




COMMENT | JO DELAHUNTY

## Children must stay the focus when parental contact breaks down

Claims of parental alienation can obscure the truth and make it easy to lose focus on the child's wishes and best interests

Jo Delahunty KC | Thursday April 18 2024, 12.01am, The Times

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**U**tah has become the second state in America to legislate for consistency and judicial focus on children caught in a war of words between separating parents when contact breaks down.

State officials have taken a hard look at whether children have been best served by judicial orders requiring participation in reunification therapy when safety might be compromised by being forced to see an abusive parent. Since the concept of so-called parental alienation was imported from the US, and corrective legislation has been required to change unsafe practices, a question arises as to whether the UK should follow Utah's lead.

Claims of parental alienation frequently obscure rather than illuminate the complex reasons why a child might not see a parent. Polarising labels make it easy for professionals, and the court, to lose sight of the most important person in proceedings: the child.



The recommendations or assessments of experts can drown out the feelings or perspective of the child  
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When allegations of domestic abuse or coercive or controlling behaviour are met with claims of parental alienation, too often the focus shifts to the adults' accounts and not those of the child. Rather than remaining the subject of proceedings, the child becomes an object. The child's narrative, wishes and feelings can be sidelined and [overwritten by so-called experts](#), who trespass into disputed facts.

At conference organised this year by Nagalro, the association for children's guardians, family court advisers, and social workers, the audience was asked to think about why, in private law cases, therapy is introduced when facts in dispute have not been resolved; why evidence is contaminated by ill-advised and downright dangerous therapy from biased "experts". The child's voice is not seen and heard save through a filter that may have a tint.

Not all allegations of abuse and coercive behaviour are true, nor are all allegations that a parent has been unfairly excluded from their child's life. But we must not be swayed by labels.

The body of evidence about the existence and prevalence of abuse and coercive behaviour is uncontroversial. By contrast, there is emerging, well-respected research that parental alienation has been elevated by the application of pseudoscience to a "syndrome" in some instances.

[Parental alienation is contentious](#). It divides professionals as much as families — but when the professionals get it wrong, they walk away from the courtroom and the case. It is the children who live with the consequences.

Our family court system does not deal well with issues around trauma. We have a binary system of proof that has momentous consequences if we get the balance of evidence wrong.

Childcare professionals, including lawyers, aim to do the best for the families they become involved with — but good intent does not equate to good practice.

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