

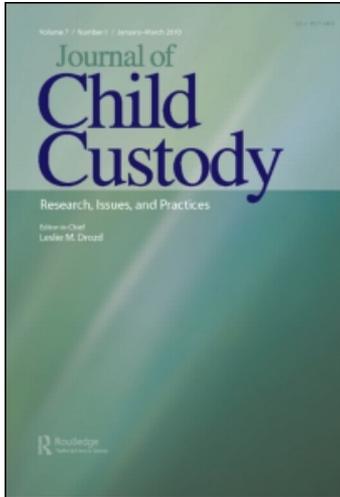
This article was downloaded by: [Leslie M. Drozd, Ph.D.]

On: 5 December 2010

Access details: Access Details: [subscription number 910268035]

Publisher Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



Journal of Child Custody

Publication details, including instructions for authors and subscription information:

<http://www.informaworld.com/smpp/title~content=t792306888>

Abuse and Alienation Are Each Real: A Response to a Critique by Joan Meier

Leslie M. Drozd^a; Nancy W. Olesen^b

^a Independent Practice, Newport Beach, California ^b Independent Practice, San Rafael, California

Online publication date: 25 November 2010

To cite this Article Drozd, Leslie M. and Olesen, Nancy W.(2010) 'Abuse and Alienation Are Each Real: A Response to a Critique by Joan Meier', Journal of Child Custody, 7: 4, 253 – 265

To link to this Article: DOI: 10.1080/15379418.2010.521118

URL: <http://dx.doi.org/10.1080/15379418.2010.521118>

PLEASE SCROLL DOWN FOR ARTICLE

Full terms and conditions of use: <http://www.informaworld.com/terms-and-conditions-of-access.pdf>

This article may be used for research, teaching and private study purposes. Any substantial or systematic reproduction, re-distribution, re-selling, loan or sub-licensing, systematic supply or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The accuracy of any instructions, formulae and drug doses should be independently verified with primary sources. The publisher shall not be liable for any loss, actions, claims, proceedings, demand or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

Abuse and Alienation Are Each Real: A Response to a Critique by Joan Meier

LESLIE M. DROZD

Independent Practice, Newport Beach, California

NANCY W. OLESEN

Independent Practice, San Rafael, California

This article is in response to an article in this same issue by Joan Meier, “Getting Real About Abuse and Alienation: A Critique of Drozd and Olesen’s 2004 Decision Tree.” The authors of the 2004 Decision Tree are the authors of this article. In this article, the authors describe some similarities and some differences that they have with the approach that Meier takes with child custody cases that have multiple allegations. The main differences between the approaches are the result of their different perspectives given the populations they see. In the end of her article, Meier describes seven steps for how to deal with what she sees as a primary problem with the Drozd and Olesen 2004 Decision Tree, that is, how to deal with allegations of alienation in a manner that those allegations do not eclipse the abuse allegations.

KEYWORDS *abuse, alienation, decision tree, multivariate approach*

In 2004, the authors of this paper, Drozd and Olesen, wrote an article published in the *Journal of Child Custody* titled, “Is it Abuse, Alienation and/or Estrangement? A Decision Tree.” In the current issue of *JCC*, Professor Joan Meier (2010) from George Washington University Law School wrote a critique of that article titled, “Getting Real About Abuse and Alienation: A Critique of Drozd and Olesen’s 2004 Decision Tree.” This article is a response to the Meier critique.

Address correspondence to Leslie M. Drozd, Newport Beach, California. E-mail: lesliedrozd@gmail.com

There are some points on which we agree with Meier and some on which we do not. The differences boil down to a matter of perspective. Meier is a law professor and an advocate for women who are victims of male perpetrated domestic violence. On the other hand, we are psychologists with a combined total of over 70 years in practice; we both work with families in treatment and are both seasoned child custody evaluators. Professor Meier is concerned with the legal process in which innocence and guilt are determined and where the determination of that is the end point of the investigation. We are concerned with the responsibility of forensic experts to provide valid and reliable information to the courts, and we are concerned with long-term child and family wellbeing after the court process is over. Meier's approach is more of an all-or-nothing one, and ours is a multivariate one.

