When I wrote the first introduction to this wonderful book over twenty years ago, I discussed the need for a heightened awareness of what parents do to children both overtly and covertly before, during, and after a divorce.

The first major study on this issue was done by Stan Clawar and Brynne Rivlin in 1991 and published by the American Bar Association. Although there had been prior discussions by Gardner in his famous but limited study in which he claimed a parental alienation syndrome, it was clear that his study of six cases did not prove anything and, further, that there was no “syndrome.” Unfortunately, he was right that such a thing existed, and it was Clawar and Rivlin who, through a study of over 700 families, brought forth the facts.

This groundbreaking study brought to the forefront for those in our field that, indeed, children can and were being used by parents in the divorce battle. A custody “fight” is the most difficult part of any marital breakup. Watching parents pull their children apart like Turkish taffy is also the most stressful part of any family law practice.

The results of the negative actions of the parents toward their children show up in the court proceedings where the children either testify or are questioned by the court or marital health professional.
Whether or not they can tell accurately what is happening in their family is a major point of this new, updated book.

While the study in 1991 was 700 families, today this new and expanded treatise involves over 1,000 families. And what have we learned in these last twenty years?

The major issue in confronting this problem of programmed and brainwashed children has been identification of a child alienated by one parent against the other; proving it in court; and then finding a solution that not only works, but that a court will buy into.

This new, expanded work adds these components in detail helpful to the practitioner. As practitioners, we must first identify the issue. Where our client is the one who is being denied access to his or her child, the problem is more difficult. We must not only convince ourselves that it occurs through the appropriate interview of both the parent and maybe the child, but also convince the other side and the court that what is occurring is not in the child’s best interest. If we are the one who has the so-called “programming” parent, we must determine whether it is our job to act in the best interest of the child, or whether we should just represent our client.

The second major issue for us is presentation to the court or trier of fact. What experts are available for use? How do we prove that the parent has always been a good role model for the child until such time as the divorce was on the horizon? What experts are out there who really know what they are doing? This treatise gives you the points for review before you hire someone. Is there any way to convince opposing counsel to cooperate in getting help for this child? In the long run, it is not good for children to be denied access to both parents. It is most important, then, to convince our clients that this behavior is not in the best interest of the child. Children Held Hostage is the place to look for tips on how to do this.

Most important, of course, is how to present the case to the court if nothing else works. For too long, the courts have not understood the problem or even a potential solution. Sending a child for what they are calling “reconciliation therapy” for an hour a week is never going to work if the child is then returned to the programmer for
the other 167 hours in that week. What is the likelihood that such therapy would be successful?

As the years have gone by, various states have begun crafting statutes for factors to be considered in custody determinations. The one that applies to this issue is which parent is more likely to provide access to the other? How important is the child’s interest and at what age does it become critical? This updated treatise with its continuing studies of families and its new suggestions on how to undo the dangers to the innocent child alienated from one of the parents is a necessary addition to any custody lawyer’s library.