, which were blamed on the former spouse; in addition, the aligned parents predominantly experienced intense narcissistic injuries. Clawar and Rivlin (1991) determined that brainwashing and programming are intensified the more the rejected parent succeeds in life after the separation (financial success, new and happy relationships, etc.).

The child is the most seriously affected victim of PAS. In her study of self-concept of children of divorce, Stoner-Moskowitz (1998) concluded that when the relationship with the rejected parent is abruptly halted, the child’s emotional development is stunted. The aligned parent’s programming creates confusion in the child as a result of internalizing distorted beliefs and

perceptions. In an extensive longitudinal study, 40% of the children developed self-hatred and guilt because they were used as an ally in the war against the rejected parent (Clawar and Rivlin 1991). Often, the family has been torn by extremely divergent parenting styles and perhaps a history of parental conflict. Beneath their anger and challenging behavior is a pathetic longing for the rejected parent. "The children want to be rescued from their intolerable dilemma" (Johnston and Roseby 1997, 199).

ISSUES IN MEDIATOR QUALIFICATIONS FOR PAS CASES

When these types of cases are referred to mandatory court mediation, the scenarios can be quite difficult for a mediator to sort out. The child and aligned parent will appear to have a very close and loving bond, whereas the other parent (unknowingly) is accused of a long list of horrifying behaviors, which often includes quite credible, although fabricated and false, accusations of child abuse (Gardner 1992).

There are several issues of mediator competence that need to be examined. First, the question of detection of PAS presents itself as a dilemma for mediators who are not trained in mental health diagnostic procedures. Second, once PAS is suspected, detected, or diagnosed, should mediation proceed and, if so, under what circumstances? The education, training, and skills of the mediator obviously come into play when dealing with the highly deceptive and manipulative tactics of parents who have succeeded in programming their children. Mediators need training to understand and recognize the underlying motives for a parent's refusal to promote accessibility between the child and the other parent. Some motives could be an avenging spouse who wants to punish or get even with the spouse who left him or her; the narcissist who regards custody as a way to prove his or her self-worth to the world after a failed marriage; or 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).

When divorcing couples voluntarily participate in mediation, there may be an assumption of their willingness to cooperate on a settlement for everyone's best interests. It may be that PAS families come to mediation not voluntarily but rather as part of a court-ordered or mandatory mediation process. Unfortunately, if one of the parents is unreasonable or uncooperative, the mediation effort can easily be sabotaged (Turkat 1994).

There is a need for training to teach mediators how to detect and deal with PAS families; again, there is no research to date indicating that family mediators are trained in PAS. A thorough literature review for this article showed no such training procedures reported at the time of this writing, although there are several researchers who call for training to help all family intervenors deal effectively with brainwashing, programming, and alienation tactics by separated parents (Cartwright 1993; Clawar and Rivlin 1991; Dunne and Hedrick 1994; Gardner 1992; Hysjulien, Wood, and Benjamin 1994; Lund 1995; Turkat 1994; Walsh and Bone 1997). In their 1994 review of methods for child custody evaluation used in litigation and alternate dispute resolution, Hysjulien, Wood, and Benjamin (1994, 485) concluded that models for training competent evaluators or for educating attorneys and the judiciary about custody evaluation issues are lacking.

ETHICAL ISSUES FOR MEDIATORS DEALING WITH PAS

It is well documented in the literature on mediation that many perceive a successful mediation as one that produces an agreement (Umbreit 1995). Couple this success indicator with a growing trend for courts to encourage joint legal custody, and a mediator who is not aware of PAS could inadvertently cause negative consequences by attempting an agreement for joint custody. Joint or shared custody normally requires a very high degree of parental cooperation. When an inflexible parent encourages the child to have nothing to do with the other parent, he or she may not be capable of such cooperation. Research has shown that the best predictor that children will adjust well to their parents' divorce is a low level of parental conflict (Regehr 1994). Unfortunately, joint custody in cases of parental alienation may enhance parent conflict, making the situation worse for the children. There are varying degrees of severity of PAS, and in severe cases the PAS dynamic may be so toxic that a relationship with both parents may not be possible, nor will it be in the child's best interests (Dunne and Hedrick 1994).

