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'We have lost our humanity': Incomplete citizens, dangerous experts, and '(residential) reunification interventions' that entrap, punish and harm the so-called 'alienated' child within England and Wales family court system

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ABSTRACT

The 'good' post-separation child is an 'incomplete citizen' targeted by family court associated interventions to guide their decisions. This article revisits this hypothesis through a High Court case law analysis of three private and public proceedings involving six court-determined 'alienated' children. Court instructed experts and Judges sought to redirect the children into normative values. The so-called 'alienation' expert has become a dangerous family court element. Their control over 'alienation' assessments and children's social liberties and rights, through so-called 'reunification treatments', and often without external oversight or regulation, caused harm to all six children. The article shows how the 'Alienation and (Residential) Reunification' industry has become a legal disciplinary and punishing system to 'deal with', 'coerce' or 'break' so-called 'alienated' children to re-engage with even court determined violent fathers. When these 'interventions' failed, the court went as far as to interfere with criminal investigations and justice to maintain the so-called 'treatment' plan. The children found themselves legally entrapped where their voices were withheld from influencing the proceedings (despite deemed Gillick competent). The rebellious 'alienated child's' wishes and feelings were perceived as a threat to the patriarchal family order. The child was therefore punished and regulated back into normative social family boundaries.

KEYWORDS

Children; domestic violence and abuse; family law; experts; legal entrapment; reunification interventions; parental alienation

Introduction: Positioning the 'good' post-separation child and incomplete citizen in a contemporary family court discourse involving Gardnerorwellian so-called 'parental alienation'

Family law literature has extensively elaborated on the normative 'good' 'mother' and 'father' in the context of domestic violence and abuse (Rhoades 2002, Kaganas and Day Sclater 2004, Harrison 2008). Meanwhile, the post-separation 'child' is primarily framed as a 'victim' either of the court proceedings or of domestic abuse, and more recently as 'a victim in their own right' (Piper 1996, Callaghan *et al.* 2015, Coy *et al.* 2015). An important

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contribution to the literature surrounding the ‘good’ post-separation family relates to that of the ‘good family court child’ but ‘incomplete citizen’ (Kaganas and Diduck 2004, Kaganas and Day Sclater 2004, Kaganas 2010). The ‘good’ post-separation child within family law proceedings is perceived as someone whose independence and autonomy must be respected. At the same time, the family court system feels a need to ensure that the ‘good’ child makes ‘appropriate’ choices and expresses normatively ‘correct’ wishes and feelings. To achieve this, the child is targeted by family court associated educational, informative, and/or ‘therapeutic’ interventions aimed at ‘nudging’ them in the right direction. Ultimately, the traditional and vulnerable post-separation child is an ambivalent and contradictory role. The child is pulled between being framed as ‘a passive victim’ to their parents’ poor decision-making through the court battle and being framed as ‘a modern active and individual agent’ who is socially expected to voice concerns and engage with the court (Reece 2003, Kaganas and Diduck 2004, Kaganas 2011).

In this way, the ambivalent post-separation child faces a combination of clashing discourses. These include the discourse of the child as a passive ‘dependent’ and ‘incompetent’ victim whose welfare must be prioritised above their autonomous ‘rights’ as they still lack the ability to make independent and wise choices over their lives, versus that of a child as an independent social actor who actively constructs and determines their own life. These discursive values extend from the idea of the child being shaped into a rational and independent ‘subject’ from an innocent blank slate (or from an evil and manipulative core – an image extending from Christian values of the newborn child as receptive to dark forces before the baptism). This idea aligns with that of developmental psychology, which tends to guide child welfare professionals including the Children and Family Court Advisory and Support Service or Cafcass (Smart *et al.* 2001, Kaganas and Diduck 2004).

The overall aim of policy relating to the family court over the past thirty years has been to direct the ‘good’ post-separation child through the process of ‘making contact work’ (UK GOV 2002, Kaganas and Diduck 2004, Kaganas 2011). This can be observed in the late 1980s proposal of having family court welfare officers working with and supervising contact of children who are ‘resisting’ parental involvement (Law Commission 1988, Kaganas 2000, 2013, 2018, Kaganas and Diduck 2004). The effect of family policy has been to reinforce contact between the ‘good’ post-separation child and an abusive parent (most often a violent father). However, a new toxic idea surrounding the ‘alienated’ (rather than ‘resistant’) or ‘parental alienation (syndrome)’ suffering child (Wood 1993, Kelly and Johnston 2001, Meier 2009) has, over the past decade, spread like wildfire across the family courts in England and Wales (Barnett 2020, Birchall and Choudhry 2022).

This article argues that it is time to re-visit the ‘good’ post-separation child and ‘incomplete citizen’ (e.g. Kaganas and Diduck 2004) through the lens of ‘parental alienation’ (PA). I argue that with the creation of the so-called ‘alienated’ child, the rebellious and resistant child has gone from an incompetent actor in need of guidance, to being framed as ‘unwell’ and in urgent need of psychological PA interventions overseen by sometimes dangerous court experts. Historically, the family court child was rather on the receiving end of more subtle guidance to ensure that they made the right choices and expressed ‘appropriate’ (normative and patriarchal) feelings towards parental involvement (Kaganas 2013, 2018, Ayeb-Karlsson 2024). I argue that this has now transitioned

into the child increasingly being disciplined, punished, and psychologically coerced into a ‘family’ life with a so-called ‘alienated’ parent (most often an abusive father). The post-separation child has become even more of an incomplete citizen as they are increasingly stripped of their autonomy. This occurs through the use of court experts (e.g. King and Kaganas 1998, Kaganas 2002, Ireland 2012, Doughty *et al.* 2020), through changing residence against their will, and by interrupting or controlling their relations with the parent deemed to be an ‘alienator’ (often a protective mother). This in many ways bears resemblance to what has been described in the literature as legal entrapment, control, and punishment (Douglas 2018, Clemente *et al.* 2019, Stark and Hester 2019, Sweet 2019, Ayeb-Karlsson 2020, Spearman *et al.* 2022, Gutowski and Goodman 2023). The family court system of legal entrapment through the ‘alienation’ label invalidates the desires and wishes of the so-called ‘alienated’ child even after they are determined as Gillick competent.

In this article, I analyse whether the so-called ‘alienated’ child is framed as an ‘incomplete citizen’ by reviewing selected England and Wales High Court case law. I also seek to elucidate the role of the so-called PA expert, as well as the impact of diverse court ordered ‘alienation’ interventions, treatments and therapies in England and Wales as perceived by the children. Finally, I evaluate the ultimate legal punishment following so-called failed ‘reunification’ interventions to explore whether the ‘alienated’ child is allowed to step into an active litigation space to directly make choices about where to live and how to relate to their parents.

Who is the ‘parental alienation’ expert? Expert involvement directing the so-called ‘alienated’ child into normative ‘good’ behaviour: *Re C (Parental Alienation: Instruction of Expert)* [2023] EWHC 345

Family court ‘experts’ in England and Wales are instructed to provide assessments under Part 25 of the Family Procedure Rules 2010. In private law children proceedings, the type of Part 25 experts most commonly appointed are psychologists and independent social workers. In recent years, a major issue has emerged in England and Wales around expert ‘(un)regulation’. This refers to whether the expert is registered with the Health and Care Professions Council (HCPC). The HCPC regulates nine protected practitioner titles including ‘clinical psychologist’, ‘practitioner psychologist’ and ‘forensic psychologist’ but the title, ‘psychologist’, is not a protected title (Gledhill 2023, British Psychological Society and the Family Justice Council 2023).¹ This has meant that many PA ‘experts’ have been able to lawfully call themselves ‘psychologists’ or use associated titles such as ‘child psychologist’, ‘assessment psychologist’, ‘family psychologist’ or ‘attachment psychologist’ without being regulated by the HCPC. The ability to use unprotected titles has enabled unregulated ‘experts’ to appear better placed to be instructed by the family court than regulated psychologists by, for example, calling themselves ‘child psychologists’ who ‘specialise’ in assessing children. This may sound preferable to a parent concerned about whether the instructed expert will be able to fully understand and appropriately assess their child.

There have been increasing demands on the UK Government and the Family Court to limit the risks posed to the public by allowing unregulated ‘psychologists’ to guide the family courts, and for leaving the ‘psychologists’ title unprotected for anyone to use. In

response, joint interim guidance was issued by the British Psychological Society and the Family Justice Council which discouraged the appointment of unregulated experts but did not prohibit this and clarified that: ‘Only HCPC Registered psychologists have the relevant clinical experience and training to conduct psychological assessments of people and make clinical diagnoses and recommendations for treatment or interventions’ (British Psychological Society and the Family Justice Council 2023, Para. 5.2).

