



Parental Alienation Syndrome in Italian legal judgments: An exploratory study

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ABSTRACT

The present study highlights the characteristics of separated families in Italy for whom Parental Alienation Syndrome (PAS) has been diagnosed during court custody evaluations.

The study analyzed the psychological reports of 12 court-appointed expert evaluations of families for whom PAS had been diagnosed. Twelve evaluations that did not receive the PAS diagnosis served as a control group. A specific coding system was used for data analysis.

The results indicated that the alienating parents were always the parents who had custody of the children. Children who were diagnosed with PAS were predominantly the only child in the family, had identity problems and manifested manipulative behavior. The consultant in these cases suggested individual psychotherapy for the children and recommended foster care to the Social Services agency.

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1. Introduction

Divorce has become a significant social phenomenon in Italy since the end of the 1980s and early 1990s; it has gradually increased to the same proportions observed in other parts of the Western world. There has been a 60% increase in the number of divorces since the beginning of the 1990s, from 50,000 cases in 1990 to 86,000 cases in 2009. Almost 50% of the cases from 2009 involved a child. Twenty percent of the cases were judicial divorces, and the judicial dispute usually concerned child custody. One of the greatest challenges facing forensic psychologists, lawyers and judges relates to cases in which children reject a parent after the divorce. In these cases, the court's decisions are often ineffective both because of the complexity of the situation and because there is no agreement between the two parties. Considering these difficulties, Gardner's theorization (1985) was broadly accepted throughout Italy because it filled a gap. By proposing specific logical categories, Gardner's theory enabled the understanding of a child's rejection of a parent in terms of a more inclusive framework rather than simple parental inadequacy. More than twenty years after Gardner's original formulation, there is an extensive body of literature on the topic, which bears witness to the intense interest surrounding this issue (Baker, 2010; Fidler & Bala, 2010a; Friedlander & Walters, 2010; Johnston, 2003; Kelly & Johnston, 2001; Lowenstein, 2010; Warshak, 2010).

Parental Alienation Syndrome (PAS) is a relational pathology, originally identified by Gardner (1985, 1987), that can develop in adversarial divorce situations. Data have also suggested that, in some

families, PAS can precede the divorce (Baker & Chambers, 2011). "It's a disorder in which children, programmed by the alienating parent, embark upon a campaign of denigration against the alienated parent," (Gardner, 2004a, p. 80). PAS recognition depends on the child's behavior and not on the alienating parent's campaign of denigration.

Gardner (2004a) proposed eight diagnostic criteria for identifying the syndrome in children (Fig. 1). In the presence of real abuse or abandonment on the part of a parent, such animosity can be justified and in this case it is not possible to diagnose PAS. "Because this syndrome generally appears as a cluster, children who suffer from PAS typically exhibit most of these symptoms," (Gardner, 2004a, p. 83). There are three clinical levels of PAS: mild, moderate and severe (Gardner, 2004a).

1. Mild: The alienation is relatively superficial, and the children mostly cooperate with visitation but are intermittently critical and disgruntled with the victimized parents.
2. Moderate: The alienation is more intense, and the children are more disruptive and disrespectful. There are transitional difficulties at the time of visitation.
3. Severe: The children are so hostile that visitation rights are impossible. The children are hostile to the point of being physically violent toward the allegedly hated parents. In some cases, the children direct extremely serious accusations of bad behavior against these parents (violence, abuse and stealing), but these accusations are not supported by evidence. All of the eight characteristic symptoms are present with severe intensity, and the children refuse to have contact with the alienated parents.

There are no reliable statistics on the prevalence of alienation (Fidler & Bala, 2010b). "Estimates of alienation are higher in custody-disputing

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samples, with some studies reporting about one-fifth (Johnston, 2003), but only six percent were found to be extremely rejecting of a parent,” (Fidler & Bala, 2010b, p. 11). Berner, von Boch-Galhau, Baker, and Morrison (2010) found similar results.

Gardner's theory has been criticized for its suppositions, identifying criteria, differential diagnosis, lack of empirical data underlying the construct and effective mental health and judicial intervention (Emery, 2005; Gagné, Drapeau, & Hénault, 2005; Johnston, 2003; Walker & Shapiro, 2010; Warshak, 2002). These critical authors have admitted that children's refusal of their parent(s) is a widely

diffused phenomenon in judicial divorce, but they were still unwilling to consider PAS as a diagnostic category. The critics cited a lack of valid and reliable research supporting PAS and argued that this syndrome is not included in DSM IV (Johnston, 2003; Johnston & Kelly, 2004). Gardner's reply (2002b, 2004b) explained that submissions were never made for PAS to be included in the statistical manual. His reply also stated that since his original formulation in the 1980s, many articles had been written about PAS in peer-reviewed journals and that DSM committees are currently considering including PAS in the next edition in 2012 (Berner et al., 2010; Fidler & Bala, 2010b).

	Label	Definition and Criteria	Level	Focus
Gardner (2004a)	Parental Alienation Syndrome (PAS)	It is a disorder in which children, programed by the alienating parent, embark upon a campaign of denigration against the alienated parent. PAS recognizance depends on the child's behavior. There are eight diagnostic criteria: (1) a child's unjustified campaign of denigration toward the alienated parent. (2) The child uses weak, frivolous, or absurd rationalizations for deprecating a parent; (3) Lack of ambivalence; (4) The “independent-thinker” phenomenon; (5) Reflexive support of the alienating parent in parental conflict; (6) The child has an absence of guilt over cruelty to and/or exploitation of the alienated parent; (7) Presence of borrowed scenarios; (8) Spread of animosity to the extended family and friends of the alienated parent.	Three clinical levels: 1. Mild. 2. Moderate. 3. Severe.	Child
Kelly & Johnston (2001)	Alienated child	“An <i>alienated child</i> is defined as one who expresses – freely and persistently unreasonable negative feelings and beliefs ... towards a parent that are significantly disproportionate to the child's actual experience with the parent” (Kelly & Johnston, 2001, p. 251). Authors propose a concentric model, the central element of which is the child's emotional and behavioral response. There are background factors that directly or indirectly affect the child and included history of intense marital conflict in which the child was triangulated; a humiliating separation; highly conflictual divorce and litigation; aligned professionals; extended families; new partners; the personality of each parent; age; cognitive capacity; and the temperament of the child.	Children's relationships to each parent after divorce can be conceptualized along a continuum of positive to negative: <i>positive relationships with both parents; affinity</i> toward one parent; <i>alliance</i> with one parent; <i>estranged children</i> from one parent; <i>to child alienation</i> .	Family
Friedlander and Walters (2010)	Families with an alienated child	Kelly and Johnston define the relationships patterns: (1) estrangement: “refers to impairment in the parent-child relationship as a result of realistic problems brought to the relationship by the rejected or resisted parents” (Friedlander & Walters, 2010, p. 109); (2) enmeshment: “refers to a relationships in which the psychological boundaries between the parent and child are blurred	Authors redefine. Johnston and Kelly (2001) classification from <i>alignment</i> (affinity and alliance), <i>alienation</i> , <i>enmeshment</i> , <i>hybrid cases</i> (e.g., enmeshment and alienation, enmeshment	Family

Fig. 1. Definition, criteria and gradation of alienated children.

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