

A GUIDE TO THE PARENTAL ALIENATION SYNDROME

by

Stan Hayward FNF Research Officer

What is it?

The Parental Alienation Syndrome (PAS) is the systematic denigration by one parent by the other with the intent of alienating the child against the other parent. The purpose of the alienation is usually to gain or retain custody without the involvement of the father. The alienation usually extends to the father's family and friends as well.

Dr. Richard Gardner in his book 'The Parental Alienation Syndrome' states (P.74) "Many of these children proudly state that their decision to reject their fathers is their own. They deny any contribution from their mothers. And the mothers often support this vehemently. In fact, the mothers will often state that they want the child to visit with the father and recognise the importance of such involvement, yet such a mother's every act indicates otherwise. Such children appreciate that, by stating the decision is their own, they assuage mothers guilt and protect her from criticism. Such professions of independent thinking are supported by the mother who will often praise these children for being the kind of people who have minds of their own and are forthright and brave enough to express overtly their opinions. Frequently, such mothers will exhort their children to tell them the truth regarding whether or not they really want to see their fathers. The child will usually appreciate that "the truth" is the profession that they hate the father and do not want to see him ever again. They thereby provide that answer - couched as "the truth" - which will protect them from their mother's anger if they were to state what they really wanted to do, which is to see their fathers. It is important for the reader to appreciate that after a period of programming the child may not know what is the truth any more and come to actually believe that the father deserves the vilification being directed against him. The end point of the brainwashing process has then been achieved.

HOW COMMON IS IT?

Nearly every FNF member will have some experience of it. We have cases where children as young as two years old 'claim' not to want to see their father again, and cases where all children of one family will all decide that they do not wish to see their father again. It comes up to some degree in virtually every case where the father is attempting to get or extend contact, and most appeals will include aspect of PAS being a factor in the stopping or disruption of access.

WHY IS IT SO COMMON?

It is a very effective legal device for getting custody. There are two reasons for this. First the Children Act of 1989 took more consideration of 'the child's wishes', and secondly the Child Support Agency separated the issues of court orders for maintenance and contact. A mother who stops or disrupts contact 'defined by a court order' is in contempt of court, and may be fined or jailed. There are no cases of this actually happening because the courts will state "it is of no benefit to the child for the mother to be punished", but it does mean she may be repeatedly brought back to court for being obstructive. To overcome this she will state "The child does not wish to see the father". A Court Welfare Officer will then interview the child and report that the child has confirmed that it does not wish to see the father. The 'child's wishes' will then be taken into consideration and the court will stop the fathers contact. The mother will be in the clear, the CWO will have reported the matter accurately, and the court will respond accordingly. The father will have lost contact, probably for several years until the child is old enough to become independent of the mother. In the majority of cases the child will then return to the father. Interviews with adults who have been through this experience as children make the common statement that 'they did not know how to cope with the situation, so avoided the father rather than hated him'.

WHY DON'T CWO'S RECOGNISE THE SITUATION?

They do, but a NAPO (National Association of Probation Officers) spokeswoman stated "NAPO has no policy on PAS" meaning that though recognised, there is no clear cut action to be taken. If the CWO recommends Family Therapy it is expensive and time consuming. CWO do not have the time, the experience, or resources to do what needs to be done. They should interview the child out of the vicinity of both parents, and better, in the company of each parent separately. Though they are authorised to do this, they rarely choose to do so. A common complaint of FNF members is that the CWO's interviews are not carried out with the intent of getting the facts, but merely to go through the motions. Most Court reports will be drawn up with the intent of getting the result the CWO chooses rather than as information for the court to decide upon.

IS IT OFFICIALLY RECOGNISED?