The issue of unregulated experts was addressed by the President of the Family Division in the case of *Re C (Parental Alienation: Instruction of Expert)* [2023] EWHC 345. The Mother had seen her two children (B aged 12 years and D aged nine years at the time) removed by the family court to live with their father in the name of PA despite domestic abuse having been determined as a factor in the case: ‘In 2014/15 proceedings a District Judge found that there had been coercive and controlling behaviour on the part of the Father’ (*F v M & Ors* [2022] EWFC 89 [12]), making clear that ‘there was a considerable degree of emotional abuse in the relationship, and as a result, the Mother felt anxious, emotional, and vulnerable’ (*F v M* [2021] EWFC B101 [13]).

It is unclear why the court allowed the application of and reference to the Cafcass (n. d.) ‘Alienating Behaviours’ Tool after findings of domestic abuse had been made (see Figure 1).² Cafcass themselves make clear that the tool should not be applied in domestic abuse cases as this ‘justifies’ the child’s ‘appropriate rejection’:

The first Guardian had concluded in her analysis that there had been alienation. The Guardian who was appointed following the first Guardian falling ill and the case having to be postponed carried out her own independent enquiries. She carried out her own analysis using the Cafcass Parental Alienation Toolkit. When the case came before the court/ ... /she, too, was cross-examined/.../in relation to the Parental Alienation Toolkit. She gave her own evidence on her own analysis and she was able to talk through the approach that she had taken (*F v M & Ors* [2022] EWFC 89 [14]-[16]).³

It is also unclear why this clear error did not carry weight in the Mother’s appeal (during which the unregulated PA ‘expert’ interestingly was re-anonymised after the court previously had determined that they could be named in the associated media reporting).⁴

The Cafcass Alienating Behaviours Tool which according to Cafcass has been prepared to help Cafcass workers identify signs of so-called ‘alienating behaviours’ and makes clear that PA ought to be separated from ‘appropriate justified rejection’ e.g. domestic abuse.

According to the unregulated PA ‘expert’, the two children should be removed from the Mother and contact stopped to treat the so-called ‘alienating behaviour’. Judge Davies agreed to the child removal but disagreed with the recommendation of entirely stopping contact. Instead, the Mother was allowed weekly video contact which transitioned into overnight contact. Judge Davies made clear that the final order was against the children’s expressed wishes:

Both children say they want to live with their mother/.../B does not want to see the Father. B says he is a drunken and violent man who beats B./.../Even though I must listen to what the children say, in this case I find I cannot place any weight on their statements./.../Moving both children to live with their father will be a huge change for them and they will initially be distressed. They will find it difficult to understand why they had to move from the care of their mother who they both consider to be an excellent caring mother and parent (*F v M* [2021] EWFC B101 [116]-[117], [121], emphasis added).⁵

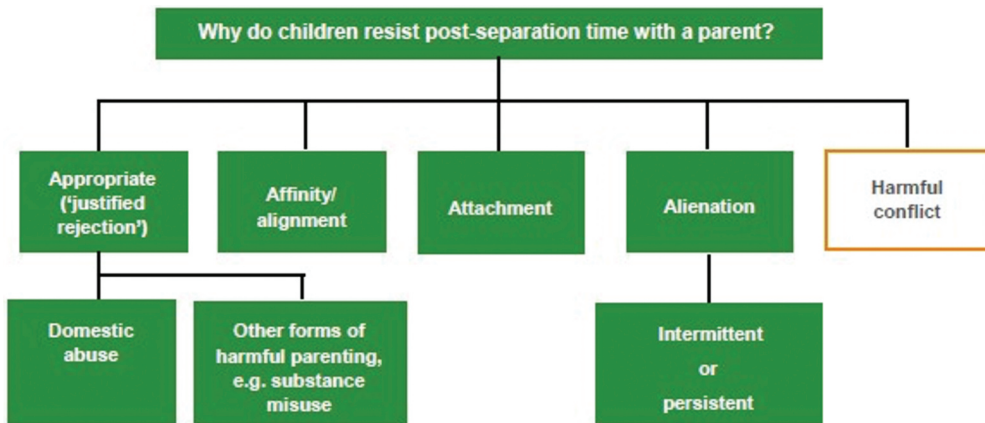


Figure 1. Diagram illustrating Cafcass ‘Alienating Behaviours Framework.’

This represents a clear example of how the ‘alienated child’ becomes an incomplete citizen whose voice is ignored. Even when expressing their wishes and feelings loudly, in a case involving domestic abuse findings, the ‘alienation’ label effectively served to silence them. The Judge also made an order for a continuous treatment plan with a therapist recommended by the unregulated ‘expert’:

The work W is doing with the children should continue. I cannot make either the Mother or the Father continue with therapy, although clearly they would both benefit from further work as they both have/ ... /further steps to go on their journeys in trying to repair the situation for their children’ (*F v M* [2021] EWFC B101 [142]).

This recommendation contradicted the children’s feelings of whether the therapy was helping: ‘the Father lies and has not owned up to what he has done. B said B was angry that the Father said that the Mother was not B’s mother. *B said that the therapy is making things worse, not better*’ (*F v M* [2021] EWFC B101 [107]-[109], emphasis added).

The Mother, supported by the Association of Clinical Psychologists (ACP) UK, appealed the order as she felt that she was misled into believing that the unregulated expert was qualified, regulated, and held sufficient expertise to advise the family court on the case. The expert had erroneously been put forward as ‘Dr’ by the Guardian and further confusion was caused by the expert referring to herself as a ‘practising psychologist’ during the instruction and in her CV.⁶ The Mother felt the unregulated expert ‘should never have been instructed as they were unqualified to give expert evidence’ (*Re C* (*‘Parental Alienation’; Instruction of Expert*) [2023] EWHC 345 [2]). The unregulated expert had stayed involved in the children’s ‘reunification treatment’ after proposing an overseeing therapist.⁷

In the appeal, the President of the Family Division was encouraged to give guidance on the potential exclusion of unregulated experts to act as Part 25 experts to protect the public from harm. Sir Andrew McFarlane concluded that ‘parental alienation’ is not a ‘disorder’ or ‘psychological symptom’ that can be ‘diagnosed’ or ‘treated’; rather, the court’s focus should be on behaviours within the family, which is a question of fact for the court, not diagnosis by the expert:

It is not the purpose of this judgment to go further into the topic of alienation. *Most Family Judges have, for some time, regarded the label of ‘parental alienation’, and the suggestion that there may be a diagnosable syndrome of that name, as being unhelpful.* What is important, as with domestic abuse, is the particular behaviour that is found to have taken place within the individual family before the court, and the impact that that behaviour may have had on the relationship of a child with either or both of his/her parents. *In this regard, the identification of ‘alienating behaviour’ should be the court’s focus, rather than any quest to determine whether the label ‘parental alienation’ can be applied* (*Re C* (‘parental alienation’; *Instruction of Expert*) [2023] EWHC 345 [103], emphasis added).

The President encouraged increased transparency during the Part 25 instruction, including the expert’s CV clearly highlighting whether or not they are HCPC registered. However, he deemed that it is ultimately not the court’s task but up to Parliament to establish who can and cannot be instructed as a Part 25 expert: ‘It is not, however, for this court to prohibit the instruction of any unregulated psychologist. The current rules and guidance are clear and contain an element of flexibility’ [98]. The Mother was ordered to pay the costs of the father’s legal representation for bringing the appeal of approximately £250,000.

This section has focussed on unregulated expert instruction, but empirical research has raised concerns related to the harms caused by unregulated *and* regulated experts to domestic abuse surviving mothers (Grey 2023, Dalgarno *et al.* 2024). The analysis of *Re C* has shown the role of the unregulated PA ‘expert’ to direct the child into ‘good’ parental relations including with a court established abusive parent. The so-called ‘alienated’ children experienced forced child removal from their mother to the abusive father and were ordered to attend ‘reunification’ therapy against their will in the name of ‘parental alienation’. The following section will analyse so-called ‘reunification’ treatments more deeply to better understand whether England and Wales have institutionalised programmes similar to the ‘reunification’ camps.

