

Supplemental Material

Tab #15: Rejection of a Parent by a Child

There are many reasons why a child may reject a parent and resist spending time with them or refuse to. This rejection can be a natural consequence of experiences such as parental conflict before or after separation, family violence, personality factors, or poor parenting. However, when a child's rejection of a parent seems to be without justification, and it appears that the other parent has encouraged the child to turn against the rejected parent, the child may be referred to as "alienated." The topic of parental or child alienation has engendered much discussion and debate.

Understandings of how a child can come to reject a parent have advanced significantly from the mid-1980s when the term "parental alienation syndrome" was first introduced. Today, cases in which a child is resisting contact with a parent are generally recognized by experts as not reflecting a "syndrome." For example, the concept of parental alienation syndrome was rejected by the American Psychiatric Association in their update of the *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)*, which is recognized across North America as the basis upon which a diagnosis of a mental disorder is made. However, it is generally recognized that alienating behaviour can occur in families and in family law proceedings, and that this behaviour can harm a child by undermining a parent-child relationship.

Our understanding of the complex relationships between children and their parents has become more nuanced, and most experts agree that a child can resist contact with one parent for a wide variety of reasons. Therefore, in cases where a child is resisting contact with one parent, it is necessary to assess the conduct and attitudes of both parents, and to understand the views and experiences of the child.

1. Resistance to spending time with an abusive parent

It is important to recognize that in situations involving family violence, a child's resistance to spending time with a parent who has been abusive should not be seen as unusual. While there are cases in which children are influenced by one parent to reject the other parent without justification, when a child has experienced family violence, anxiety about or fear of contact with the abusive parent is to be expected.

Abusers may attempt to blame the other parent for the child's resistance to spending time with them and may make unfounded claims of alienation. Research shows that allegations of alienation are often made in family law cases in response to allegations of family violence. This can impact the family law matter in different ways. For example, allegations of alienation can:

- ▶ be used as a means to try to control and harass a former partner through the family justice process;
- ▶ shift the focus of professionals preparing parenting assessments and of judges away from family violence and related safety risks for children;
- ▶ limit consideration of a child's needs, their relationships with each parent, each parent's ability and willingness to care for the child, and other factors that are relevant to the child's best interests;
- ▶ lead to findings that a parent who does not support a child's relationship with an ex-partner due to safety concerns is deliberately trying to undermine the child's relationship with that parent; or
- ▶ result in a discounting of the views and preferences of a child, including fear or anxiety expressed by the child, based on erroneous assumptions.

In cases involving family violence, if a child is rejecting a parent and an allegation of alienation is made, it is important to undertake a careful assessment of the circumstances. Ideally, such an assessment would be undertaken by a professional who has expertise in family violence and the impacts of trauma on children, with an understanding of concerns about alienation.

2. More information about children resisting contact can be found in the following resources

- ▶ Jassamine Tabibi, Peter Jaffe & Linda Baker, "Misuse of Parental Alienation in Family Court Proceedings Involving Allegations of Intimate Partner Violence – Part 1: Understanding the Issue", *Learning Network Issue 33* (London, Ontario: Centre for Research & Education on Violence Against Women & Children, 2021): http://vawlearningnetwork.ca/our-work/issuebased_newsletters/issue-33/index.html.
- ▶ Jassamine Tabibi, Peter Jaffe & Linda Baker, "Misuse of Parental Alienation in Family Court Proceedings Involving Allegations of Intimate Partner Violence – Part 2: Impacts on Survivors and Children", *Learning Network Issue 34* (London, Ontario: Centre for Research & Education on Violence Against Women & Children, 2021): http://www.vawlearningnetwork.ca/our-work/issuebased_newsletters/issue-34/index.html.
- ▶ Linda C. Neilson, *Parental Alienation Empirical Analysis: Child Best Interests or Parental Rights?* (Fredericton: Muriel McQueen Fergusson Centre for Family Violence and Vancouver: FREDA Centre for Research on Violence Against Women and Children, 2018): <https://fredacentre.com/wp-content/uploads/Parental-Alienation-Linda-Neilson.pdf>.
- ▶ Haley Hrymak & Kim Hawkins, *Section 211 Toolkit* (Vancouver: RISE Women's Centre, 2021): <https://womenslegalcentre.ca/wp-content/uploads/2021/04/Rise-Womens-Legal-Centre-Section-211-Toolkit-1.pdf>.

- ▶ Simon Lapierre & Isabelle Coté, “Abused women and the threat of parental alienation: Shelter workers’ perspectives” (2016), *Children and Youth Services Review* 65: <https://www.sciencedirect.com/science/article/abs/pii/S0190740916300925>.
- ▶ Linda C. Neilson, *Responding to Domestic Violence in Family Law, Civil Protection & Child Protection Cases* (Ottawa: Canadian Legal Information Institute, CanLII, 2nd edition, 2020) at 10.12: <https://canlii.ca/t/ng>.
- ▶ Family Court Review, *Special Issue: Parent-Child Contact Problems: Concepts, Controversies and Conundrums* (2020), *Family Court Review* 58:2: <https://onlinelibrary.wiley.com/toc/17441617/2020/58/2>.
- ▶ Peter Jaffe et al., *Risk Factors for Children in Situations of Family Violence in the Context of Separation and Divorce* (2014): <https://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/rfcsfv-freevf/rfcsfv-freevf.pdf>.
- ▶ Report of the Federal-Provincial-Territorial (FPT) Ad Hoc Working Group on Family Violence, *Making the links in Family Violence Cases: Collaboration among the Family, Children Protection and Criminal Justice Systems* (2013): <https://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/mlfvc-elcvf/index.html>.