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# PARENTAL ALIENATION AND THE ROLE OF GALs AND LGALs (Part Two of Two)

BY ASHISH JOSHI

## Making the “Call”: Determining Whether the Child has Diminished Capacity

Unfortunately, there is no exhaustive list of factors that must be satisfied before a child-client is determined to suffer from a disability or lack capacity to inform a GAL or instruct an LGAL.<sup>1</sup> Each decision is based on its own unique set of facts and circumstances. “Just as adults may lack the capacity to give competent testimony because of infirmity, disability, or other circumstances, so may a child’s presumed capacity be compromised by circumstances peculiar to that child’s life.”<sup>2</sup> Here are some factors that could be considered by a Guardian: the child’s developmental stage, the child’s expression of a relevant position, the child’s individual decision-making process, the child’s ability to understand consequences, the child’s age, degree of maturity, intelligence, ability to communicate, the relationship that existed between the child and the target parent prior to separation or filing of divorce between the parents and finally the expressed preference: the degree or magnitude of rejection of the target parent.<sup>3</sup>

As one commentator advocates:

“The best way for an attorney to make the determination of whether or not the child client has diminished capacity is to use every tool available to him or her. In order to represent a client competently and diligently, the attorney must interview his or her client, as well as the parents and other family members, doctors, teachers, therapists, or friends as part of his or her initial investigation.”<sup>4</sup>

Where a child has been subjected to coaching, manipulation, emotional distress in going through unsubstantiated police or CPS investigations and traumatic visitation exchanges, it is likely that the child’s “fragile emotional state” coupled with the alienation has “rendered him unable ... to form a reasonable preference” – and has thereby diminished his or her capacity.<sup>5</sup> If the LGAL makes a determination that the child-client has diminished capacity, the attorney must decide what action to take as an advocate for the child’s best interests. The LGAL should consider alerting the court of this issue and evaluate whether and to what extent to inform the court as to the child’s wishes and preferences in keeping with the law govern-

ing attorney-client privilege.<sup>6</sup> Alerting the court of the child’s diminished capacity in a case of parental alienation helps avoid a situation where the court relies on a child’s preference that has been influenced by an alienator and/or others and is not reflective of the child’s independent judgment.<sup>7</sup>

The Model Rules of Professional Conduct, the American Bar Association and the National Association of Counsel for Children all agree that when the child lacks the capacity for knowing, voluntary and considered judgment or the child’s expressed preference would place the child at risk of substantial harm, the attorney may substitute judgment.<sup>8</sup> The attorney should explain to the court that (1) given the alienation, pathological alignment with one parent and alienation from the other strips the child of a “genuine voice;”<sup>9</sup> and (2) that the “child’s voice”, in reality, reflects “the words, attitudes, and beliefs of the parent who exercises the most influence over him or her.”<sup>10</sup> The attorney should explain to the court what he or she is advocating for the child, even if painful and contentious and the child doesn’t agree.<sup>11</sup>

## Guardians and Immunity

GALs, when acting within the scope of their authority, are granted immunity from civil liability.<sup>12</sup> LGALs, for purposes of immunity analysis, are considered a “subset” of GALs and, therefore, are entitled to governmental immunity as well.<sup>13</sup> Immunity serves a laudable intent: independent investigation and determination – free from outside influence – of the child’s best interests. “Fear of liability to one of the parents can warp judgment that is crucial to vigilant loyalty for what is best for the child; the guardian’s focus must not be diverted to appeasement of antagonistic parents.”<sup>14</sup> But that doesn’t mean that GALs or LGALs have blank checks to operate as to their whims and fancies with no oversight or accountability. Judicial mechanisms remain in place to prevent abuse, misconduct and irresponsibility of these professionals. First, a GAL or LGAL’s immunity only attaches to conduct within the scope of the professional’s duties.<sup>15</sup> Second, the court monitors a GAL or LGAL’s performance and can remove a rogue or incompetent professional if necessary.<sup>16</sup> Third, a Guardian is simply another advocate in our adversary system; whatever position a Guardian takes during a proceeding

can be addressed and rebutted by the other parties “thereby ensuring that the trial court will be apprised of the facts and can issue an informed decision.”<sup>17</sup> Finally, a GAL (if an attorney) and an LGAL may be subject to punishment by the Attorney Grievance Commission<sup>18</sup> if his or her conduct fails to meet the standards set forth in the Michigan Rules of Professional Conduct.