There are two distinct aspects of PAS; medical and legal. Medically PAS is a form of emotional child abuse. Parents in hostile separations typically suffer depression, anger, and aggression. The expression of these feelings takes on the form of withdrawing love and communication. This extends to the children via the custodial parent. As a medical problem it is closely related to 'False allegations of sexual abuse' used to stop the father having contact; and to the 'Stockholm syndrome' which describes the children as 'hostages' afraid of the mother, and obeying her as a means of survival. There are also aspects of 'False memory syndrome' whereby the child may be instilled with false memories of the father. Legally PAS is recognised as a behaviour pattern but often goes under other names such as 'Coaching, Prejudicing, Rehearsing' and synonyms of brainwashing. Although recognised by the courts it is rarely acted upon because as a form of emotional abuse it is very difficult to define, and would require bringing in Social Services. The other forms of child abuse are Physical, Sexual, and Neglect, and are easily identified by expert witnesses. Emotional abuse can only be registered as part of these. Some courts will act upon it, but do so by simply ignoring the mothers claims of 'the child's wishes' and indicate that she is being obstructive. The more enlightened courts will order family therapy, and ensure that visitation rights are kept. Anyone claiming PAS should always look for Family therapy as a way forward. Although PAS is currently recognised, but not acted upon, it is actually a crime to 'incite hatred on the basis of colour, religion, or creed'. Also the government is considering making 'Stalking' a crime on the basis of 'emotional abuse'. In the USA one father had maintenance suspended on the grounds that his daughter 'hated' him even though he had made every reasonable effort to form a relationship with her. Such an approach by the courts here would prevent PAS being used as a loophole in the law.

OFFICIAL COMMENTS ON PAS

A spokeswoman for the Home Office 'Probation Service Division states: "Both the Home Office and the court welfare service are also aware of the fact that parents may seek to manipulate their children and encourage them to make statements designed to lessen the chances of the absent parent being granted contact with the child. Where an officer suspects that such coaching or manipulation has taken place, he or she will take this into account when preparing the welfare report and ensure that it is brought to the courts attention".

A spokesman for the Dept. of Health said: "The potential for alienation by feuding parents is a commonly recognised problem"

A spokeswoman for the Inst. of Family Therapy said: "With one parent gone, their fear is that they will be abandoned by the other, so they say whatever the present parent wishes to hear", and "When children under twelve are forced to choose, they tend to align with the parent they are living with".

A leading Child Psychiatrist states: "...a child states that they do not wish to see the non-custodial parent happens far too frequently as a result of the bitterness between partners after the breakdown of their relationship".

WHAT IS THE BEST LEGAL APPROACH TO PAS?

If you are getting a solicitor there are now solicitors who specialise in this field. Find one that works in this field rather than one who simply claims to know about it. Get advice from FNF on this. Magistrates courts tend to be dominated by lady magistrates. Experience has shown that they are less sympathetic to the fathers case than judges in the higher courts. If possible, avoid a magistrates court and go for a county court. You

can refuse to have a CWO who you feel is not reporting your case correctly or not dealing with essential facts. Don't assume they will ask you the right questions. Write down the questions you would like them to ask, and prepare the answers. When you meet up with the CWO then have that information ready for them. If it is not included in your court report then question it. Also make sure you know the date when you can expect to receive the report, as some CWO's don't bother telling you. It is essential that you question ALL ERRORS AND OMISSIONS AT THE EARLIEST POSSIBLE TIME. Notify the CWO of these before your case, and notify the court of the reply (or lack of one). Have a listing of the errors and omissions available at the court.

Some CWO's will accept and report PAS. You should keep a diary and copies of all communications between yourself, the mother of your children, and your children as evidence. Recognised evidence is typically:

- a) The mother obstructs all attempts for you to communicate with her or the children in spite of saying 'she is not stopping the children seeing you'.
- b) The children will suddenly start making excuses for you not seeing them. They may say they do not want gifts from you. Gifts sent will not be acknowledged, or they may even be returned - signed by the child.
- c) Though the child supposedly doesn't want to see you, it will also suddenly stop seeing anyone connected to you. This will include close relatives, friends, etc. They will even stop talking to your neighbours and anyone who might be in direct contact with you. The mother will also stop contacting anyone connected to you in spite of outwardly claiming not to be involved in the child's attitudes. All such instances should be recorded as it is an indicator that the child is frightened rather than hateful.
- d) The mother will pursue the strategy of obstructiveness by going to the school, clubs, and places where your children regularly visit, and state to the authorities that you are not to contact your children there.
- e) You will find that others close to the mother will not communicate with you.

