

# How About A Parent Alienation Court?

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April 25, 2021 | by Stephen Haller, Jennie Osborne

April 25 is parental alienation awareness day in the United States and elsewhere. It is one day out of 365 on which public attention is drawn to this very important topic. Children being alienated from a parent and the targeted parent suffer every hour of every day of every year. Pre-Covid, at least there was a reasonably accessible place to remedy this occurrence:

## The Courthouse

While far from a perfect remedy, with the proper assembly of facts, law, and expert input, it was possible that something could be done. During the pandemic, the mal-intentioned parent has had a great advantage over the targeted spouse:

- The courts slowed to a crawl.
- Some attorneys' offices were closed.
- The difficulty of accessing the halls of justice was great.

But, hasn't Zoom conquered all that? No, sadly, it has not. While a "Hollywood Squares" representation looks interesting, there is a lot lost when a judge cannot look personally and directly into a person's face to help assess his or her demeanor, body language, and reactions to ascertain sincerity and truthfulness. The fact that some targeted parents have lost jobs and income makes it even more difficult to access the legal system while simultaneously either paying support or seeking a modification. Now, in the (hopefully) waning days of the pandemic, and it is high time for something to be done to stop that.

## Be alert for the signs of nascent alienation.

- If your child suddenly doesn't want to speak to you, or won't come to the phone or get on a video call, be suspicious.

- If a formerly loving and warm child now asks questions about financial matters – and never did before – be wary.
- If parenting time gets canceled because a child doesn't “want” to see you, it's a bad sign.
- If allegations of physical or sexual abuse arise, this is a serious red flag.

The problem of course is by the time the objective proof of alienation is available, the emotional cancer may have metastasized to the point of incurability. New Jersey has taken some very hesitant steps toward rectifying this injustice. Black v. Black, 436 N.J. Super. 130 (Ch. Div. 2013) albeit a trial court opinion, gave voice to the concept that there is a limit to society's patience with misbehaving adults and “children” who simultaneously spit on the hand that feeds them while demanding money from that same person. Black does not go far enough in actually penalizing aberrant conduct; at some point halfway measures must give way to common sense even if the recalcitrant alienated child and parent will suffer financially. Unfortunately, there are no statutes that specifically address “parental alienation”. In New Jersey we have “Drug courts” where the specialized knowledge and expertise to handle those matters is concentrated. Parent alienation is no less a scourge than drug addiction, yet our family court judges are expected to handle cases involving this issue along with the thousands of other cases already on the docket. They are expected to hear motions, orders to show cause, try domestic violence cases, try matrimonial dissolution and custody cases, write opinions after trials (and extensive findings of fact and conclusions of law on motions as well), and still find time to agonize over how best to ensure that children of divorce continue to have two parents in the face of vigorous alienation by one against the other.

## **Why could there not also be a dedicated “Parent Alienation” court?**

Judges could be specially trained and sensitized to these issues in a way that general judicial education cannot match. The resources necessary to combat alienation could be concentrated in each vicinage. One judge would really handle the case from start to finish instead of handing off a sensitive matter three or four times before its conclusion. Perhaps this is not a perfect solution, but every family practitioner knows that what we are doing now is simply not working. If you are experiencing the agony of being alienated from your children, call us to discuss your options.