

Brainwashing the kids to spite the ex (National Post February 9, 2009)

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In what has been called a "stunning and unusual family law decision" released Jan. 16, a Toronto father was awarded sole custody of his three daughters, aged nine to 14. The "persistent and overwhelming" campaign by the mother over the course of more than a decade was recognized as emotional abuse by Ontario Superior Court Justice Faye McWatt, and the children have been sent to a California therapeutic recovery centre for treatment.

The couple, known as A. L. and K. D., have had a volatile relationship since they met 15 years ago. In spite of K. D. falsely alleging that A. L. sexually abused their first child, the couple had two more children between bouts of disaffection. K. D. -- herself dominated by a vindictive mother who had beaten her in childhood-- repeatedly called police after provoking physical confrontations with A. L., and frequently bad-mouthed him in front of the children.

According to the judgment against K. D., she is denied all contact with the girls, even by telephone or text messages. She has been ordered not to come closer to them than 300 metres. A. L. has been given the right to confiscate their computers and cellphones. This is necessary, Justice McWatt said, because the mother had so poisoned her children's feelings toward their father that they had lost their capacity for independent judgment in relating to him.

The father's lawyer, Harold Niman, said the decision is a wake-up call to vengeful parents. The message: They cannot punish their former spouses through their children with impunity. "Maybe if they realize the courts will actually step in and do something and there is a risk of not only losing custody, but having no contact with their children, they'll think twice about it," he said in an interview.

In fact, I don't share Mr. Niman's optimism that this represents a sea change in the fortunes of the legions of alienated partners desperately seeking redress for the baseless loss of their children's affection.

My files bulge with parental alienation stories in which this well-documented form of child abuse is ignored by judges. In this case, even just from media accounts, I note the following disturbing facts that suggest this judgment is an exception, rather than the harbinger of a rule:

-In the case of the eldest child, the mother's obsessive demonization of the father was flagged eight years ago by a Toronto mediator and clinical psychologist who testified the mother would alienate the children from their father: Where was "the court" eight years ago?

-The mother has been flouting the court-ordered visitation rights of the father since their separation, to the point of refusing his court-permitted thrice-weekly telephone calls (desperate for contact, he shouted good-night to the children through the doors): Where were the police who should have enforced access?

-The Office of the Children's Lawyer, which alone decides which children it will assess and/or represent, did not get involved until the process was so far advanced that the damage was already done: Why did it take them so long?

-Even the judge noted that the father's unrelenting determination to see this battle through was unique, and only possible to someone with an unusually high income (A. L. is a vascular surgeon): How are ordinary people without resources supposed to fight on their children's behalf?

Sadly, what this case tells me is that only Herculean efforts by a well-heeled non-custodial parent can break through the Kafkaesque family law system. But at least it shines some light on Parental Alienation Syndrome (PAS), a term describing the often-irreversible damage done to children brainwashed by an alienating parent into groundless hatred of the other parent.

An alienator can be a mother or a father. But, since high-conflict court battles are almost always resolved with the mother having sole custody -- mothers are better placed to indulge this pathology without binding intervention.

Indeed, in a long-term 2007 study published by developmental psychologist and PAS expert Amy Baker on adult survivors of PAS, the mother was the alienator in 36 of 40 cases. Baker's subjects reported that "their alienating parents behaved like cult leaders ... withdrawing love and affection when the child showed any positive feelings for the targeted parent."

PAS is as real a form of child abuse as any other, and one that witnesses should report. The obvious sign is routine flouting of rightful access to the non-custodial parent -- a clear sign of contempt for the other parent's role in the children's lives.

It is a moral scandal that such visitation rights are virtually never enforced, the violators never punished. Unless custodial parents who deny rightful access start going to jail, this exceptional victory will likely be remembered as a one-

off before a return to the default "snooze" mode we are accustomed to in Canadian family courts.
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