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Outline of Presentation

Children's Participation in Justice Processes: Workshop 4a Discussing Possible Limits to Children's Participation

A. Dr. Kneier's frame of reference comes from his clinical work with children and families in the area of conflicted divorce.

* Insights into children's psychological reactions to parental conflict point to the need for caution and limits to children's participation in legal processes that involve their family attachments.

* Because children are designed by nature to attach to (love) people who are attached to each other, conflicted marital breakdown and divorce create profound upheaval and stress in children's attachment lives. Trying to love and be loyal to people who are in serious conflict is stressful, painful and confusing.

B. Children have three main reactions to the pain and stress of parental conflict:

Transfer reactions: The young child resists or reacts before transfer, or after returning to mother. Fathers seldom see these reactions.

Switching: The school-age child changes in many ways depending on which parent he/she is with.

Denial-of-Attachment (aka Parental Alienation): The adolescent child refuses contact with one parent, demonizes that parent, denies any attachment or caring for that parent, and aligns with the favored parent.

* These are all reactions, not choices. If we view them as choices we place the child's psychological development in jeopardy.

* These reactions are both caused by parental conflict and tend to increase that conflict.

* In all these reactions, things are not the way they appear, just as many medical symptoms indicate physical disorders that are not readily apparent.

* Children's reactions to conflicted divorce are serious challenges to the development of a healthy attachment life, let alone to the healthy experience of security and of a good life adjustment in many areas.

C. The denial-of-attachment reaction, also called the **parental alienation** reaction, that occurs in adolescent children is the most serious and harmful reaction to conflicted divorce.

It is a true psychological reaction, driven and maintained by strong defensive and unconscious processes, and caused by several factors. The three main factors are parental conflict, the attitudes of the favored parent, and the reactions of the rejected parent.

It is not a choice, though it looks like one and seems like one.

- * The nature of this reaction demonstrates clearly that it is driven by unconscious processes and is not a choice but a compelled reaction, the purpose of which is to cope with an intolerably stressful family atmosphere.
- * It occurs in the context of serious, ongoing parental conflict.
- * The child's mind accomplishes the Denial-of-attachment by:
 - * Pretending one parent is all bad;
 - * Pretending the parent doesn't care and never did;
 - * Denying any upset about this by pretending "I don't care and never did";
 - * Avoiding any evidence of caring, or any discussion of other possibilities;
 - * Producing amnesia about any good memories or experiences;
- * There is a lack of any anguish, guilt, regret, emotional pain.
- * It is important, to differentiate **realistic estrangement** from denial-of-attachment/parental alienation. This is not hard to do: these are very different reactions. The child shows distress and anguish, and some confusion because there are some good experiences and memories. The voice of the child, and some choice, are important in realistic estrangement.
- * Unfortunately, as in all things human, it is often not binary—one or the other. Often there are elements of both realistic estrangement and denial-of-attachment. However, the alienation reaction is in my view far more of a danger to the child's development. In conflicted divorce cases, denial-of-attachment is usually the primary factor in any event.

D. The dangers of choice and voice in alienation reactions: It is very dangerous to the psychological development of children to approach **denial of attachment/parental alienation** as a choice. This puts the child in the position of, in fact, betraying a fundamental bond, loyalty, and relationship through the process of denial and demonization, leaving lasting scars in the areas of love, loyalty, and commitment. Child advocates often do not realize the real nature of the child's reaction, because it looks like a choice and the child adamantly maintains it is a decision.

* Just as children need adults to manage wisely their medical problems that they do not understand, so also they need adult understanding and management of their psychological reactions that they do not understand.

* In the medical area, how much choice we give children, how much voice in their treatment, depends on the child's age, on the seriousness of the medical problems, and on the child's ability to understand and wisely manage the problem, the risks, and the long term consequences. For example, if the parents disagreed and went to court, we may give more voice in the treatment of acne than in the treatment of a blood cancer.

* **On the other hand**, as with all psychological symptoms and reactions, they only occur as a means of dealing with some intolerable pain and problem. We need to pay attention to these factors. The reaction, the symptom, **is** the child's voice. It says the current family atmosphere is not tolerable. The reaction is an attempt by the child's mind to eliminate the problem of trying to love and be loyal to two people who are at war with each other, and usually at war over the child. The reaction works: it eliminates one side. The child is often happier, less stressed, does better in school, seems OK. The cost is the loss of one parent at a crucial stage of development, as well as the cementing of denial as a principal adjustment tool. And there remains the underlying reality of betrayal. Ultimately, reality always trumps denial. (Excuse the pun!)

E. Solutions: moving forward: While the nature of the children's problems and reactions is clear to me, solutions are not. Divorce is the failure and end of a marriage. Children can be OK with this provided a sense and experience of family survive. Conflicted divorce is the continuation of the bad marriage, and a failure to move from a bad marriage to a good divorced family. Children react psychologically to this, as we have seen. We only have three processes to help families stuck in conflict, with their children showing the expected psychological reactions. These three processes are the legal system, the child welfare system, and various counseling processes, including mediation, parent coordination, and therapy.

There are problems and limitations in all these processes:

* All legal systems depend basically on two things: finding out what the truth is, and finding out who is at fault. Yet, in conflicted divorced families, the two processes that fuel all the problems are blaming and arguments-over-truth. It is blaming that makes parental conflict an emotional loyalty issue for children, and arguments-over-truth that make it a cognitive problem. Successful interventions depend on exiting these two processes.

* Child welfare systems are focused on protection and on respecting the reports and perspective of children. But with children's reactions to conflicted divorce things are not the way they appear. It is necessary to de-code the reactions, or else there is danger of making family conflict worse, to the detriment of the children we are trying to help.

* Counseling processes depend on the cooperation and buy-in of the participants. Often this is not available, and counseling processes have no authority, and if they do, this tends to conflict with therapeutic processes. In the end, the conflicted family needs both the restoration of authority and therapy: both judicial processes and treatment.

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