Do ‘reunification’ camps exist in England and Wales? Treatment programmes that shape, correct, and discipline the so-called ‘alienated’ child into normative family relations: *Warwickshire County Council v X and Z* [2022] EWHC 2146

The use of so-called ‘reunification’ camps in the US and Canada is a contentious issue. The literature for example raises concerns about how legal and health professionals are misunderstanding questionable and weak ‘treatment’ designs, whose implementation lack efficiency. Studies also suggest that these programmes effectively harm and re-traumatise children rather than support them (Avalle *et al.* 2022, Chester 2022, Mercer 2022, Shaw and Geffner 2022). In England and Wales, we are yet to see the formation of ‘reunification’ camps from the more common ‘therapy’ programmes. That said, there were steps in this direction in the case that will now be analysed - *Warwickshire County Council v X and Z* [2022] EWHC 2146; *Warwickshire County Council v The Mother & Ors* [2023] EWHC 399. This case (although to my knowledge an anomaly) must serve as a cautionary tale that helps us avoid slipping into more institutionalised intervention trends of so-called ‘reunification’ as observed in North America.

The case concerned two girls, X (11 years old) and Z (13 years old). Z had been found Gillick competent while X was represented by a Guardian. The parents separated in 2016 and private law proceedings began three years later. The case transitioned into public law proceedings in 2022 as the girls were subject to an interim care order under Warwickshire County Council due to ‘the risk of psychological harm’. The court made findings of PA against the Mother and ‘the Judge ordered a 90 day “Reunification Plan”, by which the children were to move to live with [the] Father, together with the Independent Social Worker (“ISW”) Ms Barry-Relf, who would stay in the Father’s property’ (*Warwickshire County Council v & The Mother & Ors* [2023] EWHC 399 [6], emphasis added).

The children had disclosed sexual and physical abuse as well as coercive and controlling behaviours by the Father:

*A referral was made by the GP/ ... /raising concerns that X had disclosed that the Father hit her, and she was scared to see him./ ... /the Mother had mentioned inappropriate games played during shower time, with the Father watching X’, and Z shared concerns with Children’s Services in relation to the contact with the Father. This included allegations of CCTV and Alexas in her bedroom watching her. Z also alleged that the Father had elbowed her/ ... /Z’s school contacted Children’s Services with concerns about Z’s diminishing mental health/ ... /Children’s Services had a discussion with Children and Adolescent Mental Health Service (‘CAMHS’) as a result of Z disclosing suicidal thoughts./ ... /CAMHS advised that Z had called them from the Father’s bedroom saying that if she was unable to go home, she would hang herself’ (*Warwickshire County Council v X and Z* [2022] EWHC 2146 [12], [19]-[21], emphasis added).*

These reports show how the girls themselves actively sought help and protection from the alleged abuse and clearly voiced their wishes and feelings about where they wanted to live. Their voices were effectively silenced through the Father’s counter-allegation of PA. The Father associated his ‘alienation’ claims with contact having broken down, but this could well have been the girls’ response to the alleged abuse. He ultimately pushed for the care order – a seemingly revengeful and punishing act within the context of the coercive control alleged by the children. In other words, his endeavour to initiate public law proceedings should in itself have been investigated as an attempt to regain power and control.

The unregulated expert, an independent social worker, suggested that the children be placed into a ‘treatment programme’ referred to as a ‘Therapeutic Residential Reunification Plan’ (hereafter TRRP) overseen by her:

[T]he ISW completed a Therapeutic Reunification Plan. The report stated: ‘/ ... / [Z] and [X] are suffering from severe parental alienation which has had a significant impact on their emotional development’. The report recommended that X and Z were moved into the care of the Father for 90 days without contact with the Mother in order to repair their relationship with the Father as part of a Residential Reunification Programme. The court agreed to the plan after ‘a 4 day fact finding hearing/ ... /before HHJ Watson/ ... /she [the Judge] made no findings against the Father but did make findings in relation to parental alienation against the Mother./ ... /a Child Arrangement Order (‘CAO’) was made which ordered the implementation of the 90 day Therapeutic Residential Reunification Plan ([32], [35], emphasis added).

The ‘treatment’ was to begin five days after the judgment was handed down.⁸ This so-called ‘residential programme’ serves as the closest resemblance to the North American ‘reunification camps’⁹ in England and Wales and resulted in complete failure:

X and Z were placed with the Father. The ISW also moved into the Father’s property as part of the assessment process for the Residential Reunification Plan. The ISW reported that the first 2 days of the assessment were challenging as X and Z were very vocal about their dislike of the Father and the ISW and were very destructive, including smashing the television and smashing bowls/ ... / [five days later] X and Z smashed a first floor window at the Father’s house and escaped, the Father phoned 999 and reported X and Z missing. They were found by roadworkers at approximately 3.40am, the police were called and X and Z were made subject to a Police Protection Order. Z was also taken to hospital for an x-ray due to an injury she had sustained jumping from the first floor window although it was established that the injury was not serious. The Father agreed for X and Z to be accommodated in foster care by the LA ([37]-[38], emphasis added).

The failure of the plan led to its suspension and to the interruption of the unregulated expert involvement, but the girls continued to be punished and forced into other ‘reunification therapy’ programmes. Besides this, the girls were coerced into contact with the Father against their will leading Z to refuse sibling contact as it was merged with seeing her father rather than treated separately. The judgment describes the serious wellbeing implications, self-harm and suicidal ideation of Z likely stemming from the decision to separate the sisters not only from their mother, but also from each other:

X and Z were transferred to a different social worker/ ... / [and] separated and placed in separate foster placements/ ... / X was returned to the care of the Father. Z remained in foster care but was moved to the foster carer where X was previously placed. Z stated to the social worker that she would not attend sibling contact with X if the Father was present/ ... / Z shared that she was self-harming and had suicidal ideation/ ... / [another] ISW/ ... / started work with Z to explore Life Story and Parental Alienation/ ... / Z refused to participate [in sibling contact] as the Father was present/ ... / it was decided that the Father should not be present for the first hour in order to allow sibling contact; Z refused to stay for the second hour when the Father was present/ ... / Z’s foster carer reported that Z had self-harmed after contact by cutting her legs/ ... / [the Hospital] referred Z for a CAMHS assessment due to the ongoing self-harm and suicidal ideation. Z was admitted/ ... / until the assessment/ ... / [and] stated to her foster carer that she would hang herself if she was returned to the Father’s care (Warwickshire County Council v X and Z [2022] EWHC 2146 [39]-[43], emphasis added).

These tactics and punishments to force the sisters into submission aligned with the Father’s desires and control. From a conceptual point of view, we can see that the involvement of and relationship with the patriarchal family figure was treated as a sacred bond which should not be broken or resisted. The family court system in this case went to brutal lengths in trying to force the girls into living with and/or spending time with the Father, and yet, the court generally makes clear that it is beyond their authority to (rein)force an absent father to see or stay involved in their child’s life. Furthermore, the court system in this case enabled the interruption and breakdown in contact and the relationship between the siblings and obstructed the involvement and relational connection between the girls and their mother.

Interestingly, the Mother had remarried, and the children expressed having a trusting and loving relationship with their mother’s wife, their new stepmother (B), as well as with

their step siblings. As contact was entirely cut with their mother, including indirect interactions and status updates,¹⁰ B and her children acted as an important safety network for the girls. Z (despite being Gillick competent)¹¹ and X were severely isolated and limited in their liberty to engage in social relations. They were restricted from seeing their mother, each other (without the father's presence), and friends, not allowed mobile phones, or to use social media.¹²

Neither child was having any contact with their mother, with it being proposed by the LA that they have monthly written contact, *the ISW having recommended no contact whatsoever*. The girls were allowed weekly supervised contact with each other for two hours per week. *Z was not allowed a mobile phone* because of the concern that she would use it to contact her mother. She was *not allowed to spend time after school with her friends* because of the concern that she might use friends' phones to contact her mother. The result of this was that she was isolated both from her sister, with whom she had necessarily lived since X was born, and from her friends/ ... /and] isolated in a broader sense because mobile phones and the internet are the way that most children of at least 12 and older communicate with their peers ([48], emphasis added).

These legally binding restrictions all represent grave violations of their rights as children (and human beings) while clearly showcasing the family court's discursive reconstruction of their status as 'incomplete citizens'.¹³

The Mother sought the court's permission to initiate contact which was first denied and led to a long line of traumatic incidents including one where X hugged her mum through the school fence and others where Z ran away from the foster carer to the Mother's home:

There was an incident when the Mother hugged X through the school fence and X became very upset. [Following this] *Z ran away from school and was located by the police at the Mother's address/ ... /*[who] promptly contacted the police when Z arrived/ ... /The following day *Z again ran away*, this time to the library from where she telephoned B's parents, and she was returned to the foster placement/ ... /the Mother [thereafter] attended Z's school play after the LA gave her permission to do so. *After the play Z jumped off the stage and ran to the Mother and other family members who were not permitted to attend*. Z was apparently abusive to the foster carer in the car on the way home and *upon returning, ran away again*. The police found Z/ ... /and returned her to the foster carer ([56]-[59], emphasis added).