## A Suggested Checklist of Best Practices

Below are some suggestions to the GALs / LGALs who have taken on or are about to take on the responsibility of assisting the court and/or advocating for the child’s best interests in a case involving parental alienation. These are not just “wouldn’t it be nice in an ideal world” suggestions; rather, these suggestions are in keeping with the important quasi-judicial functions that GALs discharge and LGALs’ obligation to function as competent, responsible officers of the court in advocating for the child-client’s best interests:<sup>19</sup>

1. One of the oldest heuristics in medicine is *primum non nocere* – “First, to do no harm.”<sup>20</sup> The first rule of the Michigan Rules of Professional Conduct mandates “competent representation.”<sup>21</sup> An attorney should not handle a legal matter which the lawyer knows or should know that the lawyer is not competent to handle, without associating with a lawyer who is competent to handle it. Before accepting an appointment as a GAL / LGAL in a case involving allegations of parental alienation, ask yourself: are you competent to handle the assignment? Have you handled such cases before? Are you current on the professional literature on the topic? And last but not least, are you willing to put in the significant time and effort that will undoubtedly be required on your part to do your job?
2. Fools rush in where angels fear to tread. Don’t rush in with “solutions.” For instance, giving a “speech” in an attempt to “get through” to an alienating parent will not result in an epiphany or help the situation.<sup>22</sup> Nor will sending off the kids to “therapy.” In fact, it would be difficult to find a more common yet *egregious* blunder that GALs / LGALs routinely commit than advocating for what amounts to traditional “reunification” therapy for parental alienation.<sup>23</sup> Not only are such therapies known to be ineffective, they are known to be potentially harmful – they “validate” an alienated child’s distorted view of the world, encourage the child to express grievances, and give the child some “control” or choice while advising the rejected parent to “listen, empathize, validate, and apologize (or even to ‘find something to apologize for’).”<sup>24</sup> Traditional therapy is *contraindicated*<sup>25</sup> and typically makes things worse.<sup>26</sup> Even when provided under court order, such therapies are of little benefit.<sup>27</sup> In fact, if you are an LGAL, you have a duty to *stop* such therapy if it’s not accomplishing its intended purpose.<sup>28</sup>
3. Keep yourself abreast of the latest peer-reviewed literature. Parental alienation is a dynamic area and the research is constantly evolving. Also, it is *profoundly* counterintuitive.<sup>29</sup> This is not merely a warning to “be careful.” Rather, professionals who have thoroughly studied this area caution us how everything about parental alienation is so profoundly counterintuitive that many professionals will almost always make major errors if they attempt to solve problems or make critical judgments using their usual professional intuition.<sup>30</sup> Using intuition to solve complex problems – “I’ve been doing this for a long time” or “have seen many cases” – is rarely, if ever, adequate.<sup>31</sup> In cases involving parental alienation, it can be downright disastrous.
4. Understand that parental alienation meets the criteria for child abuse: It poses severe risks to children in developing major physical and mental problems in adult life and can cause structural damage to their brain.<sup>32</sup> Also understand that “time is a major enemy” in alienation cases.<sup>33</sup> The top priority is to protect the child from further abuse. Focus on ensuring the child’s safety and to protect him or her from ongoing alienation (instead of focusing on the child’s relationship with the rejected parent).
5. Do not prejudge the case. Familiarize yourself with the facts. Thoroughly review court records, FOC records, police reports, CPS reports, school records, medical, mental-health and therapy records. These records are protected by both federal and state confidentiality laws which may need to be addressed before access is obtained. A detailed and thorough record review will help you get a sense of the people involved and the real issues in the case.
6. Meet and assess the parties/parents. Remember: “Alienating parents tend to present well; targeted parents tend to present poorly.”<sup>34</sup> Generally, alienating parents present with the Four C’s: cool, calm, charming, and convincing.<sup>35</sup> That is because effective alienators tend to be master manipulators who are highly skilled at managing impressions, especially initial impressions. “These traits are usually related to an underlying personality disorder, typically of the borderline, narcissistic, and/or sociopathic types.”<sup>36</sup> In contrast, targeted parents tend to present with the Four A’s: anxious, agitated, angry and afraid.<sup>37</sup> That is because they are trauma victims, attempting to manage a horrific family crisis while being attacked by professionals who fail to recognize the counterintuitive issues.<sup>38</sup> The alienating parent believes that the child has no need for a relationship with the other parent. The alienating parent may have employed techniques such as badmouthing the target parent, limiting or interfering with parenting time, mail or phone contact, interfering with information (e.g., school or medical records), fostering an unhealthy alliance