In all, the mother's strategy will be to totally isolate you from the children by gradually breaking every line of contact you might have with her or the children.

WHAT CAN YOU DO?

Your strategy has to be the opposite, and to create every possible line of contact with your children, the mother, and anyone connected with them.

There are no rules as everyone's case is unique, but there are many common sense actions you can take.

1. Work on the assumption that your child might turn up tomorrow. Ideally they will find you happy and leading a full life. They will want to see you as the father they knew. They will not want to be reminded of the past or of conflicts you have with the mother. Your first priority is to make sure you are not destroyed or undermined by the situation.
2. You will go through a period of grieving for your child. It will be similar to someone who has lost a child through death. It will occupy all your waking moments and dreams. This will last until you can 'let go' of your child. You can best do this by keeping yourself as fully occupied as possible. If you have contact with other children such as relatives, or can be involved in children's activities, this helps. Retain and develop your fathering skills.
3. Openly discuss the problem with anyone who will talk to you about it. You may be surprised to find how many other people have similar problems and have learned to cope. It will relieve the inner tension. Don't brood on it. Regard it in the way of men separated from their families during the war. Think positively.
4. Try to play an active part in FNF. The worst feeling is of helplessness. Doing something, anything, gives a feeling that you have some control over the situation.
5. Make yourself knowledgeable about the situation. Collect articles, letters, etc. that deal with this problem. What initially is seen as a confused situation will soon be seen as a predictable pattern that helps you to assess your own situation. Having a plan gives you direction.
6. In spite of some women being the perpetrators of this problem, most women will be very sympathetic and supportive of your case. They will often be able to give you a good idea of why the mother of your child acts as she does. It is a great help to have women friends to discuss this with.

7. Try to form contacts with other FNF members. Don't just come to a few meetings or assume that there are clear cut answers. We find that each case has some new insight. It is only by becoming aware of new attitudes in the courts, government, etc. that we can look at new directions. Your case is important to us all. Make sure it is known, discussed, and reported. Your comments are valuable. Write to papers, write to your MP, write to FNF.

WHY DOES THE MOTHER WANT TO GET RID OF THE FATHER?

There is no clear cut answer to this. In some cases it is done with intent by the mother to get rid of the father, while in other case the situation just gets out of hand and drifts to the point where PAS just becomes one more step in the wrong direction. A survey of FNF members showed the following variety of reasons. In many cases there will be several different reasons combined.

There are many reasons why a mother should want the children to hate the father. Some of these are listed below.