The court finally determined that the so-called TRRP had failed and '*may well have been doomed to failure from the outset*'. Z was to return home to her mother immediately as 'keeping Z in foster care against her strongly expressed wishes/ ... /[posed a] risk of serious harm to her'. 'The Court must be careful not to get into a battle of wills with the child and not/ ... /position [itself as]/ ... /punishing the child for 'bad behaviour'. This did not mean that the Court disagreed with the so-called 'alienated assessment', but that 'in terms of Z being "alienated" from the Father, that has already happened' (*Warwickshire County Council v X and Z* [2022] EWHC 2146 [97]-[98], [101], emphasis added).

Meanwhile, X was ordered to remain in the Father's care although she expressed a consistent wish to return home to her mother and sister. X only saw her mother and sister under supervision for two hours a week. Four months after Z had moved back home, X ran away from school to her mother. The police were called, but X refused to return with the Father. As the Father strongly opposed X staying with her mother, it was

decided that she could stay with B's parents (her new maternal step grandparents) for the weekend. X went to school the following Monday and then refused to see or return to her father's home after school. The social worker supporting X limited the Father's attempts to convince her to come back to 30 minutes. X had consistently made clear for almost two hours that she did not want to see or return with him.

The new expert who stepped in to conduct a family psychological assessment¹⁴ after the earlier ISW failure, strongly criticised the Mother for not intervening and 'making' the children see the Father, as well as for not telling X to go back to the Father's house. The court instructed expert stated that the Mother had 'repeated the pattern of endorsing X's anxieties' rather than '*persuading her*' to return to the Father's house. In her so-called expert opinion, X was best placed in the Father's care (*Warwickshire County Council v & The Mother & Ors* [2023] EWHC 399 [32]-[34], [37], emphasis added).¹⁵

Despite the unfortunate circumstances, the Judge's final approach must be commended. The final order can never erase the harm caused to Z and X, but in many ways the girls were allowed to voice their opinions as the case came to an end. For example, Mrs Justice Lieven met with Z and showed awareness for how 'X must have felt that her voice was being ignored, and her compliant behaviour not rewarded'. She also expressed that X is a 'child who has been put in a horrible situation by adults who should have known better'. Even though Mrs Justice Lieven agreed with HHJ Watson's PA findings, she made clear that: '*I do not think that the label of parental alienation is at all helpful, indeed in this case it has been thoroughly unhelpful, by embedding conflict* and a sense that one parent is right and justified, and the other parent wrong and has acted inappropriately' (*Warwickshire County Council v & The Mother & Ors* [2023] EWHC 399 [67], [77], [80], emphasis added).¹⁶

Finally, she made no order for Z so that she could remain living with her mother and found that X met the threshold for a care order to stay with the Hs (B's parents) who were to support contact with the Father. The contact details and gradual increase were left in the hands of the Local Authority. Despite these attempts to somewhat adhere to the children's wishes and feelings, neither party was happy with the living and contact outcome, nor were the girls. Only one of them was allowed to return to their mother's home which must have felt incredibly unfair for them both. X was also court ordered into contact with her father against her will. In this way, they very much remain incomplete citizens facing legal entrapment and punishment.

Ultimately, the Father was court determined to be a so-called 'alienated' parent. That said, the order made clear that he himself also was to blame for pushing his daughters away by reinforcing such a brutal and harmful 'treatment' plan. Besides this, the Judge showed some compassion and understanding for the Mother's despair after the child removal. Despite having determined the Mother to be a so-called 'alienator', Mrs Justice Lieven somewhat surprisingly concluded that:

Some of the criticism of the Mother's conduct was not merely unfair it bordered on the inhumane./ ... /[she] was denied any contact with her children/ ... /[when told] that X was at the school fence very much wanting to see her mother she went and gave X a hug. She was criticised in cross examination for acting inappropriately by breaking 'the rules'. I consider that the Mother acted as any loving parent in her situation would have done.

*Somewhere in the history of this case we have lost our humanity (Warwickshire County Council v The Mother & Ors [2023] EWHC 399 [72], emphasis added).*¹⁷

This section investigated a case involving a reunification ‘residence’ plan that bears similarities to the North American ‘reunification camps’. Even though we are yet to see private and/or public ‘reunification camps’ in England and Wales, this case serves as an important cautionary tale for why their potential establishment (or development from the existing so-called reunification programmes) must be avoided at all costs in the future. We saw how these court determined ‘alienated’ girls, despite voicing a strong wish to return to their mother’s home and avoid seeing their father, were disciplined back into a patriarchal and conservative family constellation. The ‘alienation treating experts’, supported by the Local Authority and public care orders, were brought in to correct their ‘resistant’ behaviours. In the final case, we will take one step further into the legal punishment of the rebellious ‘alienated’ child through the family court’s interference with criminal justice.

What happens in the case of ‘reunification’ intervention failure? The ‘rebellious alienated’ child’s transformation into ‘incomplete citizen absolute’: *Re B [and A] (Children: Police Investigation) [2022] EWCA Civ 982*

The ‘alienated’ child is clearly disciplined into patriarchal normative family relations through ‘reunification treatments’. This was the case for Z and X, but their Judge to an extent disagreed with the approach and showed some compassion for their wishes and feelings. However, the legal punishment of the ‘alienated’ and ‘resisting’ child extends further in the *Re A and B* case where the Judge took a more reinforcing and punitive approach to the ‘reunification plan’.¹⁸

When these High Court proceedings began, following applications tracing back to 2014, A was already a 14 year-old-girl, and B an 11 year-old-boy.¹⁹ The proceedings continued until A was 17 years old and B 14 years old. Throughout the earlier proceedings, ‘the Mother made and then maintained very serious allegations of domestic abuse towards her and abuse of the children against the Father’ (*Re A and B (Parental Alienation: No.3)* [2021] EWHC 2602 [32], emphasis added).

The involvement of the jointly instructed expert began in 2019, immediately recommending a 15 months long ‘programme of work to rectify the parental alienation and to seek to ensure that the children had a relationship with their father’ (*Re A and B (Parental Alienation: No.1)* [2020] EWHC 3366 [9], emphasis added). Interestingly, the children were originally presented as ‘emotionally immature’ and ‘unmanageable’ which served as reasons for why their wishes and feelings should be ignored. A was described as ‘an extremely vulnerable girl although she presents as if an adult, she is 13 years old. Emotionally, I think she is functioning at a much younger level/ ... /She is socially able but not emotionally able to manage./ ... /she says things that lack credibility to prove her point’ ([15], emphasis added).²⁰ It was concluded that it did not matter if the child was ‘unmanageable’ or ‘overly compliant’ as either was problematic; ‘Child B is pretty much unmanageable and looking after him is like walking on eggshells. Child A is overcompensating by being too good and too compliant’ ([36], emphasis added).²¹

Keehan J. decided to move the children into the residence of the Father and cut contact with the Mother entirely for a month. If she accepted the judgment, contact may proceed into ‘a telephone call between the children and the Mother supervised by Ms Woodall in the days after my judgment for the Mother to reassure the children that she is well/ ... /if Ms Woodall considers it appropriate, a telephone call between the children and the Mother over the Christmas period, supervised by Ms Woodall’ with the potential to scale up to ‘supervised contact, preferably supervised by Ms Woodall’, but only ‘assuming all has gone well’, potentially followed by staying contact and holidays ([55], emphasis added).

The Judge also concluded that ‘either party and/or Mrs Woodall will have liberty to apply for urgent directions made by email to my clerk. Any further applications in respect of these children, whether issued or to be issued, will be reserved to me’ ([57], emphasis added).²² This in many ways put the contact and ‘reunification’ progression in the hands of one unregulated ‘treating’ expert and all evaluation of ‘improvement’ reserved to one Judge.

The court ordered ‘programme of work’ including a ‘potential roadmap of when contact could restart in ideal circumstances and again, subject to positive progress, how the contact could increase over a period of time’ was placed in the control of a handful of professionals. ‘The children did not take the news well’ but ran away from the Father’s home the day after receiving the outcome and ‘it became necessary, unfortunately, to obtain the assistance of the Metropolitan Police to secure the return of the children to their father’. About a week later, they ran away again (*Re A and B (Parental Alienation: No.2)* [2021] EWHC 2601 [3]-[6]).²³ ‘In light of the events/ ... /the roadmap’ was ‘suspended’ and another hearing scheduled in which the Mother raised complaints about the unregulated expert overseeing the ‘treatment’ and she asked for the children to ‘be granted party status to be represented by a Guardian’. The Judge strongly opposed the application saying it ‘would be wholly inimical to their welfare’ as it ‘would draw them into the litigation/ ... /It would move their focus away from working therapeutically with Ms Woodall and settling in the care of their father’ ([14], [16]-[18], emphasis added).²⁴

Similar arguments were made to explain why their expressed wishes and feelings must not be acknowledged as actual or ‘true’ opinions; ‘the children would probably say they want to see their mother, or they would want to resume the fifty/fifty shared care/ ... /because of the harm and damage that they have suffered, these views do not reflect the true wishes and feelings of the children’. The judgment clarified that even considering the children’s opinions would interfere with the ‘reunification work’, ‘the expert opinion of Ms Woodall [is] that were the children to be asked what their wishes and feelings are, at this time in the midst of the delicate therapeutic work/ ... /it would be harmful and detrimental to their welfare best interests’ ([17], emphasis added).