This article will discuss some of the similarities and differences between the Meier approach and the Drozd and Olesen approach. We respect that Professor Meier wrote this in depth critique of the 2004 Decision Tree. Her challenges have helped to sharpen and clarify our thinking. It is clearly with this kind of intellectual discourse that those of us working in the field can learn to best serve the families that we investigate, evaluate, or treat.

With the 2004 Decision Tree, we set forth a conceptual framework (a multivariate approach) that lays out an array of variables to consider as to what may be resulting in a child's behavior not being age and stage appropriate and/or what may be contributing to his or her relationship with his or her parent. The Decision Tree is a way to determine the roots of why a child might reject a parent. It is our belief that there could be many reasons that children behave the way they do and that all of those ways should be considered, including allegations of abuse and allegations of alienation.

Meier points out that we start with the child and ask: "Are his or her behaviors age and stage appropriate, and is the child's relationship with both parents relatively equal and good?" She writes that our "failure to evaluate abuse first taints the entire process" (Meier, p. 222). We understand how this could be a perception of what we wrote given that it is true that our evaluations start with and end with the child. It is, however, the child's safety and best interests that are primary; we agree with Meier on that. It is not, though for us, a matter of all or nothing. Problems can exist in a family even when there is no abuse. The kind of evaluation we suggest is a forensically sound and child-centered one, which is abuse-sensitive, if done properly. Evaluations done with the Decision Tree in mind include a risk assessment at the very beginning with the child's safety considered at the beginning, middle, and end of the process.

As Meier points out, both of us were a part of the process with the National Council of Juvenile and Family Court Judges that led to their Bench Book on *Navigating Domestic Violence in Child Custody Cases* (Dalton, Drozd, & Wong, 2006). Clearly stated in that guide is that safety comes first. In the same year that the 2004 Decision Tree was published,

Drozd wrote an article with Kuehnle and Walker by that very name: "Safety First: Understanding the Impact of Domestic Violence in Child Custody Disputes." It is possible that the way the 2004 Decision Tree is laid out confuses the issue of what comes first. In fact, in the past several years, both of us have used a revised version of the Decision Tree in which some of the points that Meier has raised have been addressed. An article regarding our revised Decision Tree analysis is in press at this writing (Drozd & Olesen, in press).

It is what happens next, after the critically important risk assessment that is important to the goal of the Decision Tree. We turn from the initial safety or risk assessment to the consideration of multiple hypotheses as we attempt to find the roots of the problems that a given family might bring to us. The Decision Tree is a road map. It is a multivariate tool to assist the evaluator. Meier does not agree with the use of this multivariate tool. She wrote, "The multivariate tool is more of a tool for denial than truth" (Meier, p. 246). She opines that in considering multiple hypotheses, we are minimizing the effect of abuse. As will be clarified in this article, we respectfully disagree.

One of the reasons that we use this multivariate tool is that we have found that all domestic violence does not come in the same package (Kelly & Johnson, 2008). The main categories of domestic violence that are being written about and researched today are those involving coercive control (otherwise called real battering or intimate terrorism and involving intrusive and authoritarian acts), conflict instigated abuse (including some situation-specific violence), separation-instigated abuse, major mental disorder associated abuse, and substance abuse associated abuse. There is abuse that involves physical aggression; and/or there is abuse that involves psychological aggression and relationship control. The father or the mother may instigate abuse and/or some is mutual, defensive, or reactive. A retrospective analysis of abuse in some cases may reveal a previous history of violence, substance abuse, major mental disorder, developmental antecedents (e.g., early onset violence and/or conduct problems), and some violence has involved things that would be found in a threat assessment (e.g., the making of a threat, obsessive following or stalking, and/or use of weapons) (Austin, Drozd, & Flens, manuscript submitted for publication).