with the child (“enmeshment”) and emotional manipulation.<sup>39</sup> The alienating parent may *say* the right words - “*Of course, I want my child to have a relationship with the other parent!*” - but their actions speak otherwise. The alienating parent will generally refuse to listen to positive remarks about the target parent and will quickly discount any happy memories or experiences as trivial and unimportant.<sup>40</sup> But he or she will be quick to portray the target parent as dangerous and exaggerate negative attributes about the other parent, including unfounded, false or fabricated allegations of sexual, physical, and/or emotional abuse.<sup>41</sup> On the other hand, the targeted parent may be very frustrated with the alienating behaviors of the favored parent and the child’s rejection and his or her frustration is often misperceived as “anger issues” or emotional imbalances. Poor parenting abilities also contribute to the target parent’s victimization. Think about suggesting a coach for the target parent.<sup>42</sup>

7. Do not mistake pathological enmeshment between the favored parent and the child for healthy bonding. A pathologically dependent parent treats the child in a manner that is not age-appropriate, such as treating the child as a “friend” or companion, rather than as a child. This involves severe boundary violations of the child by the parent to the point that the parent not only violates the child’s boundaries, but *erases* them.<sup>43</sup> Enmeshment is a form of child abuse.<sup>44</sup>
8. Meet and *assess* the child. Don’t just go by the child’s words, wishes or affect. In an alienation setting, the child accepts as true the “delusion of falsehood created by the alienating parent, leading to a belief that he or she cannot show or receive love from both parents.”<sup>45</sup> The child’s behavior consists of a campaign of unfair criticism towards the targeted parent; weak, irrational and at times downright ridiculous justifications for rejection; absence of guilt or remorse (“splitting”<sup>46</sup>); and the presence of borrowed scenarios. An alienated child will deny good or positive experiences with the targeted parent. And the only solution acceptable to the child is for the target parent to “leave him or her alone.” In contrast, abused children develop and maintain attachment relationships with their abusive parents.<sup>47</sup>
9. Remember that in an alienation case, perception is not reality; perception is often a *distortion* of reality. “The single most important element in uncovering the content, intensity, and impact of programming-and-brainwashing in children is *researching the social history of the children.*”<sup>48</sup> Conduct a series of interviews with people who have varying perspectives. Observe the child in the context of both parental environments for periods of time that would allow you to observe interaction that is more than situ-

ational (as in a professional office) or momentary (this is called participant observation). You might be surprised to see the child who professes a fear of his father (the target parent) gravitate to him, laugh with him, sit on his lap, initiate activities and in other ways counter the assertion of fear and desire not to be with him. You may also be surprised to observe that upon returning to the mother (the alienating parent), the child would inform her that she “did not have a good time” or that she was just “faking it.”<sup>49</sup> Your careful observation may reveal facts that are often different from what you hear or what you obtain from the child.

10. Watch out for the alienating parent’s repeated and constant interference in parenting time of the target parent. Interference could appear “innocent” such as sending gifts to the children during the other parent’s visitation, frequent calls or texts to the children, to more substantial interference such as asking police officers to conduct “welfare checks.” An alienating parent is “alarmist, overprotective, intrusive, controlling and [feels] compelled to check on the children whenever they [are]” in target parent’s care.<sup>50</sup> Attempts to “protect” the children from “domestic violence” or “sexual assault” could be a concerted and continued effort to alienate the children.<sup>51</sup> Also watch out for frequent and/or repeated allegations of abuse – emotional, physical and/or sexual – made by or orchestrated by the alienating parent against the target parent. If the allegations are found to be unsubstantiated by the CPS, think about obtaining appropriate court intervention.<sup>52</sup> Alienators abuse the system; don’t get sucked into it.
11. If court-ordered parenting time, visitation or counseling is not followed by the target parent and/or the child, do not advocate a “cooling off” period. Rather, attempt to get appropriate court intervention to enforce court-ordered parenting time, counseling and other court orders. A parent’s “parenting time rights might become meaningless if a court cannot enforce a parenting time schedule through the use of its contempt powers.”<sup>53</sup> Alienators tend to harbor and demonstrate low respect for the judicial system.<sup>54</sup> “They will, directly or indirectly, intentionally or unintentionally, undermine any directive that prevents them from challenging or controlling the child’s relationship with the target parent.”<sup>55</sup> Court orders must have teeth and must be enforced; “vague warnings have virtually no impact” in an alienation case.<sup>56</sup> Court orders are enforceable through a variety of mechanisms, such as criminal sanctions, suspension of alimony or maintenance, tort action for custodial interference, and orders of protection.<sup>57</sup> Your job is not to be a spectator watching the repeated violations of court orders. If you are a GAL, your duty is to assist the court to protect the best interests of the child; if an LGAL, it’s to serve as the independent representative for

the child's best interests and preserve the relationship with the target parent.