1. The mother wants to start a new life and wants the father out of the way. She may be more successful than he is. He is seen as an encumbrance.
2. The mother wants money/property from the father and uses the children as bargaining pawns.
3. The mother hates the father and uses the children as weapons.
4. The mother is possessive and wants all the childrens love.
5. The mother is jealous of the love/gifts the father gives the child but not to her.
6. The mother cannot cope with her own life. Contact with the father in any form is difficult for her. It is a common statement by fathers that the mother suffers from depression. Sometimes PMT, when rows are likely to flare up over minor incidents, and lead to greater hostility.
7. Disappointment. She feels he is unworthy to be a father and doesn't deserve the children.
8. The mother is egged on by other women hostile to men. Typically if she is in a group of single mothers.
9. The mother uses access to control the children (if you don't behave then you can't see daddy).
10. The mother can't compete with the father who may be able to give the children more treats in the short time he sees them. The children may boost him at her expense, and typically demand more from her.
11. The children may be the only aspect of control the mother has, so uses it to boost her own esteem rather than for the interests of the children. This is the power motive more commonly seen in men.
12. The mother may still like the father and uses the children as a means of controlling him.
13. The mother may be punishing the fathers new partner indirectly as the father may know that he could see the children if it wasn't for the new partner.
14. The mother may be independent and never wanted a man around anyway apart from fathering her children (entrapment). Or she may have gained independence during the marriage and now wants to exploit it.
15. As often quoted, the mother may see children as a way of getting a house, welfare money, and other benefits. The father was always incidental in the matter.
16. Some women actually believe that men are not interested in their children.
17. The mother assumes hostility by the father towards her is also towards the children, so 'protects' them by keeping him away.
18. The mother has a different lifestyle to the father, and does not want the children to copy his way of life.
19. The mother may have no family of her own (typically foreign wives), whereas the father may have a family. The mother regards the child as 'her family'.
20. The mother may become emotionally dependent upon the child, and regard any affections the child has for the father as depriving her.
21. The mother simply regards the child as her property, and sees the father as making a claim on her 'possessions'.
22. The mother dislikes the fathers new partner, who she sees as a rival 'mother', so prevents the child seeing the father.
23. The mother's new partner is the one who is preventing contact because he wishes to be seen as the 'daddy'.
24. She fears the children will leave her for him.
25. She wants to prove to her new partner that he is the only man in her life.
26. She may have come from a broken family, and not be able to sustain a relationship.
27. The father is a constant reminder of the failed relationship that she prefers to forget.

28. She may be starting a new involvement, or having difficulties with the existing one, and doesn't want the children to tell the father about her affairs.

THE IMPORTANCE OF KNOWING WHY THE MOTHER DOES IT.

If you know why the mother behaves as she does then you are in a much better position to deal with the situation. A mother who has another partner will want the father out of her life for the simple reason that it makes her life complicated to have him around. The child's needs are secondary. On the other hand a mother who lives in a house owned by the father and relies on his goodwill for extras over and above maintenance, might be alienating the children as a means of getting the property or getting more money. In such a case the situation might be open to negotiation.

WHAT ARE THE FACTORS TO CONSIDER?

As the main aim of the mother is to stop all contact, while the main aim of the father is to gain all contact there are a number of factors that can be assessed to give the father an idea of his chances.

1. The age of the children. The older the better.
2. The locality of the children. The nearer the better.
3. The number of children. The more the better.
4. The independence of the mother. The less the better.
5. The friends and relatives of the mother and father. The more the better.
6. The resources of the father. The more the better.
7. The mobility and availability of the father. The greater the better.

It is a mistake of many fathers to assume that the matter is in the hands of the court, and decisions made there are the essential ones. The reality is that the court's decisions are only one aspect of the situation. The mother has her own life to live, and she will have the same problems as most people, probably more, so she will not want to add to those by devoting her life to being obstructive. She will only do it so long as she can get away with it without too much effort. The children also have their own lives to live and they will not want to give up the father just to please the mother. They may obey or reflect her wishes, but only so long as they have no choice. Experience has shown that in most cases where the father has kept in contact with his children he will see them again. The father's own situation will change. What seems to be an insurmountable problem today may seem solvable in a year's time.

HAVING A PLAN IS IMPORTANT.

When a father first realises he is going to lose contact with his children his feelings go from disbelief, through despair, anger, depression, confusion, and a total sense of injustice. It is based on the assumption that 'everyone' knows how important it is for children to have the support of their father, and that he obviously loves them, and they love him. Such notions are unfortunately naive. The law is itself very confused. A court that refuses to send a single-mother to jail for stopping contact will send that same mother to jail for refusing to pay a parking ticket or her TV licence. Such inconsistencies will be found throughout the law, and even when the law is clear, experience shows that its interpretation and application is more suited to the beliefs of the judiciary than the children.

Having a plan means looking at the situation logically rather than emotionally. You have to write out all the advantages and disadvantages of yourself, the mother, and the child.