Mediators and other professionals who work with the divorcing population need to be aware of the symptoms of PAS and the difficulties that these cases present. A failure to properly identify and intervene in the early stages of PAS cases may result in the aligned parent being given professional support, thus reinforcing the child's need to maintain or expand complaints about the rejected parent (Dunne and Hedrick 1994). Saposnek (1998) recommends that mediators in these cases first determine the extent of alienation, putting the child on a continuum of (1) equal attachment, (2) affinity with one parent, (3) alignment with one parent, and (4) alienated from one parent. The continuum was obtained from training materials for seminars on parental alienation developed by Joan B. Kelly (Figure 1). For children who are pathologically alienated, an intensive therapeutic approach is necessary; without it, efforts at mediation are likely to fail (Saposnek 1998). Gardner (1992) suggests that professionals need to understand the therapeutic interventions necessary to treat and alleviate symptoms of PAS before any custody or visitation arrangement can succeed. PAS should be assessed from the perspective of how much the programming process is influencing the child, not on the basis of the aligned parent's attempts to program (Gardner 1998).

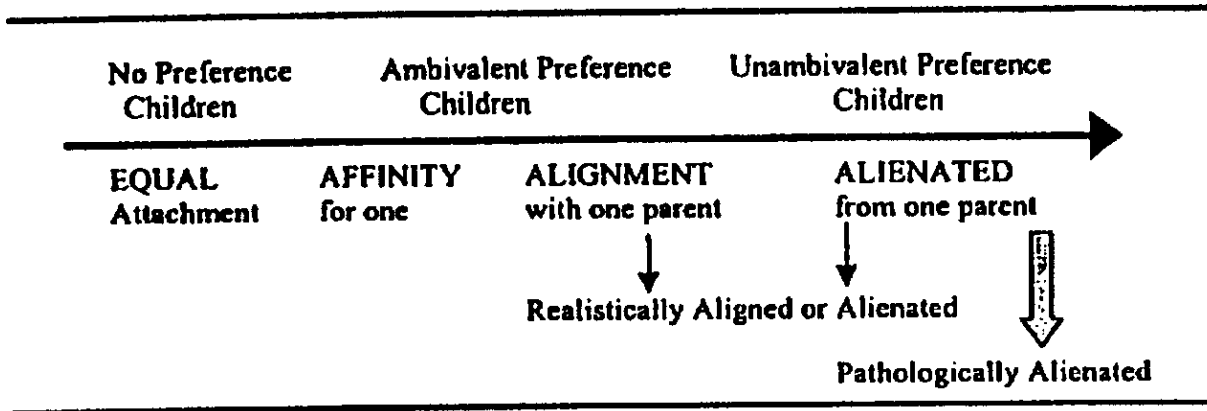
Another major ethical dilemma for a neutral mediator is how to deal with the dishonesty, deception, and unwillingness to cooperate on the part of an aligned parent. These parents can be very skillful at convincing the mediator of their sincerity and create a bias that could be harmful for the rejected parent and the child. Any agreement produced without mental health intervention for the family may only serve to prolong the PAS. In their study of over 700 cases of children who were brainwashed and/or programmed by one parent to hate the other parent, Clawar and Rivlin (1991) conclude that most parents who brainwashed or programmed their children extensively were "poor candidates for re-education and counseling. They were largely 'other-blamers' and took no responsibility for their damaging influence on their child" (p. 153).

Thus, mediators have several ethical dilemmas to resolve. Although we know that mediators strive to maintain impartiality and neutrality, many practitioners believe that it is impossible to attain complete impartiality, neutrality, or lack of bias when working with people (Taylor 1997). Regehr (1994) points out that the bias of mediators appears to have a large impact on the decisions reached by parents. Therefore, mediators need to face some tough questions: Who do

Figure 1.

