

PARENTAL INTERFERENCE AND PARENTAL ALIENATION

By Veronica Escobar, Esq.

As the Neil Sedaka song says, “Breaking up is hard to do.” And it is even more difficult when people have children together, because even if the romantic or marital relationship comes to an end, their role as parents will last for a lifetime. Here is where parents can make a choice: put their children’s needs ahead of their own and assume the co-parent role or be selfish and set up his or her children for heartbreak and failure.

Interpersonal relationships are never black and white because *human beings are complex*. People oftentimes make their lives more complicated than it needs to be, especially when they hold on to hurt, anger, resentment, misunderstandings and unpleasant memories against an ex romantic partner or spouse. And sometimes, we go out of our way to hurt one another – and that is never the answer.

Children are the product of two people – their parents, with whom they share DNA, physical characteristics as well as personality traits. Children must learn to love themselves. If, a parent goes out of his or her way to hurt the child’s other parent, to exclude the parent from the child’s life, or worse, turn that child against the other parent to the point that the child excludes him or her from their life, then that parent is destroying the child.

There are two concepts that family law practitioners confront in some of their cases and they are *parental interference* and *parental alienation*. The public tends to conflate the two, however they are distinct from one another – but parental interference if gone unchecked by the non-custodial parent, not brought to the court’s attention, and without therapeutic intervention, can overtime lead to parental alienation. At that point, unfortunately, it may be too late to repair the child-parent relationship.

Parental Interference

Broadly speaking, parental interference is when one parent, typically the custodial parent (either de facto or pursuant to a court order), takes steps to interfere in the relationship between the child and non-custodial parent. The types of behaviors can range from (and this is not an exhaustive list):

- 1) preventing parental access to the child(ren);
- 2) not making the child(ren) available for parenting time;
- 3) “forgetting” about scheduled parenting time;
- 4) scheduling activities for the child(ren) during the other parent’s time;
- 5) scheduling vacations with the child without informing the other parent and that interfere with his parenting time
- 6) not making the child available for telephonic contact;
- 7) interrupting telephonic contact by terminating the phone call or distracting the child while he or she is on the phone;
- 8) not informing or consulting with the non-custodial parent on medical or educational issues;
- 9) not notifying the other parent regarding emergencies involving the child(ren); and
- 10) making disparaging comments about the other parent to the child or in the child’s presence and allowing the child to be present when others make disparaging comments.

How can one remedy parental interference? By bringing court action, either a ***petition for visitation*** (if there is no formal court order in existence) or if there is an existing court order outline parenting time, a Petition for a Violation of an Order of Visitation. If the parental interference is ongoing, while the matter is in litigation, the attorney for the offended parent may bring a Petition for Violation of an Order on behalf of the client. If the client is self-represented (*pro se*), he or she may file the same Violation Petition.

The parent accused of parental interference may either admit the violation(s) or if he or she denies it, then the petition is set down for a hearing. If the court determines there is a violation of the parenting time order, they can modify the order by allowing the non-custodial parent more parenting time (thus reducing the custodial parent's time) or providing "make up" parenting time. The remedies depend on the particular circumstances and allegations.

Now, if the parental interference is pervasive and serious, it may compel the non-custodial parent to file for a ***modification of the current custody order***. A tell-tale sign is when these behaviors begin to affect the child personally, emotionally, academically and in their relationship with the other parent. Elsewhere in this book, the standard to modify custody was discussed; depending on the allegations and circumstances, instances of parental interference may lead to a transfer of custody because a custodial parent's inability to respect the other parent can and does raise serious concerns about their fitness as a custodial parent.

Parental Alienation Syndrome

Parental alienation, sometimes referred to as "Parental Alienation Syndrome," often starts out with elements of parental interference, but over time becomes much more insidious; it is the process wherein the custodial parent grooms the child to "turn" against the other parent and thus alienating the child from that parent. The process takes time, but the results are devastating to the non-custodial parent and the child's long-term psychological, physical and emotional well-being. Oftentimes, it may take years to reverse the damage – if the relationship can ever be repaired.

This Chapter cannot begin to give parental alienation the in depth treatment it requires but will address some of the "red flags" that can assist in identifying it, hopefully, early on. The hallmark of parental alienation is the ***child's refusal to see or speak to the other parent***. Oftentimes, there is no reason given other than "I do not want to."

When a jurist is confronted with this, they will often (hopefully) go against the child's wishes and impose parenting time and frequently in a therapeutic setting. The court will also admonish the custodial parent to encourage parenting time and to promote a relationship between the child and the non-custodial parent. It is hoped that the therapeutic intervention can repair the rift.

Another "red flag" is where the child seems to be emulating the custodial parent's "voice" in that it is apparent the child has been heavily influenced or coached by the parent as to what to say and feel. Eventually the custodial parent's "voice" becomes the child's and he or she adopts the viewpoint and feelings of the custodial parent without being able to explain why they feel the way they do. The child is aligned with the custodial parent, going as far as to mock the non-custodial parent – among other negative behaviors.

In serious cases where alienation is suspected, not only is therapeutic intervention ordered but a forensic evaluation will likely be conducted in order to obtain a clearer picture of the family, a diagnosis, if possible, as well as observations and recommendations – and the

latter may include transferring custody from the alienating parent to the alienated parent. The transfer of custody is not without pitfalls, mainly that it could worsen the alienated parent's relationship with the child(ren) and bring some emotional trauma, but it is almost always the most appropriate remedy – otherwise the parent-child relationship is certain to be destroyed and the child(ren's) future relationships with others (like peers, romantic interests, extended family, and employers and employees) at risk of serious impairment.

Yes, human beings are imperfect and sometimes irrational. Most parents are flawed and make mistakes but often, with time and reflection, they can make amends and move forward as co-parents leaving the past behind. In the unfortunate scenarios where selfishness and anger override compassion for the children and the other parent, it is imperative to be vigilant and to take decisive action.



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