The research shows that in highly contested divorce cases, which are the population with whom we work, the highest percentage of abuse fits in the conflict-instigated or separation-associated categories and not in the more insidious category of coercive control (Kelly & Johnson, 2008; Austin, Drozd, & Flens, manuscript submitted for publication). Thus, one of the reasons that the multivariate approach works best is that it can help the evaluator and, hence, the court differentiate between the kinds of abuse, given that the harm to children and prognosis for healing differ per kind. The coercive control kind, which involves a pattern of power and control, oppression, fear

and isolation over time, would predictably be more likely to cause more harm and require more resources to treat.

It appears that the population that Professor Meier is talking about throughout her critique of our article is that which best fits in the coercive control, the “real” battering category with or without some components of major mental disorder and/or substance abuse. Whereas, we see these cases, we see others as well, most commonly the conflict-instigated and/or separation-induced kinds of violence. Although these families often need treatment, the treatment requires less time and resources.

In sum, it is possible that the major differences between the Meier and the Drozd and Olesen approaches may not only be one of perspective, but additionally that the populations they are working with may differ.

THE PROCESS: WHEN ALLEGATIONS OF ABUSE ARE RAISED

In some ways, the process that Meier takes is similar to the one that we take; and in some ways, the processes differ. Both start with an assessment of the safety of the children and agree that no matter what, safety comes first. We also agree with Meier when she writes that the child’s safety now and in the future is paramount and that what is in a child’s best interest is that he or she is safe. Additionally, we agree with Meier that the evaluator must consider abuse allegations carefully and thoroughly, and most assuredly abuse allegations should be given significant weight.

Whereas, we recommend an “abuse-sensitive evaluation,” Meier asserts that that is not enough. She opines that once abuse allegations are brought up, the rest of the evaluation should be looked at through an *abuse lens*. Whereas the abuse lens is critical and abuse allegations must be investigated and evaluated, we urge the evaluator to also carefully consider the abuse allegations first in addition to and not instead of the other allegations set forth by the parties. Additionally, whereas Meier considers the abuse hypothesis as paramount, we consider it to be important and primary and as possibly one of several causes of the problems in the family—certainly one to be given reasonable weight but not *the* only weight. In our work, we have found that sometimes when there are abuse allegations, there are other allegations as well. This neither means that we devalue the abuse allegations, nor does it mean that we elevate the importance of other variables. Simply put, we consider all variables.

It appears that the three of us agree that not only does the child’s safety come first, but also if there has been a finding of abuse by the court and if the child has been severely traumatized, treatment for the trauma comes first. If a parent has been traumatized by the abuse, the trauma to that parent also needs to stop and it needs to be treated sooner rather than later. Concurrently the abusive parent must receive treatment for and take ownership of and

responsibility for his or her abusive behavior. Ultimately the child, the child's safety, and the best interest of the child are primary. And, it is only when the child is ready that any kind of conjoint work should or can be done.

AFTER THE RISK ASSESSMENT

As previously described, Meier opines that the evaluation of other variables should stop when abuse is alleged. The Decision Tree is simply a series of hypotheses, which the evaluator should investigate and evaluate. In performing a risk assessment, evaluators can provide the court data to help in the determination of what might increase or decrease the risk of harm to a specific child. The evaluator can provide the court with both risk and resiliency factors for the child. Those things cannot be done if the evaluation stops after a finding of abuse.