Attachment/alienation continuum.

SOURCE: Developed by Joan B. Kelly, Ph.D. Reprinted with permission.



they believe—the skillful and apparently sincere parent who has the love of the children or the parent who has been rejected by the children for a number of very convincing reasons? What should be done about the obvious power imbalance favoring the aligned parent? After all, the aligned parent has the children, they are well bonded and close to one another, so the court may favor leaving the children in that home when an understanding of PAS is lacking, which is often the case. How does the mediator build trust with a party who is intent on deception and manipulation? Walsh and Bone (1997) warn: “Make no mistake about it; individuals with PAS will and do lie. They leave out . . . pertinent details or they maneuver the facts in such a manner to create an entirely false impression” (p. 94). A study of the characteristics of children who refuse postdivorce visits revealed that the custodial parents of the refusers often exhibited psychopathology (Racusin 1994). Turkat’s (1994) study on visitation interference highlights the cooperation issue. “A parent who has continually interfered with visitation may state . . . that he or she will comply with the nonresidential parent’s visitation request. Immediately following the hearing, the custodial parent returns to the visitation interference pattern, knowing that months may go by before a return to court” (p. 741).

WHEN IS MEDIATION NOT APPROPRIATE IN CUSTODY CASES?

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, 24)

By definition, mediation is a voluntary process in which no one is compelled to participate or to reach an agreement. A notable exception to voluntary participation is mediation that is mandatory in many states’ judicial systems. The question is raised whether it is incongruent to

require unwilling parties to participate in a process that is designed to be cooperative, interactive, and participatory. In a review of existing literature on mediation, it was concluded that there is a need for empirically sound methods for discriminating between couples who are ready for mediation and those who are not (Hysjulien, Wood, and Benjamin 1994).

Mediation should perhaps be bypassed in cases with severe PAS symptoms. Cartwright (1993) states that whereas negotiation is often a good solution in other forms of litigation, it tends not to be effective in cases of PAS. He asserts that

the lack of a swift, clear, forceful judgement is often perceived by the alienator as denoting approval of the alienating behavior. This tends to reinforce the behavior and renders a great disservice to both the child and the petitioning parent. . . . Courts must not fall victim to the alienator's scheme of stalling for time in order to continue the program of vilification. (p. 211)

Palmer (1988) also recognizes the duty of judges to take a stronger stand with regard to aligned parents who try to alienate their children from the other parent.

Issues of abuse and violence are prevalent in custody disputes. It has been argued that mediation may not be appropriate for couples who have experienced domestic violence because it may place women and children at risk for ongoing intimidation (Hysjulien, Wood, and Benjamin 1994). The mediation process can and has allowed an abusive spouse to maintain control and domination with the sanction of the courts (Geffner and Pagelow 1990). A number of states now recognize the paradox of mediating in abusive relationships, and mediation is waived where parties allege domestic violence or child abuse (Bruch 1988 and Sun and Thomas 1987 [cited in Geffner and Pagelow 1990]). Although PAS has not been formally linked with domestic violence or spouse abuse cases, the issues of control, domination, and emotional abuse are present in both types of cases. PAS and child brainwashing are forms of child abuse (Clawar and Rivlin 1991; Gardner 1992; Herman 1990; Walsh and Bone 1997) and, as such, could fall under the same mediation precautions as other types of cases that exhibit violence and abuse.

One of the major strategies for protecting domestic violence cases from the limitations of mediation is to use a premediation screening process. Premediation screening is highly recommended by many practitioners in the field to determine which cases can be mediated and which cases are not suitable for mediation (Girdner 1990; Perry 1994; Chance and Gerencser 1996; Pearson 1997; Salem and Milne 1995; Thoennes, Salem, and Pearson 1994). Such a model could be adapted for PAS cases. Those cases that are severe may need the attention of the court immediately rather than delay the case waiting for a mediation process that is not likely to resolve the issue.