YOUR ADVANTAGES:

- a) You are highly motivated, and where there's a will there's a way.
- b) You will be in the company of many other fathers who can offer advice and support.
- c) There is a growing recognition by the courts and society generally of the importance of the father's role.
- d) The situation is changing to your advantage as the children grow up as in almost every case known the child wishes to have contact with the father.

YOUR DISADVANTAGES:

- a) You will miss out on the childhood years of your child.
- b) Other aspects of your life will suffer in many ways due to your distress.
- c) You will be unable to plan for the future in any way that will include your child.
- d) Much of your time, money, and resources, will be spent on the problem without much to show for it.

THE MOTHERS ADVANTAGES:

- a) She has the children and the law backing her.
- b) She is probably able to get legal aid and other forms of financial support.
- c) She will be in contact with numerous other single-mothers who will support her actions.

THE MOTHERS DISADVANTAGES:

- a) The nature of PAS is itself the behaviour of someone who is distressed, so she will not be a happy person.
- b) She will know that the children will be mixing with other children who have fathers, and that her children will be aware of this.
- c) She will not be able to offer the experiences and support of a father. The children will have a higher than normal chance of suffering educationally, emotionally, and socially. She will have to compensate for this in some way at the expense of her own life.
- d) She will know that when the children reach an age of independence they will almost certainly try to contact the father, and she may even lose them altogether.

THE CHILDRENS ADVANTAGES:

- a) There are no advantages for a child to have its parents separated, or if separated, not to have free access to both, but children get older, and with time question the mothers behaviour.
- b) The disadvantages are losing one half of its family and all the support and experiences that represents. A higher than average chance of suffering from many social problems, which may include repeating the cycle over again.

OUTLINING A PLAN.

1. The first stage is looking for direct contact with the mother and child. Can you meet, write, or phone. If you can, then each instance should include some aspect of continuity. Give your child stamped addressed postcards to send before your next meeting. If the child is old enough give them a phone card. You can even get a 'family' phone card so your child can phone you from anywhere in the world. If the mother allows it, pay for comics and magazines to be sent to your child so that they are reminded of you regularly. Give your child a couple of phone numbers of people they trust who they can contact if they want to speak to someone.
2. If you are not allowed to contact your child, ask friends and relatives to do so on your behalf. Get them to send invites and gifts (even if you have to pay for them). If the mothers friends and relatives are still in contact with you, see if they will give you news of the situation. Try to retain good relations with them.
3. Apart from friends and relatives, the mother and child will have contacts at school, clubs, playgroups, and various local places where the mother and child go. There will be people who make contact with the mother and child and may be able to give you information about them. Remember, the mothers strategy is to block off all information to you. If you are aware that your child plays in the local football team on Saturdays at the park then this will give you some satisfaction from both seeing your child and not being controlled by the mother.
4. Can you participate in your childs activities? If you are not actually banned from seeing your child, or from seeing only on certain occasions, then you might be able to be a school or club helper. In spite of some mothers choosing to interpret 'defined contact' as the maximum, in fact it is the minimum. You would not be breaking a contact order if you went to a school play or sports event on days outside of your contact

providing you went for the event and not to have a one-to-one contact with your child. The same applies if you were a helper in your child's school.

5. You can create situations that help you without meeting anyone directly connected to your child. Participating in local events will often enable you to get seen and known by people who know the mother and child. If you can involve yourself in activities that get the attention of your child, or children who know your child then the chances are that it will get back to them. School and club outings, Council sponsored events, charity shows, library exhibitions, and the like are all places that require helpers. Being helpful and seen can pay off in unexpected ways.

6. You can also get known by having letters published in local papers and forming groups of other fathers locally. If the mother knows you are presenting your case in a public way (without crossing legal constraints) then she will know it reflects on her. What she wants is for you to disappear. If you have a high profile in the community then obviously you are not going to disappear, and she knows that it is a problem best resolved by acting with more regard for the child.