Our cases seem to be becoming more and more complex; they are not as simple as abuse or no abuse. Sometimes, the information one parent shares with the evaluator is but the tip of the iceberg of an underlying pattern of either physically or emotionally abusive behavior. Sometimes one parent may be engaging in partner abuse, and the other may be abusing the child. Sometimes one or both are abusing substances (e.g., alcohol or drugs). Sometimes one parent or the other is a restrictive gatekeeper—as in not facilitating the child's relationship with the other parent. Sometimes that may be because that parent sees the other parent as a danger to the child; and sometimes in reality the parent is a danger and the child indeed needs to be protected. That might be called *protective parenting* (Drozd, Kuehne, & Austin, manuscript submitted for publication). Sometimes it is one parent's anger at the other that is behind the restrictive gate keeping. Sometimes abuse is alleged, but in reality there has been no abuse. Sometimes children identify with an aggressive parent, and sometimes they are scared of him or her. Sometimes things other than abusive behavior may be causing a child to reject a parent. If the evaluation stops when abuse is alleged, these aspects of the larger picture of the family may be missed. The Decision Tree approach calls for an analysis of these multiple variables to determine what is best for a child—not by the evaluator but by the court and for the child and his or her family.

Meier opines that finding other roots of the problems in the family will serve to dilute the importance of the abuse. She asserts that other alleged roots of family problems may very well disappear once the abuse is treated. Occasionally this happens, but this is not always our experience. We do not necessarily disagree about the importance of abuse; where we differ is in what appears to be the assumption that if there are abuse allegations, the evaluator should consider them as credible, reliable, and valid. In our view, the evaluator should not assume that all abuse allegations are credible,

reliable, and valid any more than he or she should consider the abuse allegations to be false, until proven otherwise. Instead, the approach we suggest is that one consider allegations as just that—allegations—until data has been collected, evaluated, and analyzed and a court makes a finding as to whether there is or is not abuse. We suggest that the evaluator remain neutral, approach the allegations as a scientist, collect and examine the data, form multiple hypotheses, and refuse to have contempt (for any data) prior to investigation.

It seems that if an evaluator takes Meier's approach and stops the evaluation once there are allegations of abuse, it is as if one is assuming abuse until proven otherwise; that would be putting the cart before the horse. If one stops an evaluation and concentrates only on the abuse aspects of the case when there have been only allegations and no findings of abuse by a court, the evaluation becomes subject to confirmatory bias and distortion.

WHAT DOES THE EVALUATOR DO IF THERE ARE ALLEGATIONS OF ALIENATION?

One of the largest areas of disagreement that we have with Meier has to do with allegations of alienation in child custody cases. It is her view that alienation should not be considered until abuse is ruled out—totally ruled out. This is because, as she sees it, alienation is usually not real; it is something that is only born out of and in reaction to abuse allegations, and it is rare. She believes that if it exists it is most likely that the alienating behavior is done as part of the power and control used by the abuser against the victim parent.

In the last decade or so, an alienated child has been described as “one who persistently expresses strong, negative feelings (such as anger, hatred, contempt, and fear) and beliefs about his or her parent that are unreasonable and significantly disproportionate to the child's actual experience with that rejected parent. The beliefs are typically irrational, distorted, or exaggerated. Many alienated children reject a parent and resist contact or refuse to have any contact with that parent. Their feelings, beliefs, and angry behaviors may range from mild to extreme. Alienation can arise from, follow, or occur during a high conflict separation or after divorce. Alienated children are most commonly between the ages of 8 and 18, may be of either gender, and may reject either parent. Alienated children are distinguished from children and adolescents who experienced child abuse or violence in the family toward the other parent or themselves, and have become emotionally estranged from that parent and/or traumatized and do not want continued contact” (J.B. Kelly, April 23, 2009).

Per this definition, alienation cannot be found in cases in which there was abuse. This is consistent with what we wrote in 2004. We realize the politics in the use of the term *alienation* in cases where there has been a

finding of abuse. That is why we proposed that in abuse cases, when there is an alienating kind of behavior, that it should be called sabotage, not alienation. The reality is, though, that despite our attempts and those of Kelly & Johnson (2008), Kelly & Johnston (2001), Lee & Olesen (2001), and other articles, from the study group that came up with the new conceptualization of alienation in 2001, the word *alienation* is still used in cases where there has been abuse. The foundation laid by Gardner (1987, 1992) has been difficult to overcome in part because he offered what seemed like a simple solution to what turned out to be, from our perspective, very complex cases. The reality is that Gardner was simply wrong. In the real world, children reject parents for many reasons, with alienating behavior on the parents' part being but one of many, and certainly abuse being another. The point is that Gardner's all-or-nothing thinking (alienation or abuse) is not what we see in the real world of child custody cases and the point is that these cases call for a multivariate approach, not one that involves all-or-nothing thinking.