A MEDIATION MODEL FOR SUSPECTED PAS FAMILIES

The question remains about whether mediation is an appropriate form of intervention in cases of PAS. Pearson and Thoennes (1986) contend that mediation will not transform hostile couples into cooperative ones and will not eliminate future conflict, but it is perceived to be a less

damaging intervention than court. Murray (1999) agrees that “children of high-conflict divorce may benefit from the potentially harmful effects of the adversarial approach” (p. 94). Lund (1995, 315) believes that it is important to lower the overt conflict in PAS cases so that the children are not drawn into the parents’ conflicts. A mediator may be successful in helping inflexible custodial parents respond to changes in visitation schedules and other situations that require cooperative interaction between the parents.

Figure 2.
Elements of parental alienation syndrome mediation model.

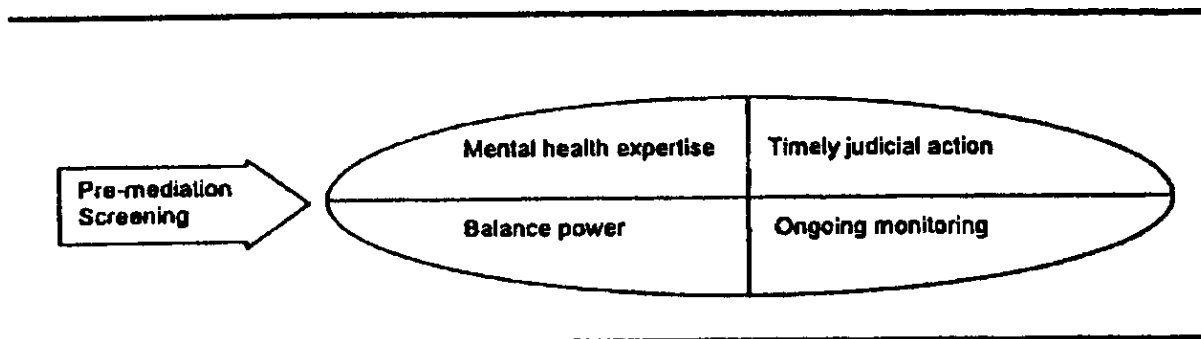


Figure 2. *Elements of parental alienation syndrome mediation model.*

Incorporating the issues raised in this article, a mediation model designed to intervene in custody disputes where PAS is suspected must address four areas of concern (Figure 2). The first area is the *need for mental health expertise* both to diagnose the underlying motives and extent of alienation and to prescribe appropriate therapeutic interventions prior to any agreement or decision on custody and visitation. Second, the mediation process would need the assurance that the court will *take swift, clear judicial action* when necessary to discourage tactics of stalling and deception by the aligned parent. The third component needs to *balance the power discrepancy* felt particularly by the rejected parent who has been isolated from the child’s life and love. The last and very critical element of a mediation model is a mechanism to manage the manipulative and deceptive behavior exhibited by the aligned parent, as well as an *ongoing process to monitor cooperation* with court orders or agreed-upon steps in the mediation process.

An additional critical element, which needs to precede the actual mediation process, is the determination of which PAS families are “ripe” for mediation. 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. Premediation screening could be used to determine which cases are suitable for mediation, which is also a recommendation for mediation of domestic violence cases advanced by a number of practitioners (Girdner 1990; Perry 1994; Chance and Gerencser 1996; Pearson 1997; Salem and Milne 1995; Thoennes, Salem, and Pearson 1994).

Intervention models that may be useful for PAS cases have been developed and proposed by various researchers. Four such models are referenced in this review, and selected elements from

these models support the major areas of concern outlined above. The mediation models are (1) the American Association for Mediated Divorce (AAMD) (Herman 1990), (2) the Stepwise Mediation Process for Psychiatric Family Mediation and Evaluation Clinic at the University of Kentucky Medical Center (Miller and Veltkamp 1987), (3) a three-phase system of child custody dispute resolution proposed by Gardner (1992), and (4) the Remedial Plan described by Michael Walsh, a certified family lawyer, mediator, and arbitrator, and J. Michael Bone, a psychotherapist and certified family law mediator (Walsh and Bone 1997).