7. Chance is a factor. It is quite common for FNF members to meet their children by chance in local places. You can increase the chances by being in the right place at the right time. It is not a good idea to pursue this line, but simply be aware of it.

8. Ultimately the answer is for better laws and a more enlightened court system. That will not come easily, but if it is to come at all then it needs every little help it can get. Most fathers finding themselves in this situation quickly learn that the 'legal path' doesn't lead anywhere most of the time. Some members have spent huge sums of money on legal fees without getting results. Just imagine that money being directed to advertising our case in papers, magazines, and letters to authorities. The results would be more significant. In spite of this it is easier to get most fathers to spend several thousand pounds on solicitors fees than to get them to write to their MP and complain. One of the best boosts you will get is knowing that someone in authority has read your letter and given it consideration. You can learn to write letters by reading what others have written. Even if your letter does not get published, the paper you write to will publish similar letters because it knows the subject is controversial.

SUMMARY.

Overall your plan is to do something. If you can do something that directly contacts your child then do that. If you can do something that indirectly contacts your child then do that. If you can do something that keeps up your fathering skills do that. If you can do something that promotes our cause generally, then do that. If you can do none of these, then at least keep yourself busy so that you do not get depressed or in a state that leaves you open to the criticism of not being a capable father even if given the chance.

BEHAVIOUR PATTERNS OF THE MOTHER.

The most common pattern of the mother is to show that 'she is in control'. She will do that in a variety of ways ranging from ignoring you to humiliating you. Paradoxically she is able to do it on the basis that you love your child so much you will put up with it. If you didn't love your child you would walk away, she assumes you will not, so will push her control as far as she can. Here are common examples. In most cases the mothers do not take the children away with any clear cut strategy in mind, it is usually an extension of normal hostile reactions going through the sequence of :

- (1) Arguing
- (2) Hostile silence
- (3) Restricted communication
- (4) No communication
- (5) Hostile action.

1. To insist that you come and go exactly at the times she stipulates. If you are late or early she will make you suffer for it in some way.
2. She will insist that you detail where you take the child and under what conditions. She will not inform you of anything she does with the child.
3. She will make changes to arrangements you have with the child but not give you these changes until the

- last minute. If you complain you will lose the contact time. If you have to change arrangements she will simple refuse to accept the changes and you will lose contact time.
4. She will deliberately offer the child alternative events on your days and then say the child has chosen the alternative event. She will make you choose to insist on your contact time or allow the child to do the other thing so that you will appear mean to stop the child.
 5. She will duplicate gifts you give the child to undermine the value the child puts on it.
 6. She will hide, break, or deliberately be careless with things you give your child.
 7. She will deliberately misinterpret anything you do or say to the point where you will think twice about doing or saying anything.
 8. She may ask for extra money for the child, and present the request in such a way that it obviously implies you will lose out on contact if you don't make the offer.
 9. She will write to inform you of changes in contact times but post the letter so that it cannot possibly reach you in time.
 10. She will not keep you informed of the child's well being, education reports, activities or anything that you might expect as a parent.
 11. If you do anything to help the child the mother may thank you in a way she might thank a stranger doing a favour.
 12. Should you buy the child clothes she will criticise your taste or understanding of the child's needs.
 13. She will criticise your home, friends, and life style. She will use any of these as an excuse to stop contact.
 14. She will tell the child that the court 'doesn't allow it to see the father more than on the court order' when in fact the court order only states the minimum contact time.
 15. She will allow the child to miss homework during the week so that it has to be done in your contact time, so vying with anything else you will have arranged.
 16. She will interpret your contact time as being the total amount of time available for all purposes. If your parents want to see their grandchild it will have to come out of your contact time.
 17. If she sees you in the street when she is with the child she will ignore you and force the child to do the same.
 18. If you participate in school/club events and see your child there she will tell you that you are not allowed to do it. She may well contact the school and inform them (incorrectly) that the court has banned you from such events.
 19. If you have a new partner she will insist that the new partner is not involved in contact times as it distresses the child.
 20. If you send your child gifts on special occasions they will get 'overlooked' on the day.
 21. If you phone your child and she takes the phone she will say the child is busy or out. If the child takes the phone she will listen in or interrupt the child.
 22. She will constantly remind you of your shortcomings as a father in front of the child. Any replies to this will be regarded as 'rowing in front of the children'.