In 2004, we wrote about protective parents; that is, those who are simply trying to protect their children from what they perceive as the abuse the children (and/or they) have endured. In these instances what may be labeled by others as alienation, we called *protective parenting*. We have in our practices seen instances where the parent who is trying to be protective does just that, in usually what amounts to an incredibly heroic manner. Other protective parents seem less aware of how their protective behavior bypasses protective and becomes problematic. In these cases, there is a conflation of concern for the child's safety and the parent's own reactions to their own experience of trauma, whether historical or current, and their fear of the aggressive or abusive parent gets in the way of their parenting. We have carefully stated and are stating again, we are not blaming the protective parents but, rather, we are pointing out how they might better accomplish their goal of protecting their child or children if they did not let their own fear govern their parenting. We acknowledge that this is a lot to ask of abused parents who truly fear for their children's safety; and we acknowledge that many protective mothers, somewhat unbelievably, are able to bifurcate their feelings about the abuser from their children's feelings. Another way of saying what we said in 2004 is that parents who have been abused or who have witnessed their children being abused function best when they receive the support they need and deserve. It remains true that the best thing that you can do to help a child heal who was exposed to, a witness of, or the primary victim of abuse is to help the protective parent heal (Chemtob, Carlson, & Perrone, 2000).

With all of the aforementioned discussion put into context, one of the most interesting points presented in a preliminary study by Johnston, Walters, and Olesen (2005a) was that it is the domestic violence perpetrator, at least as often if not more often than the victim, who engages in alienating behaviors. It is the abuser, with all of his or her power, who sets out to say and do things that may result in the child rejecting the victim parent. It is the

abuser who is as likely, if not more likely, to engage in restrictive gatekeeping. We agree with Meier that when it is the abuser who is engaging in alienating behavior, it is part and parcel of the dynamics of abuse, which include power and control, oppression, fear, and isolation; these being behaviors that are much more likely found in the abusive parent than the victim parent.

Meier also asserts that we are calling for an analysis of a family that is framed by alienation concerns, resulting in the marginalization of abuse/safety concerns. That is, in fact, not what we wrote, not what we believe, and not what we practice. Instead, we said, as Meier has, that safety comes first. As stated earlier, our approach is a multivariate one and is supported by the research that has been done to date on children who reject a parent. Those studies have found that there are multiple reasons in a given family that a child might reject a parent (Johnston, 2003; Johnston, & Goldman, 2010; Johnston, Lee, Olesen, & Walters, 2005; Johnston, Roseby, & Kuehnle, 2009; Johnston et al., 2005a; Johnston, Walters, & Olesen, 2005b).

Further, Meier criticizes the Decision Tree, which she says invites critiques of protective parents and blames the victim for the consequences of abuse and undermine child safety. And finally, Meier writes that The Decision Tree's lack of guidance on weight or priority to different factors invites a continued focus on alienation at the expense of abuse concerns. This is not true. In the 2004 article we assert, "If there is one hypothesis that should be tested first, it is the Abuse Hypothesis" (p. 73). We most certainly do not blame victims, though parents who are victims are responsible for their parenting and, like most parents—even superb ones—there is always room for improvement. We see this as more of an issue of a parent taking responsibility for his or her actions as opposed to blaming a parent for his or her actions.