In the AAMD process, couples are first screened to determine their suitability for mediation, and their motivation and ability to negotiate with each other are assessed. Couples that seem appropriate and are willing to enter into the process sign a premediation agreement and begin sessions. Co-mediators are suggested by the AAMD (Herman 1990, 48). The concept of comediators representing each gender, and complementing one another's expertise in mental health, legal background, and mediation skills, fits very well with the criteria established in this article for a useful mediation model.

NEED FOR EXPERTISE IN MENTAL HEALTH

The attachment/alienation continuum model (Figure 1) would be an excellent tool to determine the extensiveness of the child's alienation from the noncustodial parent. After that determination is made, Gardner's (1992, 313) concept of mediation could be initiated. He recommends that training programs be set up to ensure that only qualified mediators will be used. He envisions court-designated mental health clinics that would provide mediation services at a fee commensurate with the parents' financial situation. Implicit in the stepwise mediation process is the fact that the process is conducted by professionals trained in psychiatry at the Child Psychiatry Clinic of the University of Kentucky Medical Center. In the stepwise model, it is first determined if reconciliation or mediation is possible. When mediation proves unsuccessful, there is a shift toward (psychiatric) evaluation (Miller and Veltkamp 1987). Warshack (1992, 221) also recommends that a professional with a background in child psychology would be preferable to an attorney-mediator in disputes involving children because such a mediator could better evaluate the children's needs. Johnston and Roseby (1997) caution that children who have witnessed family violence may need to be treated for posttraumatic stress syndrome before relationship rebuilding can be expected to succeed. A well-developed premediation screening process to identify which cases require interventions prior to mediation could reduce the need for mediators to be highly skilled in child evaluative procedures.

NEED FOR SWIFT, CLEAR JUDICIAL ACTION

Palmer (1988) and Walsh and Bone (1997) argue that successful intervention of PAS requires coordination by the court and all members of the legal and mental health community. The court-appointed psychologist initially identifies the causation factors and determines (1) the motives of all family members, (2) the defense functions of PAS in the family, and (3) the specific techniques and patterns involved. When the psychological evaluation is completed, it is forwarded to the court. At that point, the parents can attempt to negotiate a plan. If the conflict continues, the court must quickly intervene and use its authority (Walsh and Bone 1997).

Gardner (1992, 315) also recognizes the need for court intervention if mediation breaks down. Step two of his three-phase system proposes an arbitration panel consisting of two mental health professionals and one attorney who are empowered to subpoena evidence and interview witnesses. The arbitration panel would work within the court structure. Ideally, the decision of the arbitrators would be timely and clear and have the quality of a binding legal decision. It is certainly likely that arbitration would result in a more expedient decision than court litigation. Gardner's recommended process, however, could be very expensive for either parents or taxpayers.

POWER IMBALANCE FAVORING ALIGNED PARENT

In PAS, the aligned parents seem to have power tipped in their favor. The children profess love for them and a desire to live with them. The court and legal and mental health professionals may initially be swayed by the child's stated preference, particularly if he or she is an older and articulate child. After all, PAS is not widely recognized; there are relatively few individuals with sufficient expertise to diagnose PAS in the early stages. As Walsh and Bone (1997) point out, many therapists shy away from making a PAS diagnosis for fear of being wrong. Clawar and Rivlin (1991) agree, stating that many professionals know it exists but are frustrated with detecting it, objectifying it, and deciding what is best to do for the parents and children.

In its purest form, mediation is expected to be a neutral, impartial, and non-biased process; however, scholars and practitioners alike recognize that the mediator will have subjectivity and that subjectivity can influence the decision of the parents (Regehr 1994; Taylor 1997). To compensate for a natural tendency to favor the aligned parent, mediators must be well trained in detection, causation, underlying motives, and common patterns of deception that may be employed by the family members (including the children). Gardner (1992, 322) recommends that the mediators be trained in mental health, family law, and mediation skills. He believes training in intensive custody evaluations is also necessary. In addition, the natural gender difference can be addressed by using co-mediators of each gender.