In all, the mother will look for any way of undermining your position in the knowledge that if you retaliate in kind she can stop contact and use your retaliation as evidence of your attitude towards her (not the child). It will be her intent to use such provocative behaviour to push you past your limits and act in a way that can be quoted against you.

KEEP A RECORD OF THESE INSTANCES. If she has a solicitor you might send it to him/her and ask for the mother to be reminded that such behaviour is disturbing to the child as well as provoking unnecessary rows. You may have to arrange to meet up in a neutral territory so that the mother has less chance of doing these things.

FNF gets hundreds of cases of PAS. The most common being a foreign wives or women with a history of emotional illness. In most cases the mother needs help. It seems that only a small percentage of mothers who indulge in PAS are normal, stable, and independent. These would more typically be professional women who have another partner and exploit loopholes in the law to get rid of the father. FNF also gets many letters from grandparents who lose their grandchildren, and second wives who suffer (often intentionally) from the mothers behaviour towards the father in using the children as weapons.

The reason fathers suffer is that most studies of broken families are carried out by women for women. This is not to say they are carried out against fathers but simply the fathers side has not been given full consideration. It is only now that this is happening, and is more the outcome of the Child Support Agency

investigations than a study of fatherhood in itself. It is for this reason that FNF has to rely upon our members own experiences to get the information needed for progress to be made.

SUMMARY

1. Fathers who can stay in contact with their children somehow or other will almost certainly gain regular access to them again.
2. Fathers who can retain some form of communication with the mother will probably regain access.
3. Fathers who have some form of network, family, neighbours, friends, etc., who can keep in contact with the child or mother will probably regain access.
4. Fathers who rely on the court system to help them will certainly be disappointed.

This may seem an extreme action, but look at who is actually involved in your case.

1. Your solicitor. He will certainly have your best interests at heart, but it is still work for him whether he wins or loses.
2. The Court Welfare Officer. She will do at least one case a week. At most she will only have about three hours to discuss your case, and probably two days to write it up. It is likely that her decision will be made on her personal reaction to those involved rather than on the evidence. Court reports are notorious for being full of mistakes, misinterpretations, and omissions. Also, even though CWO may be well-intended, sympathetic, and knowledgeable, in the end they carry no weight in court. The report may be completely ignored by the court. This hardly motivates the CWO to produce much more than an outline of the case. Apart from this, most CWO's take on the job as a second career. Many have very little experience or training in the area of child welfare. If they are women, then it is likely they have more experience at being mothers than being court officers. This is often reflected in their assessments. It is a very common experience for fathers to have the CWO tell him how well he can cope with his children, only to find the court report stating the very opposite.

A good CWO is probably your best friend. If they like you, and believe you have a good case they will give you better unbiased advice than anyone else. It is a pity that they have little power to help in a more practical way.

3. The Magistrate. Family law magistrates are predominantly women, and likely to be mothers. Though well-intended, they may well feel that what is good for the mother is good for the child. This is not malice on the part of the magistrates. A typical magistrate may well have been a legal secretary for thirty years prior to becoming a magistrate. They have a background in legal technicalities, but not years of training that allow the broad interpretations of the law to be applied. Many apply the law in the sense that a traffic warden applies the Highway code. In all, you are better off if you can avoid having your case tried in a Magistrates court.