In our 2004 article, we referenced Johnston's (2002) list of goals that should be considered for families in which there are findings of abuse. At the top of that list is protection of the children, and included in that list is holding the perpetrator of domestic violence accountable for their abusive behaviors. Stated clearly in that list of priorities is that one needs to begin with the goal of achieving all five priorities; yet, we acknowledge that if that is not possible, the first ones are more critical to achieve than the last ones. Interestingly, these priorities have survived the test of time and have been morphed into Johnston's 5 P's (Jaffe, Johnston, Crooks, & Bala, 2008).

1. Protect children directly from violent, abusive, and neglectful environments;
2. Provide for the safety and support the well-being of parents who are victims of abuse (with the assumption that they will then be better able to protect their child);
3. Respect and empower victim parents to make their own decisions and direct their own lives (thereby recognizing the state's limitations in the role of *loco parentis*);

4. Hold perpetrators accountable for their past and future actions (i.e., in the context of family proceedings, have them acknowledge the problem and take measures to correct abusive behavior); and
5. Allow and promote the least restrictive plan for parent–child access *that benefits the child*, along with parents' reciprocal rights (pages 142–144).

We believe that a careful read of the 2004 Decision Tree article shows that we do not focus on alienation except as one of a myriad of types of problematic parenting. In that article, we sought to provide information to naïve evaluators who might miss abuse while overly focusing on alienation. It is not our experience, in the evaluations that we have done or in the cases we have reviewed, that allegations of alienation dominate the picture. Certainly there have been and continue to be cases of false allegations of alienation—where the false allegation of alienation is a counter to an allegation of abuse. It is also true, though, that there are false allegations of abuse. Unfortunately, the research data on the prevalence of false allegations is old (Tjaden & Thoennes, 2000), nonexistent, or unreliable. This is precisely why we take the multivariate approach set forth in the 2004 Decision Tree. All factors—not any one single factor—should be investigated and evaluated with the Abuse Hypothesis holding a significant amount of weight precisely because of the harm that can come to children exposed to abuse, or who are a witness of and/or the primary victim of abuse themselves.

MEIER'S PROPOSED ALTERNATIVE APPROACH: PUTTING THE TEMPEST BACK INTO THE TEAPOT

Professor Meier thoughtfully proposes a seven-step approach to solving what she identifies as the problem with our 2004 Decision Tree. As she sees it, the tempest is the allegations of alienation that she believes mostly exist in the real world as a defense against allegations of abuse. The problem she seeks to solve is the court system's focus on alleged alienation, which she asserts is distorted and misplaced (Meier, p. 241).

We support some of Meier's approach, and we at least take partial exception to some of the other parts of it. Steps One, Two, and Seven are things that we said in 2004, albeit perhaps not as clearly as Meier does here. We take some exception with the others steps (Three, Four, Five, and Seven).

Whereas in theory Step Three ("Once abuse is found, alienation claims by the accused abuser are not considered") (Meier, 2010, pp. —this issue) sounds good, in practice, it is a bit more complicated. From our perspective, Meier's Step Four ("Where abuse allegations are not confirmed, the allegations themselves may not be treated as evidence of alienation") (Meier,

p. 243) could be a bit problematic. Take the case where abuse that, in fact, never occurred is alleged, and the court accurately finds no abuse. A series of rhetorical questions come to mind: Would that not be something that might be considered to be a conscious effort on one parent's part to sabotage the other parent's relationship with the child or children? Should not that parent be held accountable? And if that parent's efforts are indeed successful, resulting in the child or children's rejection of the falsely accused parent, might that not by definition be alienation?

The reality is that at this time we do not have research that shows if alienation allegations are more or less prevalent, credible, reliable, and/or valid in cases where the abuse has been conflict-instigated versus ones dominated by coercive control. We should know that before we implement the policy that Meier suggests of banning the use of allegations of abuse as evidence of alienation. In our view, Step One is useful and Step Four may not be.