12. Challenge your assumptions and/or biases. Debunk the myths. It is a common myth that adolescents' stated preference should dominate custody decisions – even though the adolescent has been alienated.<sup>58</sup> It is also a common myth that courts cannot enforce orders for parent-child contact against an alienated teen's wishes.<sup>59</sup> Or that children who irrationally reject a parent but thrive in other respects (such as in school or with peers) need no intervention.<sup>60</sup> These common false beliefs – the *woozle* effect<sup>61</sup> – have been repeatedly debunked and these assumptions have failed to hold up in the light of research, case law, or experience.
13. In a case of severe parental alienation, think about advocating change of custody or removing the child from the alienating parent's manipulation and control. Understand that the peer-reviewed research demonstrates that the risks of separating a severely alienated child from an alienating parent are very low, and the risks of permitting such a parent to remain in contact with such a child are very high.<sup>62</sup> Moreover, upon removal, the risks go down, not up. Don't buy into "sensational predictions lacking a basis in established scientific and professional knowledge" on what may happen if an alienated child is separated from the alienating parent.<sup>63</sup> Also acknowledge the fact that "sending a child for .... 'reconciliation therapy' for an hour a week is never going to work if the child is then returned to the [alienating parent] for the other 167 hours in that week."<sup>64</sup> Educate yourself on psycho-educational programs that draw on social science research to help alienated children and adolescents adjust to court orders that place them with a parent they claim to fear or hate.<sup>65</sup>

GALs and LGALs must realize that parental alienation calls for urgent and effective court intervention. Often it results in major life decisions for a child, such as those related to custody, parental access, child protection and/or mental health treatment intervention. These decisions should not be advocated or made by those who lack adequate skill, experience or expertise. "Those who attempt to manage such cases using intuition – even professional intuition – instead of a deep knowledge of the science are likely to make catastrophic errors."<sup>66</sup> On the one hand, a GAL's/LGAL's failure to properly investigate the case and advocate for the child's best interests could result in significant harm and may constitute professional negligence.<sup>67</sup> On the other hand, a diligent, competent, skilled and experienced GAL / LGAL can make an enormous difference in helping the court understand the phenomenon of parental alienation and assist the court in crafting and enforcing appropriate remedies in the best interests of the child.

## About the Author

Ashish S. Joshi is a trial lawyer and the owner of the law firm Joshi: Attorneys + Counselors, P.C. Mr. Joshi's practice focuses on complex litigation including cases involving parental alienation, mental health issues, allegations of child abuse, child abduction and child homicide. Mr. Joshi has represented and counseled clients across the nation and internationally on issues related to his practice. He has been admitted to practice law in Michigan, New York, District of Columbia and India. Mr. Joshi serves as the Editor-in-Chief of *Litigation*, a journal published by the Section of Litigation of the American Bar Association.

## Endnotes

- 1 Model Rules of Professional Conduct, Rule 1.14, comment 5.
- 2 *Maier v. Maier*, 311 Mich. App. 218, 225; 874 N.W.2d 725, \*5 (2015).
- 3 Rosen, *supra*; *Representing Children: Standards for Attorneys for Children in Custody or Visitation Proceedings with Commentary*, 22 J. Am. Acad. Matrimonial Law, 227, 239 (2009).
- 4 Rosen, *supra*, at 335.
- 5 *Maier v. Maier*, 311 Mich. App. 218, 226; 874 N.W.2d 725 (2015).
- 6 MCL 712A.17d(1)(i).
- 7 Benjamin Garber & Laura Landerman-Garber, *How Should the Child's Voice be Heard When Parental Rights and Responsibilities are Contested?* 47 N.H.B.J. 46, 47 (2006).
- 8 Rosen, *supra*, at 336 citing ABA Comm. on Ethics & Prof'l Responsibility, Formal Op. 96-404 (1996), *Standards of Practice for Lawyers who Represent Children in Abuse and Neglect Cases*, Section B-2).
- 9 Richard Warshak, *Bringing Sense to Parental Alienation: A Look at the Disputes and the Evidence*, 37 Fam. L. Q. 273, 375 (2003).
- 10 Jonathan Gould & David Martindale, *Including Children in Decision Making About Custodial Placement*, 22 J. Am. Acad. Matrimonial Law 303, 310 (2009).
- 11 Barbara Jo Fidler, et. al., *Children Who Resist Postseparation Parental Contact: A Differential Approach for Legal and Mental Health Professionals* 4, 168 (2013); also see *Whitley v. Leonard*, 772 N.Y.S.2d 620 (2004).
- 12 MCL 691.1407(6).
- 13 *Farris v. McKaig*, \_\_\_ N.W.2d \_\_\_ (2018), 2018 WL 2269775 (Mich. App., May 17, 2018).
- 14 *Farris, supra*, citing *Short by Oosterhous v. Short*, 730 F.Supp. 1037, 1039 (D Colo, 1990).
- 15 MCL 691.1407(6).
- 16 MCR 3.915(2), MCL 712A.17(c)(9).
- 17 *Farris, supra*, FN 4.