Ultimately, contact with their mother was considered so ‘harmful’ that she was heavily criticised for having moved to the same neighbourhood that the Father was planning to move to. She was encouraged to ‘move away from her property’ as her presence ‘restricted their liberty and freedom to leave the family home because, of course, there is the ever-present risk that the children will bump into their mother’. The Judge concluded that ‘unless she comes to a point where she can recognise the harm/ ... /[and] positively engage with Ms Woodall/ ... /the prospects for the future of contact do not look good’ ([22]-[23], emphasis added).²⁵

Almost six months later, not much had changed as the children only had been granted a few supervised contact sessions described by the expert as ‘painful to observe’ as ‘the children are hypersensitive to the Mother’s feelings’ and ‘walking on eggshells’. The Judge accepted that ‘the road map set out by Ms Woodall is *immensely restrictive*’ but that he had ‘*no confidence that it will in fact prove appropriate in the future for the Mother to have wider and longer contact with the children*’. To turn the situation around, the option of having a ‘*third party to mediate*’ ... /how contact was progressing’ was put forward by the Mother. The Judge agreed that ‘there should be such a person and *I agree that it should be Ms Woodall*’ (*Re A and B (Parental Alienation: No.4)* [2021] EWHC 2603 [12]-[13], [17]-[20], emphasis added).²⁶

Almost a year later, the case took a turn as the Metropolitan Police through the Commissioner of Police for the Metropolis won an appeal against the Judge’s order to prohibit them and social services from interviewing the children about abuse allegations made against the Father (and thereby hindering their investigation of potential crimes). A had sent an email to the school stating:

My brother and I are victims, and we need help. Currently our father, has custody of us/ ... /we’ve been locked up, searched, hit, pushed, choked. Every time we/ ... /leave, to get to a safe place, our father finds out and locks us up again and things get worse/ ... /We live in a state of constant terror. A constant paranoia that this day will be worse than the last./ ... /it goes unnoticed and we are told ‘he is learning to be a better parent’. He hurts us physically and breaks us mentally. We have spoken to the police, repeatedly/ ... /to social services./ ... /run away time and time again and no one believes us./ ... /the people and organisations that have failed time and time again to help us and get us out of this unsafe and horrible place./ ... /we are terrified, constantly subjected to further, worse hurt to scare us into pretending everything is fine/ ... /If we tell anyone, ask for help, he will immediately find out/ ... /I am terrified of what that will lead to. Now you know./ ... /if anything happens to us there are people that know/ ... /If anything terrible happens to us and you don’t do anything, the blood is on your hands (*Re B (Children: Police Investigation)* [2022] EWCA civ 982 [1], [3], emphasis added).²⁷

Besides this testimony, an application for an ex parte order that the children reside ‘other than with their father until the application is properly and fully considered’ was made. The solicitor made clear that the children had provided her with ‘clear and compelling instructions of their father’s particularised physical and emotional abuse’. ‘They feel constantly controlled, bullied and punished by their father who/ ... /hurts them/ ... /they wish for their voices to be heard’ (*Re B (Children: Police Investigation)* [2022] EWCA civ 982 [6], [12], emphasis added). The Judge ordering the prevention of the ABE interview felt strongly that he *already* had deemed the abuse allegations unfounded and that the interviewing police officers ‘are not psychologically trained’. The Court of Appeal determined that ‘*the police will interview many children, some younger than B and some emotionally damaged by their experiences, relating to “historical” incidents recently disclosed*’ and granted the appeal.

The final fact-finding order was handed down an entire year after the successful appeal. By then, the children had retracted their abuse reports, the Mother had disengaged entirely from the court proceedings, and stopped her attempts to restart contact.²⁸ Almost ironically, and despite the unregulated expert making clear that she had *not professionally ‘brainwashed’ the children*, it was, for the first time, when it got to the point that ‘*each child clearly says that they do not feel that contact with their mother is either practical or manageable* in the current

circumstances' (*Re A and B (Parental Alienation: No.5)* [2023] EWHC 1864 [61], emphasis added) that the children's so-called wishes and feelings were adhered to by the court.

The final order stated that 'each child has expressed a clear wish to be able to live without such subterfuge and the fear and anxiety it creates, and for their mother to understand that they do love their father and they are settled and well in his care. My view, in the light of this, is that *an order prohibiting any direct or indirect contact between the Mother and the children is now necessary*' ([61], emphasis added). Interestingly, the children's resistance and refusal to see their mother, and thereby what could have been construed as 'alienation' from a parent they loved, did not cause the same concern and urgency as their previous 'estrangement' from the Father.

The Judge found that 'the Father has proved each of the findings of fact sought against the Mother' including that '*Child B hit Child A in order to leave a bruise; and that Child A hit herself with a shampoo bottle in order to bruise*'. Therefore, he felt that '*the Mother is restricted from communications with the children's schools, health services and other areas in which parental responsibility is necessary. This restriction, in my view, must continue*'. '[I]t is imperative in their [the children's] welfare best interests that *she [the Mother] plays no future role of any description in their lives*' ([61], [92], [98], emphasis added).²⁹ Finally, and most extraordinary as A was 17 at the time, the unregulated expert confirmed that 'I intend to continue to *work with the children over the next 12–18 months*, supporting Child A to make the *shift to her chosen University* and Child B through the period of time when his sister will no longer be continuously present' ([64], emphasis added).³⁰

B supposedly 'recognises and *accepts that it will be a long time before he sees her* [the Mother] again', while A felt 'that *justice will run its course./ . . . /things will never be as good as they should be with mom but I don't need revenge./ . . . /if mom went to prison it wouldn't fix anything/ . . . /justice would ideally be restrictive/protective, rather than punitive* although *I accept that it is not for me to decide that*' ([62]–[63], emphasis added).³¹ This requires us to raise the same question that the court asked during the so-called reunification 'therapy'; whether this 'truly' represents the wishes and feelings of the children, or whether enduring years of so-called 'treatment' finally broke their hopes to be reunited with their mum and escape the home described as a '*constant terror*'. It also leaves us wondering *why* A felt the need to express a scenario where her mum may be imprisoned.

This final case law section elaborated on the legal punishment and behavioural correction of the 'rebellious' and so-called 'alienated' child. This occurred through the reinforcement of a reunification 'treatment' plan that placed the control of the children's social life and liberty in the hands of one 'expert' and obstructed their UK citizen's rights to report potential crimes and violence to appropriate, safe and supportive agencies. It is a stark example of the 'alienated' child's transformation into an 'incomplete citizen absolute' - one that lacks the human rights and agency of general citizens.

Connecting the 'good' post-separation child and incomplete citizen with the 'unwell alienated' child in need of urgent psychological 'treatment'

In this case law analysis, the so-called 'alienated' child mostly 'resisted' contact with an allegedly abusive father who blamed their 'resistance' on an 'alienating' and 'brainwashing' mother. We see that the family courts have moved away from PAS and PA as something that can be diagnosed, to constructing the phenomenon as 'harmful

behaviour'. However, the belief system in many ways remains the same, as the child who suffers from this behaviour still requires treatment and reunification therapies that reproduce the psychological syndrome narrative.

International research shows that perpetrators (primarily fathers) use the 'parental alienation' label in family courts as a Deny, Attack and Reverse Victim and Offender (DARVO) tool (Walker and Shapiro 2010, Meier and Dickson 2017, Harsey and Freyd 2020, Zaccour 2020, Lapierre *et al.* 2022, Ayeb-Karlsson 2024). Most of the larger scale studies have, perhaps not surprisingly, come out of the United States, keeping in mind that it was US pro-paedophilia custody evaluator Richard Gardner who coined PA(S) in the 1980s to help fathers facing (sexual) abuse allegations win custody (Meier 2009, 2020, Milchman 2017).