One of the steps about which we have some questions is Step Five ("Alienation claims are independently evaluated only under limited conditions and only if i) all possible 'natural' reasons for the child's extreme hostility to the other parent (such as affinity, development, or the disfavored parent's own conduct) have been ruled out, and (ii) there is identifiable intentional alienating behavior by the 'aligned' parent") (Meier, p. 243). This step logically follows Step One in which abuse is assessed first, though we still question the following: Is it not true that alienating behavior is in and of itself not monolithic? Is it not true that alienating behavior can be intentional or unintentional, overt or covert, and/or mild or severe and is it not true that all of these can be harmful to a given child? And is it not true that Step Five, Part ii, would rule out all but intentional alienating behaviors leaving many kinds of behaviors harmful to children uninvestigated?

We raise at least one question about Step Seven ("Remedies for confirmed alienation are limited to healing the child's relationship with the alienated parent") (Meier, 2010, p. 245). In practice, neither of us is in favor of a 180-degree change in custody except in absolutely extreme situations—after every other intervention and remedy has been tried. In the rare instance when abuse has been ruled out, as have the other variables listed previously, and when the "in" parent continues to consistently alienate the child from the other parent, maybe, just maybe, a change of custody is called for. In the 70 or so years we have worked in the field, we can think of only three cases out of thousands where such an extreme measure was clinically indicated. These cases met the standard for removing a child from a parent under dependency court standards, based on mental or emotional illness in the parent. In two additional cases where the alienation allegations were found to be false, the falsely accused mother was awarded sole legal and physical custody. In sum, whereas we agree with Professor Meier in spirit, we are not able to say *never*.

Meier's seven-steps have some merit; although, in our view, they are not a panacea. If anything, Meier's critique has nudged us to prioritize our Decision Tree in a somewhat different way to clarify what could be misunderstood and change areas that we think were not as effective as we intended.

A COMPETENT ASSESSMENT IS THE BASIS FOR SUCCESSFUL TREATMENT

There is no doubt that a competent assessment is the basis for successful treatment and that which comes first in any assessment is a risk assessment. The question about whether the child or children are safe is critical. Without that, children are not best served. We all agree on these points. What we differ on is what to do next. Again, we think that this circles back to the difference between Meier's and our approach is one of perspective. Meier comes from the perspective of being an attorney and a law professor, and our perspective is as an evaluator with the responsibility of presenting all of the possible variables and data to the court. When representing a victim of domestic violence, for Meier the choice is a binary one. Either the court finds abuse or it does not. There is, or there is not, abuse.

In the families we work with, though, the problems presented are multivariate in nature. Multivariate problems call for multivariate solutions. Treatment is complex in the families that we see. The many variables considered and found as roots to the child's rejection of a parent should be dealt with to help the family heal. If abuse is one of those variables, safety considerations are critical throughout the evaluation, abuse should be assessed and treated first—before other variables are investigated and/or evaluated. We emphasize, though, that it is not the evaluator, but rather the court that determines whether there has been abuse or not. We, as evaluators, most assuredly must provide the court with the data upon which it can make a finding of abuse or not. We are simply suggesting that the Decision Tree is a tool that an evaluator can use to organize his or her thinking so that a full and complete picture of the family is presented to the court.

In some families the hypotheses set forth by the Decision Tree may lead us to data about abuse, and when there is no abuse, sometimes we find that a child's behavior falls within the normal limits of his or her stage of development; still other times, the data show us that some sort of parenting problems have led to the child's rejection of a parent—with but one of those problems possibly being alienation. Research shows that abuse is more common in disputed child custody cases than is alienation; any way you look at it, both are real. Simply ask the families plagued by one and/or the other.