DEALING WITH MANIPULATION, DECEPTION, AND UNCOOPERATIVENESS

The co-mediation team process advocated by the AAMD would consist of an impartial lawyer and an impartial mental health professional meeting with the divorcing couple. The model also uses a process to screen couples prior to mediation, as well as the premediation agreement mentioned earlier. The couple understand that they are working toward a three-part agreement: (1) part one reaffirms the need for both parents to be actively involved with their children after the divorce and the need for mutual cooperation toward this goal, (2) in part two, both parents agree how to share the duties of parenting and how to cooperate when decisions are made, (3) part three includes a foundation for agreement about financial issues and provides for future mediation should problems arise (Herman 1990, 48). Parties who cannot agree to this type of openness and cooperation would be screened out to bypass the option of mediating an agreement.

Additional provisions or ground rules could be addressed up front that specify unacceptable behaviors such as deceptions, fabrication, accusations, allegations, and the like. If the court is

already in possession of a psychological evaluation that identifies PAS, the aligned parent may recognize that he or she needs to try to negotiate rather than stall. If the aligned parent is unwilling or incapable of cooperating, he or she may lose custody until he or she is emotionally fit to cooperate with the other parent. Although switching custody may seem like an unwise decision, it is the only recourse proven by various researchers to reverse the damaged relationship between the child and target parent in severe cases of parental alienation (Gardner 1992; Clawar and Rivlin 1991; Dunne and Hedrick 1994). The court must take the swift and forceful action necessary.

RECOMMENDATIONS FOR PAS MEDIATORS

Some of the implicit assumptions of this article may lead the reader to assume that mediators are expected to be highly directive in leading parents to a custody decision. The role of the mediator is to honor self-determination, but it is common for parents in protracted disputes to be emotionally and financially drained and ready to settle for almost any reasonable suggestion made. For this and the reasons outlined in this article, mediating cases in which there is severe parental alienation is usually inappropriate. Unsuccessful mediation may prolong emotional damage to the family by delaying the kinds of intervention and treatment necessary to alleviate brainwashing and programming of the children. If PAS symptoms are present in even one half of Gardner's (1992) estimate of 80% of custody cases, all family mediators dealing with custody cases need a thorough understanding of the challenges prevalent in PAS families.

In their 12-year research study of 700 to 1,000 cases of programmed and brainwashed children, which is published by the Family Law Section of the American Bar Association, Clawar and Rivlin (1991, 163-72) conclude that the legal system in most states is not currently adequate to protect children from this form of abuse. They also determined that 80% of the children wanted the brainwashing detected and terminated, and that there was often a substantial difference between a child's expressed opinion and his or her real desires, needs, and behaviors.

An intervention model is needed that is appropriate to the capacity of the aligned parent to recognize and abstain from his or her programming tactics, which may be unconscious. A screening process could be used to determine which families are suitable for mediation and which cases require mental health intervention before parties can negotiate. Co-mediators need knowledge and skills that include mental health expertise, an understanding of child custody evaluation techniques, familiarity with the legal system, and communication/facilitation skills that promote building trust and cooperation between disputing parties. Additional skill development techniques are recommended to help professionals (1) detect PAS and methods to objectify it, (2) determine the extent of the psychological and emotional damage done, and (3) determine how to develop an appropriate remedial plan.

With regard to the question of whether PAS cases can be mediated, Ramona Buck, director of mediation services for the Seventh Judicial Circuit of Maryland, advises:

Mediating cases in which parental alienation syndrome is present is usually inappropriate. For one thing, mediating such cases may provide a platform for the accusing parent to continue to espouse his/her hurtful views which causes more pain to the other parent. Secondly, since one

parent is framing the other parent as a villain, it is most unlikely that any agreement can be reached. Thirdly, since one parent is, in a sense, psychologically imbalanced, such a psychological problem in one parent is usually an indicator that a case is not appropriate for mediation.

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