The literature evaluating the harms of PA interventions such as reunification 'treatments', 'therapies' and 'camps' also primarily traces back to the United States (Dallam and Silberg 2016, Kleinman 2016, Chester 2022, Shaw and Geffner 2022, Mercer 2022, Andreopoulos and Wexler 2022). However, a handful of studies investigate the lived experiences of victim-surviving mothers in England and Wales with PA 'experts' overseeing some type of court ordered 'reunification programme', 'treatment' or 'therapy' for the 'alienated' child(ren) and themselves as so-called 'alienators' (Barnett *et al.* 2022, Birchall and Choudhry 2022, Grey 2023). This analysis shows how the 'alienated' father (even when found abusive as in the case of *Re C (Parental Alienation: Instruction of Expert)* [2023] EWHC 345) is rarely perceived as someone who requires 'work' to change his behaviour in the eyes of the expert and the court. As the 'alienated' parent, he is reproduced as free from responsibility, which creates a dangerous baseline in the context of court cases involving domestic abuse allegations (as observed in *Re B (Children: Police Investigation)* [2022] EWCA Civ 982). In the three cases analysed, only *Warwickshire County Council v & The Mother & Ors* [2023] EWHC 399 in some ways acknowledged the role that the father played in the harmful 'reunification' treatment plan surrounding the children.

This study is ground-breaking in the sense that to date, no other study exists that investigates experiences of 'reunification interventions' from the position of the child in England and Wales (rather than from the viewpoint of the mother or father). There are various reasons why this research is limited. For example, the family court 'alienation' label is a relatively new phenomenon in England and Wales compared to North American countries. However, perhaps more importantly, draconian reporting restrictions and the risk of facing contempt of court proceedings make it difficult for family court users to engage with researchers and for researchers to access empirical evidence. The family courts are slowly opening their doors to journalists and scholars through transparency measures, but it will be long before its users can speak freely and anonymously about their experiences or confidentially share court documents with researchers under standardised data protection regulations. These reporting restrictions may have been put in place to protect the identity of the children, but they also serve to silence them. This case law analysis shows clearly how our family court system, the 'alienation' label, and associated so-called 'reunification treatments' effectively violate children's right 'to express their views, feelings, and wishes in all matters affecting them' under Article 12 of the UNCRC.

Adding to that, the general difficulties of conducting safe and ethical empirical investigations with vulnerable children make it challenging to analyse the voices and experiences of the so-called 'alienated' child. This article therefore provides an alternative

solution of allowing the voices of children to be heard through existing case law and legal narrative analysis while acknowledging that extremely few cases reach the High Court and that these judgments often present the child's voice through the lens of the Judge, other court experts, or their parents.

Conclusion

This legal narrative and case law study has provided important insights into the socio-legal contexts and values surrounding the role of the 'alienation' expert, their assessments, diagnoses, and intervention boundaries, as well as their ability to cause harm as perceived through the eyes of the 'alienated' child. We cannot possibly generalise the experiences from these three selected High Court cases to the family court child or to the overall family court user, but we should also not disregard them. We do not know how common these 'alienation' intervention trends are, but what we do know, is that six children are six children too many to have lived through such legal entrapment, systemic coercion, and brutal violations to their rights as children, human beings, and citizens. We must therefore do all in our power to avoid seeing our family court system slipping further into these harmful legal and psychological interventions. We must ensure that these High Court cases serve as a cautionary tale rather than providing us with a window into the future conduct of the family court.

This case law review found that the discourse surrounding the 'alienated child' feeds into the same binary 'good versus bad' patriarchal family values as that of 'the histrionic gatekeeping mother' who must be 'managed' and 'controlled'. A child 'resisting' paternal involvement or a 'fatherly' family figure is therefore seen as having been 'influenced', 'brainwashed' and 'indoctrinated' by the 'implacably hostile' mother, a position that must be broken for the child to achieve some kind of 'freedom'. The 'alienated child' is discursively framed as an incomplete citizen through the alienation label, as a victim in need of being 'rescued' from their own poor choices and confused feelings. We must acknowledge how this discourse taps into Western, Christian, and post-colonial white male saviour storylines, where the father is rescuing the child from malign forces. The change in the alienation vocabulary, from 'syndrome' to 'behaviour', therefore makes little difference. The so-called 'alienated' child remains a 'victim' suffering from a psychological 'disorder' that requires immediate 'treatment' against their will, despite their age, and regardless of its harm. I conclude by restating the words of Mrs Justice Lieven; 'Somewhere in the history of this [legal process], we have lost our humanity'.

Notes

1. Academic psychologists should have chartered membership with the British Psychological Society, but this does not constitute statutory regulation, for which the only body is the HCPC.
2. It should be noted that the Cafcass 'Alienating Behaviours' framework is specifically used in England while Wales does not apply it. For further court findings related to so-called 'Alienating Behaviours' according to the Cafcass framework, see Supplementary Material Text Extracts 1–3. Text Extract 4 describes Judge Davies' decision, analysis, and approach of applying the Cafcass framework despite the court having made findings of domestic abuse, and how these findings were weighted against the Cafcass framework's so-called 'Alienating Behaviours' factors.

3. The Cafcass tool is described in detail in the 2021 judgment: ‘a copy of the Cafcass toolkit to which Cafcass officers are encouraged to refer when considering issues of potential alienation. There are five headings as to why a child may resist post-separation contact. The reasons may be appropriate, or due to affinity and alignment, or due to attachment, or due to alienation, or due to harmful conflict. The toolkit sets out typical behaviours exhibited by a child where they have experienced alienating behaviours. These include; that the *opinion of a parent is unjustifiably one-sided*, all good or all bad; *Vilification of a rejected parent*; Trivial, false, weak, or irrational reasons; Reactions may be unjustified; *The child talks without prompting about the rejected parent’s perceived shortcomings*; The child may report events that they could not possibly remember; and the speech about the rejected parent appears *scripted and uses adult language*’ (*F v M* [2021] EWFC B101 [58], emphasis added).
4. During the 2022 hearing the Part 25 expert also confirmed that she was happy to be named, e.g. ‘The expert Miss Gill, has confirmed that she has no objection to her name being disclosed in any report of this case’ (*F v M & Ors* [2022] EWFC 89, final paragraph). Subsequently the ‘expert’ objected to being named and was anonymised in the final High Court appeal judgment.
5. See Text Extract 5–6 in the Supplementary Material for the full elaboration of Judge Davies in relation to the children’s wishes and feelings as well as the proposed continued ‘reunification treatment and therapy’. Text Extract 3 describes the children’s expressed views and feelings related to the so-called therapy.
6. The judgment records that: ‘The CV is a diffuse and confusing narrative of attendance at courses and other activities. It would have been hard for the parties and the court to drill down to see what her underlying qualifications were’ (*Re C* (‘Parental Alienation’; *Instruction of Expert*) [2023] EWHC 345 [29]). The CV, for example, was reported to include descriptions very similar to the protected titles such as ‘Assessment Psychologist’ and ‘Forensic Assessor’. The Chair of the APC therefore submitted a letter to the court stating that: ‘I have examined Ms [A]’s CV and confirm that she has no recognised substantive postgraduate qualifications, is unregulated, *should not be calling herself a psychologist, should not be carrying out psychological assessments and making diagnoses*; and while I acknowledge the appointment of expert witnesses is at the Court’s discretion, *in my opinion she should not be acting as an expert in court*. She does not possess any doctoral qualification, is not a medical practitioner and therefore should not be referred to as “Dr”’ ([36], emphasis added).
7. The 2021 judgment reads: ‘P had suggested various forms of therapy should be undertaken by each member of the family. DD was to work with the Father, and the Mother and Father were to do VIG which is a video intervention project. The Father was to do EMDR which was specifically to deal with him and enhance his ability to have insight. W was appointed to work with each of the children. The Mother had identified her own schema psychotherapist, N./ . . . /Work has continued with each of the therapists. *The therapists have liaised with P who has drawn together the work they have been undertaking*. The Mother’s psychotherapist has not taken part in the discussions, as she and the Mother have taken the view that the Mother’s therapy is confidential’ (*F v M* [2021] EWFC B101 [40], [42], emphasis added).
8. The court made findings of PA and concluded that the residential reunification plan should be ordered partly due to the reports made to the police of the alleged violence and as the girls changed the passwords on their devices to avoid having the Father ‘spying’ on them (Text Extracts 7–8).
9. Besides the residential element, other similarities with the North American ‘reunification camps’ include the Mother being forced to write a ‘letter of apology’: ‘*The Mother was required to engage in therapy to write a therapeutic letter of apology to the children* in order to help the children change the narrative they had been given. The theory was that the children would then have been given “emotional permission” to have a relationship with their father’ (*Warwickshire County Council v X and Z* [2022] EWHC 2146 [49], emphasis added). This has also been reported from the so-called reunification camps where either the ‘alienator mother’ or the child(ren) are pressured into apologising to the ‘alienated’ parent or to the ‘alienated child’ through letters or via video recordings.