4. The Judge. At County Court level you will get a mixture of Judges. The worst are those who feel it is beneath them to deal with the 'litigant in person'. It is well known that some Judges will always turn down a father who presents his own case. Others are simply out of touch with what is going on, or use the court for their own performance. Because the court is what it is, one cannot act and say as one would in other circumstances, but a just look through a book of aphorisms relating to Law and Judges will show that they haven't changed all that much over the ages. Of course, a good Judge is one who can help. But as the above letters show, the Judges insistence that a mother obeys the court order is no guarantee that she will.

5. The Mother's solicitor. He/she is your worst enemy. It is to his benefit if he can 'win' - by which we mean take your children away from you, or at least keep the matter going for years. The mother's solicitor represents the mother, not the child.

6. The Child Psychiatrist. These generally agree the problem is between the parents and not the father and child. Most will advise mediation. Most mothers refuse. Most Judges will not insist on counselling between the parents, though in the USA this is now a common approach and a successful one. Most child Psychiatrists and Psychologists agree that the courts are a waste of time in resolving family problems.

IS THERE HOPE?

'Parental Alienation' is emotional child abuse. The Health department has no clear definition of what 'emotional abuse' is. This means that a 'emotional child abuse' is rarely - if ever - acted upon. It is only acted upon as an extension of Neglect, Physical, or Sexual Abuse when investigated by Social Services. For the courts to accept 'emotional abuse' as evidence would require calling in Social Services. That is expensive and time consuming, so courts avoid it if possible, in spite of the evidence.

Also, the standard answer from the Lord Chancellor's department is that 'It would not be in the child's best interests if the mother was sent to jail for disobeying a court order'. This of course, implies that it is in the child's best interest to lose it's father forever. In spite of that, the Criminal court will, and have sent several single- parent mothers to jail for leaving their children at home alone. They do so on the basis of the child being 'emotionally abused', but in terms of neglect.

IF YOU CANNOT GO TO THE COURTS, WHAT DO YOU DO?

In practice you cannot avoid the courts totally, but they should be used as a last resort. If you consider your situation in terms of war then there are three possible outcomes:

1. One side wins.
2. Neither side wins or can win, but they stay in a state of hostility and fight a war of attrition.
3. Peace is negotiated.

The problem here is that if the mother has been given custody she has no reason to negotiate. But there are two cases where she might.

a. If she wants something from you.

It is obvious if she wants money, property, etc. This is common enough, but she may want something that is not obvious, and she is not prepared to tell you. It could be a change in attitude towards her. The above list of 'Why mothers want to get rid of the father' will offer some clues on this.

b. If it becomes too much of a problem.

This is where the courts can be useful. The nature of the system means that everything takes longer than it should. It will generally be inefficient - losing papers, adjourning hearings, sending the wrong forms, etc. This overall bumbling can be put to good use. If you have already lost your children, and effectively have nothing more to lose, then you can continually make new applications, query everything that comes along, send letters to her solicitor, demand ongoing information, etc. By keeping the issue going the mother will realise that you are not going to abandon your children. She may well feel that it is not worth the trouble, and eventually ease up on restrictions. Also remember that her life is not plain sailing. She will have problems. She or the children might be ill, and you are the only person around who can help. If you make it clear in all you correspondence that you are open to putting the past in the past then chance may well favour you.

THE LAST WORD

Tens of thousands of fathers lose their children every year. Those (most) that want to keep up meaningful relationships with their children fight an uphill battle due to inbuilt bias in the legal system, lethargy by Family support systems, confusion and ill-defined policies by government authorities.

This is offset by the fact that the media is increasingly highlighting the problems of broken families. The social problems that spin-off from broken families results in cost to the government, and indirectly, concern to solve those problems. Fatherless families are now a political problem as well. Most of all, the increasing use of communications among FNF members, and allying ourselves with similar groups of both fathers and mothers separated from their children is now paying off. The recognition of PAS officially would in itself effectively block a major loophole in the law, with the subsequent benefits for children. This is the aim of FNF.

[Back to Home Page](#)