

Understanding and Avoiding Parental Alienation

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Going through a divorce is hard enough for most people, but parents with children often have it even harder. It may seem almost impossible to get through the divorce process without having a negative impact on the children. However, when one parent is purposely turning the children against the other parent and discouraging a relationship with the other parent, the children may be at risk for more than just confused feelings and being caught in the middle. In extreme cases, the behaviors of one parent may seek to drive away the other parent in an attempt to abolish the relationship between the children and the other parent.

Parental alienation encompasses extreme behaviors. In fact, a New York Appellate Court recently stated that in order for parental alienation to occur the alienating parent has to intentionally damage the reputation of the other parent in the eyes of the children and the alienated parent must demonstrate no “legitimate justification” for those actions. *J.F. v. D.F.*, 61 Misc.3d 1226(A), 2018 N.Y.Slip.Op. 51829(U). Parental alienation involves behaviors by parents that are intended to diminish the interest of the children in spending time with the other parent or refusing to have contact with the other parent.

It is important that parents not discuss the litigation process, cost of litigation, or other issues between mother and father in the presence of their children. Discussions with the children by one parent which attempt to convince the children that they do not have a good time with the other parent or that they do not enjoy spending time with the other parent can foster negative feelings toward that other parent. Engaging in a course of conduct designed to alienate the child from the other parent does not serve the best interest of the children. In situations where the children historically had a good relationship with both parents and are now demonstrating extreme hatred toward one parent, an examination of both parents may be necessary to determine whether the change in how the children are feeling is due to the actions of one of the parents.

The Illinois Marriage and Dissolution of Marriage Act requires that the Court consider all relevant factors in determining the best interests of the minor children in allocating parenting time. One of the many factors to be considered is the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child. 750 ILCS 5/602.7(b)(13). In a recent unpublished opinion, *In Re Marriage of Moore*, the Appellate Court upheld the decision of the lower court after it considered parental alienation and stated that a circuit court may suspend a parent’s visitation or eliminate a parent’s parenting time if the Court finds by a preponderance of the evidence that the parent engaged in conduct that seriously endangered the child’s mental, moral or physical health or that significantly impaired the child’s emotional development. 2018 IL App (3d) 170279-U.

Parents need to consider the best interests of the children. This can be a difficult road to navigate when one parent is engaging in parental alienation behaviors. Parents may need assistance in learning to deal with these behaviors and correct the situation before things rise to the level of parental alienation. This can be done by addressing the issue of parental alienation right away. Parents may not understand the unintended consequences that these behaviors may have on their children. Parents should keep track of the other parent’s actions that interfere with their

parenting time. Allocation Judgments and Parenting Plans should include provisions that limit the behaviors generally associated with parental alienation and provide guidelines for effective co-parenting, when necessary. It may also be necessary to employ the assistance of a third party such as a counselor, therapist, *guardian ad litem*, or law enforcement depending on the severity of the parental alienation behaviors. Parents need to be made aware of the impact that their conduct has on the children's relationship with the other parent.