10. The order made clear that ‘all communication with their mother will cease’ (Text Extract 8).
11. See Text Extracts 9–11 for a longer elaboration on Z’s right to be legally represented and not wanting to undergo a psychological assessment, clarifying that although Gillick competent, she is not ‘entitled to determine her own best interests as would an adult’.
12. See also Text Extracts 12–13 for elaboration on the Local Authority and court ordered continued restrictions to the girls’ mobile phone and social media use.
13. For example, according to the United Nations Convention on the Right of the Child (UNCRC), all children have ‘the right to express their views, feelings, and wishes in all matters affecting them, and to have their views considered and taken seriously’ (Article 12), ‘the right to meet with other children and join groups and organisations’ (Article 15), ‘the right to privacy’ (Article 16), ‘the right to reliable information from a variety of sources’ (Article 17), ‘the right to relax, play and take part in a wide range of cultural and artistic activities’ (Article 31). According to the Human Rights Act 1998 everyone has ‘the right to respect for his private and family life, his home and his correspondence’ (Schedule 1, Part I, Article 8.1).
14. ‘I ordered that Dr Gemma Parker undertake a family psychological assessment./ ... /The parties had considered various other experts however there was no other suitable expert who could report in a materially shorter timescale’ (*Warwickshire County Council v X and Z* [2022] EWHC 2146 [53]).
15. See Text Extracts 14–18 for the Judge’s exact wording related to Z’s return to the Mother and the decision to let X stay with the Father as well as a longer elaboration of the new expert instruction and assessment.
16. See Text Extracts 19–23 for the Judge’s description of meeting with Z, her reasoning around upholding X’s wishes and feelings and the final order.
17. See Text Extract 24–25 for elaborations on the father’s lack of understanding and ability to take responsibility for the girls’ reactions to his decision to go ahead with the child removal and reinforcing the TRRP.
18. This is a complex case including five EWHC judgments and one appeal extending over three years. This article will not be able cover all the details due to word limit but the six judgments are publicly available e.g. for EWHC orders see *Re A and B (Parental Alienation: No.1)* [2020] EWHC 3366., *Re A and B (Parental Alienation: No.2)* [2021] EWHC 2601., *Re A and B (Parental Alienation: No.3)* [2021] EWHC 2602., *Re A and B (Parental Alienation: No.4)* [2021] EWHC 2603., *Re A and B (Parental Alienation: No.5)* [2023] EWHC 1864. and for the EWCA appeal see *Re B (Children: Police Investigation)* [2022] EWCA civ 982.
19. The earlier family court proceedings related to a 2014 relocation application by the Mother, 2018 child arrangement applications and the Mother application to discharge a 2019 passport holding order.
20. Observation extracted from ‘*Dr Butler summarised her opinions in relation to Child A/ ... /She is an extremely vulnerable girl although she presents as if an adult, she is 13 years old. Emotionally, I think she is functioning at a much younger level because her parents have not parented her in a way to allow her to develop emotional maturity. She is socially able but not emotionally able to manage. As a result, she says things that lack credibility to prove her point*’ ([15], emphasis added).
21. See Text Extract 26 for the exact wording related to Child A’s and B’s manners.
22. See Text Extract 27 for the judgment and recommended so-called alienation ‘treatment’ plan.
23. See Text Extract 28 for more details regarding the children’s disappearances.
24. See Text Extracts 29–30 for exact wording.
25. See Text Extract 31 for exact wording.
26. See Text Extracts 32–34 for exact wording.
27. See Text Extracts 35–36 for exact wording.
28. For the final developments related to the children running away and thereafter retracting their allegations see Text Extracts 42–43 and 50–53.
29. See Text extracts 44–46 and 54–55.
30. See Text Extract 47.
31. See Text Extracts 48–49.

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References

- Andreopoulos, E. and Wexler, A., 2022. The 'Solution' to Parental Alienation: A Critique of the Turning Points and Overcoming Barriers Reunification Programs. *Journal of Family Trauma, Child Custody & Child Development*, 19 (3–4), 417–437. doi:[10.1080/26904586.2022.2049462](https://doi.org/10.1080/26904586.2022.2049462).
- Avalle, D.S., et al. 2022. How Efficacious is Building Family Bridges? What the Legal and Mental Health Fields Should Know About Building Family Bridges and 'Parental alienation'. *Journal of Family Trauma, Child Custody & Child Development*, 19 (3–4), 402–416. doi:[10.1080/26904586.2022.2066595](https://doi.org/10.1080/26904586.2022.2066595).
- Ayeb-Karlsson, S., 2020. No Power without Knowledge: A Discursive Subjectivities Approach to Investigate Climate-Induced (Im)mobility and Wellbeing. *Social Sciences*, 9 (6), 103. doi:[10.3390/socsci9060103](https://doi.org/10.3390/socsci9060103).
- Ayeb-Karlsson, S., 2024. 'We Owe it to Them, Her Children': Jade's Law in an Era of So-Called 'Parental Alienation' – How Parental Responsibility and the Presumption of Parental Involvement Entrap Women and Children to Perpetrators of Domestic Abuse. *The Journal of Social Welfare & Family Law*. doi:[10.1080/09649069.2024.2414618](https://doi.org/10.1080/09649069.2024.2414618).
- Barnett, A., 2020. A Genealogy of Hostility: Parental Alienation in England and Wales. *The Journal of Social Welfare & Family Law*, 42 (1), 18–29. doi:[10.1080/09649069.2019.1701921](https://doi.org/10.1080/09649069.2019.1701921).
- Barnett, A., Riley, A., and Katherine, 2022. Experiences of Parental Alienation Interventions. In: J. Mercer and M. Drew, eds. *Challenging Parental Alienation*. London and New York: Routledge Taylor & Francis group, 63–86.
- Birchall, J. and Choudhry, S., 2022. 'I was Punished for Telling the truth': How Allegations of Parental Alienation are Used to Silence, Sideline and Disempower Survivors of Domestic Abuse in Family Law Proceedings. *Journal of Gender-Based Violence*, 6 (1), 115–131. doi:[10.1332/239868021X16287966471815](https://doi.org/10.1332/239868021X16287966471815).
- British Psychological Society and the Family Justice Council, 2023. *Psychologists as Expert Witnesses in the Family Courts in England and Wales: Standards, Competencies and Expectations*. London: The British Psychological Society. Available at: <https://cms.bps.org.uk/sites/default/files/2023-05/Psychologists%20as%20Expert%20Witness%20in%20family%20courts%20in%20England%20and%20Wales%20-%20standards%2C%20competencies%20and%20expectations.pdf>.
- Cafcass, n.d. *Alienating Behaviours*. London: Cafcass. Available at: <https://www.cafcass.gov.uk/parent-carer-or-family-member/applications-child-arrangements-order/how-your-family-court-adviser-makes-their-assessment-your-childs-welfare-and-best-interests/alienating-behaviours>.
- Callaghan, J., et al. 2015. Beyond 'Witnessing': Children's Experiences of Coercive Control in Domestic Violence and Abuse. *Journal of Interpersonal Violence*, 33 (10), 1551–1581. doi:[10.1177/0886260515618946](https://doi.org/10.1177/0886260515618946).
- Chester, S., 2022. Reunification, Alienation, or Re-Traumatization? Let's Start Listening to the Child. *Journal of Family Trauma, Child Custody & Child Development*, 19 (3–4), 359–382. doi:[10.1080/26904586.2021.1957059](https://doi.org/10.1080/26904586.2021.1957059).
- Clemente, M., et al. 2019. Institutional Violence Against Users of the Family Law Courts and the Legal Harassment Scale. *Frontiers in Psychology*, 10, 1. doi:[10.3389/fpsyg.2019.00001](https://doi.org/10.3389/fpsyg.2019.00001).