REFERENCES

- Austin, W., Drozd, L., & Flens, J. (submitted for publication). Intimate partner violence and forensic child custody evaluation I: Theoretical framework, forensic model, and assessment issues. Manuscript submitted for publication.
- Chemtob, C. N., Carlson, J. G., & Perrone, P. A. (2000). *Domestic violence in Hawaii: Impact on mothers and their children*. Pacific Behavioral Health Services Corporation, Department of Psychology, University of Hawaii, & Crime Prevention and Justice Assistance Division, Department of the Attorney General, State of Hawaii.
- Dalton, C., Drozd, L., & Wong, F. (2004, rev. 2006). *Navigating custody and visitation evaluations in cases with domestic violence: A judge's guide*. Reno, NV: National Council of Juvenile & Family Court Judges & State Justice Institute.
- Drozd, L., Kuehnle, K., & Walker, L. E. A. (2004). Safety First: Understanding the impact of domestic violence in child custody disputes. *Journal of Child Custody*, 1(2), 75–103.
- Drozd, L., & Olesen, N. W. (2004). Is it abuse, alienation or estrangement? A decision tree. *Journal of Child Custody*, 1(3), 65–106.
- Drozd, L., & Olesen, N. (submitted for publication). *Why do children reject a parent: A revised Decision Tree*. Manuscript submitted for publication.
- Drozd, L., Kuehnle, K., & Austin, W. (submitted for publication). Protective parenting in child custody cases. Manuscript submitted for publication.
- Gardner, R. A. (1987). *Parental Alienation Syndrome and the differentiation between fabricated and genuine child sex abuse allegations*. Creskill, NJ: Creative Therapeutics.
- Gardner, R. A. (1992). *The Parental Alienation Syndrome*. Creskill, NJ: Creative Therapeutics.
- Jaffe, P. G., Johnston, J. R., Crookes, C. V., & Bala, N. (2008). Custody disputes involving allegations of domestic violence: Toward a differentiated approach to parenting plans. *Family Court Review*, 46(3), 500–522.
- Johnston, J., Personal communication, June 5, 2002.
- Johnston, J. R. (2003). Parental alignments and rejection: An empirical study of alienation in children of divorce. *Journal of American Academy of Psychiatry and the Law*, 31, 158–170.
- Johnston, J. R., & Goldman, J. R. (2010). Outcomes of family counseling interventions with children who resist visitation: An addendum to Friedlander and Walters (2010). *Family Court Review*, 48(1), 112–115.
- Johnston, J. R., Lee, S. M., Olesen, N. W., & Walters, M. G. (2005). Allegations and substantiations of abuse in custody disputing families. *Family Court Review*, 43, 283–294.
- Johnston, J. R., Roseby, V., & Kuehnle, K. (2009). Parental alignments and alienation: Differential assessment and therapeutic interventions. In J. R. Johnston, V. Roseby, & K. Kuehnle (Eds.), *In the name of the child: A developmental approach to understanding and helping children of conflicted and violent divorce* (2nd ed.) (pp. 361–389). New York: Springer.
- Johnston, J. R., Walters, M. G., & Olesen, N. W. (2005a). Is it alienating parenting, role reversal, or child abuse? A study of children's rejection of a parent in custody disputes. *Journal of Emotional Abuse*, 5, 191–218.

- Johnston, J. R., Walters, M. G., & Olesen, N. W. (2005b). The psychological functioning of alienated children in custody disputes: An exploratory study. *American Journal of Forensic Psychology, 39*(3), 39–64.
- Kelly, J. B., Personal communication with L. Drozd, April 23, 2009.
- Kelly, J. B., & Johnson, M. (2008). Differentiation among types of intimate partner violence: Research update and implications for interventions. *Family Court Review, 46*(3), 476–499.
- Kelly, J. B., & Johnston, J. (2001). The alienated child: A reformulation of Parental Alienation Syndrome. *Family Court Review, 39*(3), 249–266.
- Lee, M., & Olesen, N. (2005). Assessing for alienation in child custody and access evaluation. *Family Court Review, 39*(3), 282–298.
- Meier, J. (2010). Getting real about abuse and alienation: A critique of Drozd and Olesen's Decision Tree. *Journal of Child Custody, 7*(4).
- Tjaden, P., & Thoennes, N. (2000). *Full report of the prevalence, incidence, and consequences of violence against women*. Washington, D.C.: US DOJ/NCJ 183781.