- Coy, M., *et al.* 2015. It's Like Going Through the Abuse again: Domestic Violence and Women and Children's (Un)safety in Private Law Contact Proceedings. *The Journal of Social Welfare & Family Law*, 37 (1), 53–69. doi:10.1080/09649069.2015.1004863.
- Dalgarno, E., *et al.* 2024. Health-Related Experiences of Family Court and Domestic Abuse in England: A Looming Public Health Crisis. *Journal of Family Trauma, Child Custody & Child Development*, 21 (3), 277–305. doi:10.1080/26904586.2024.2307609.
- Dallam, S. and Silberg, J.L., 2016. Recommended Treatments for “Parental Alienation Syndrome” (PAS) May Cause Children Foreseeable and Lasting Psychological Harm. *Journal of Child Custody*, 13 (2–3), 134–143. doi:10.1080/15379418.2016.1219974.
- Doughty, J., Maxwell, N., and Slater, T., 2020. Professional Responses to ‘Parental alienation’: Research-Informed Practice. *The Journal of Social Welfare & Family Law*, 42 (1), 68–79. doi:10.1080/09649069.2020.1701938.
- Douglas, H., 2018. Legal Systems Abuse and Coercive Control. *Criminology & Criminal Justice*, 18 (1), 84–99. doi:10.1177/1748895817728380.
- Gledhill, R., 2023. Understanding the Regulation of Psychologists. London: HCPC. Available at: <https://www.hcpc-uk.org/news-and-events/blog/2023/understanding-the-regulation-of-psychologists/>.
- Grey, R., 2023. ‘Catastrophic’: A Qualitative Exploration of Survivors Experiences of Expert Instruction in Private Law Child Arrangements Proceedings. *The Journal of Social Welfare & Family Law*, 45 (4), 344–362. doi:10.1080/09649069.2023.2281832.
- Gutowski, E.R. and Goodman, L.A., 2023. Coercive Control in the Courtroom: The Legal Abuse Scale (LAS). *Journal of Family Violence*, 38 (3), 527–542. doi:10.1007/s10896-022-00408-3.
- Harrison, C., 2008. Implacably Hostile or Appropriately Protective. Women Managing Child Contact in the Context of Domestic Violence. *Violence Against Women*, 14 (4), 381–405. doi:10.1177/1077801208314833.
- Harsey, S. and Freyd, J.J., 2020. Deny, Attack, and Reverse Victim and Offender (DARVO): What is the Influence on Perceived Perpetrator and Victim Credibility? *Journal of Aggression, Maltreatment, & Trauma*, 29 (8), 897–916. doi:10.1080/10926771.2020.1774695.
- Ireland, J., 2012. *Evaluating Expert Witness Psychological Reports: Exploring Quality*. Lancaster: University of Central Lancashire.
- Kaganas, F., 2000. Re L (Contact: Domestic Violence); Re V (Contract: Domestic Violence); Re M (Contact: Domestic Violence); Re H (Contact: Domestic Violence): Contact and Domestic Violence. *Child and Family Law Quarterly*, 12, 311.
- Kaganas, F., 2002. Domestic Homicide, Gender and the Expert. In: A. Bainham, S.D. Slater, and M. Richards, eds. *Body Lore and Laws: Essays on Law and the Human Body*. Oxford and Portland, Oregon: Hart Publishing, 105–126.
- Kaganas, F., 2010. When it Comes to Contact Disputes, What are Family Courts For? *Current Legal Problems*, 63 (1), 235–271. doi:10.1093/clp/63.1.235.
- Kaganas, F., 2011. Regulating Emotion: Judging Contact Disputes. *Child and Family Law Quarterly*, 63 (1), 235–271. doi:10.1093/clp/63.1.235.
- Kaganas, F., 2013. A Presumption That Involvement of Both Parents is Best: Deciphering Law's Messages. *Child and Family Law Quarterly*, 25, 270.
- Kaganas, F., 2018. Parental Involvement: A Discretionary Presumption. *Legal Studies*, 38 (4), 549–570. doi:10.1017/lst.2018.16.
- Kaganas, F. and Day Slater, S., 2004. Contact Disputes: Narrative Constructions of ‘Good’ Parents. *Feminist Legal Studies*, 12 (1), 1–27. doi:10.1023/B:FEST.0000026077.03989.70.
- Kaganas, F. and Diduck, A., 2004. Incomplete Citizens: Changing Images of Post-Separation Children. *Modern Law Review*, 67 (6), 959–981. doi:10.1111/j.1468-2230.2004.00519.x.
- Kelly, J. and Johnston, J., 2001. The Alienated Child: A Reformulation of Parental Alienation Syndrome. *Family Court Review*, 39 (3), 249–266. doi:10.1111/j.174-1617.2001.tb00609.x.
- King, M. and Kaganas, F., 1998. The Risks and Dangers of Experts in Court. *Current Legal Issues*, 1, 221–242.

- Kleinman, T., 2016. Family Court Ordered “Reunification Therapy:” Junk Science in the Guise of Helping Parent/Child Relationships? *Journal of Child Custody*, 14 (4), 295. doi:10.1080/15379418.2017.1413699.
- Lapierre, S., Côté, I., and Lessard, G., 2022. ‘He was the King of the house’ children’s Perspectives on the Men Who Abused Their Mothers. *Journal of Family Trauma, Child Custody & Child Development*, 19 (3–4), 244–260. doi:10.1080/26904586.2022.2036284.
- Law Commission, 1988. *Family Law: Review of Child Law: Guardianship and Custody*. Law Commission No 172, HC584. London: Her Majesty’s Stationary Office. Available from: <https://assets.publishing.service.gov.uk/media/5a7c11b5ed915d1c30daa606/0594.pdf>.
- Meier, J. and Dickson, S., 2017. Mapping Gender: Shedding Empirical Light on Family courts’ Treatment of Cases Involving Abuse and Alienation. *Law & Inequality*, 35 (2), 323–331. doi:10.2139/ssrn.2999906.
- Meier, J.S., 2009. A Historical Perspective on Parental Alienation Syndrome and Parental Alienation. *Journal of Child Custody*, 6 (3–4), 232–257. doi:10.1080/15379410903084681.
- Meier, J.S., 2020. U.S. Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations: What Do the Data Show? *The Journal of Social Welfare & Family Law*, 42 (1), 92–105. doi:10.1080/09649069.2020.1701941.
- Mercer, J., 2022. Reunification Therapies for Parental Alienation: Tenets, Empirical Evidence, Commonalities, and Differences. *Journal of Family Trauma, Child Custody & Child Development*, 19 (3–4), 383–401. doi:10.1080/26904586.2022.2080147.
- Milchman, M.S., 2017. Misogynistic Cultural Argument in Parental Alienation versus Child Sexual Abuse Cases. *Journal of Child Custody*, 14 (4), 211–233. doi:10.1080/15379418.2017.1416722.
- Piper, C., 1996. Divorce Reform and the Image of the Child. *Journal of Law & Society*, 23 (3), 364–382. doi:10.2307/1410717.
- Reece, H., 2003. *Divorcing Responsibly*. Oxford: Hart publishing.
- Rhoades, H., 2002. The ‘No Contact mother’: Reconstructions of Motherhood in the Era of the ‘New father’. *International Journal of Law, Policy, and the Family*, 16 (1), 71–94. doi:10.1093/lawfam/16.1.71.
- Shaw, M. and Geffner, R., 2022. Alienation and Reunification Issues in Family Courts: Theory, Research, and Programs in Child Custody Cases. *Journal of Family Trauma, Child Custody & Child Development*, 19 (3–4), 203–213. doi:10.1080/26904586.2022.2151145.
- Smart, C., Neale, B., and Wade, A., 2001. *The Changing Experience of Childhood: Families and Divorce*. Cambridge: Polity Press.
- Spearman, K.J., Hardesty, J.L., and Campbell, J., 2022. Post-Separation Abuse: A Concept Analysis. *Journal of Advanced Nursing*, 79 (4), 1225–1246. doi:10.1111/jan.15310.
- Stark, E. and Hester, M., 2019. Coercive Control: Update and Review. *Violence Against Women*, 25 (1), 81–104. doi:10.1177/1077801218816191.
- Sweet, P.L., 2019. The Paradox of Legibility: Domestic Violence and Institutional Survivorhood. *Social Problems*, 66 (3), 411–427. doi:10.1093/socpro/spy012.
- UK GOV, 2002. *Making Contact Work: A Report to the Lord Chancellor on the Facilitation of Arrangements for Contact Between Children and Their Non-Residential Parents and the Enforcement of Court Orders for Contact*. The Advisory Board on Family Law: Children Act Sub-Committee. London: Her Majesty’s Stationary Office.
- Walker, L.E. and Shapiro, D.L., 2010. Parental Alienation Disorder: Why Label Children with a Mental Diagnosis? *Journal of Child Custody*, 7 (4), 266–286. doi:10.1080/15379418.2010.521041.
- Wood, C.L., 1993. Law and Bioethics. *Loyola of Los Angeles Law Review*, 27 (1), 25–40. <https://digitalcommons.lmu.edu/llr/vol27/iss4/5>.
- Zaccour, S., 2020. Does Domestic Violence Disappear from Parental Alienation Cases? Five Lessons from Quebec for Judges, Scholars, and Policymakers. *Canadian Journal of Family Law*, 33 (2), 301. Available from: <https://ssrn.com/abstract=4005518>.