- 18 See e.g., *Grievance Administrator v. Carson*, Case No. 02-53-6A (September 5, 2002) (revocation of license to practice law for failure to visit child, consult with social worker, visit foster parent, establish a permanency plan for the child, or make reasonable efforts to expedite the proceedings)
- 19 See Hon. Donna J. Martinson, *One Case-One Specialized Judge: Why Courts Have an Obligation to Manage Alienation and Other High-Conflict Cases*, *Family Court Review*, Vol. 48, No. 1. 181 (January 2010).
- 20 Steve Miller, *Why Do Specialists Say that Parental Alienation is Counterintuitive, Part 2*, PASG Newsletter, Vol. 3, No. 4. 17 (July 2018).
- 21 MRPC Rule 1.1; also see Standards of Practice for Lawyers Representing Children in Custody Cases, ABA Section of Family Law (2003), III(A).
- 22 Michelle Lowrance, A Judge's Perspective on Parental Alienation, *Parental Alienation: The Handbook for Mental Health and Legal Professionals*, (Demosthenes Lorandos, et. al, editors) (Charles C. Thomas), 502, 511 (2013).
- 23 Steve Miller, *supra*, Part 2, at 17.
- 24 *Id.*
- 25 *Id.* at 18 (“...the word *contraindicated* does not mean ‘not indicated.’ It means *forbidden*. If a patient is allergic to penicillin, then penicillin is contraindicated. In the face of a penicillin allergy, it would not be proper to prescribe penicillin to see what happens.”).
- 26 Clawar and Rivlin, *supra*; also see Richard Warshak, *Ten Parental Alienation Fallacies That Compromise Decisions in Court and in Therapy*, *Professional Psychology: Research and Practice* (2015).
- 27 Jonathan Gould, et. al., *Is the Child's Therapist Part of the Problem? What Judges, Attorneys, and Mental Health Professionals Need to Know About Court-related Treatment for Children*, *Family Law Quarterly*, Vol. 37, No. 2. 241-271 (Summer 2003); also see *Harner v. Harner*, 2018 WL 521863, FN 4 (Mich., January 23, 2018) (“The therapist...adopted defendant's view of events and uncritically accepted every statement that the children made, regardless of the mountain of evidence suggesting that there was no sexual abuse.”)
- 28 MCL 712A.17(d)(1)(j).
- 29 Steve Miller, *Why Do Specialists Say that Parental Alienation is Counterintuitive, Part 1*, PASG Newsletter, Vol. 3, No. 3. 19 (May 2018).
- 30 *Id.*
- 31 *Id.* (“...people who attempt to use intuition to solve counterintuitive problems tend to have great confidence in their conclusions, whether right or wrong.”).
- 32 Steve Miller, *supra*, Part 2, at 17; also see Robert Anda, et. al., *The Enduring Effects of Abuse and Related Adverse Experiences in Childhood*, *European Archives of Psychiatry and Clinical Neuroscience*, Vol. 256 No. 3. 174-186 (2006). The American Professional Society on the Abuse of Children (APSAC) has endorsed the premise that causing parental alienation is child abuse.
- 33 See Walters & Friedlander, *When a Child Rejects a Parent: Working with the Intractable Resist / Refuse Dynamic*, *Family Court Review*, Vol. 54 No. 3. 6 (July 2016).
- 34 Steve Miller, *supra*, Part 1, at 19.
- 35 *Id.*
- 36 *Id.* at 20.
- 37 *Id.*
- 38 *Id.*
- 39 Barbara Jo Fidler & Nicholas Bala, *Children Resisting Postseparation Contact with a Parent: Concepts, Controversies, and Conundrums*, 48 *Fam. Ct. Review*. 10, 19 (2010).
- 40 Rosen, *supra*, at 332.
- 41 *Id.*
- 42 See e.g., Randy Flood, *How to Respond to Parental Alienation*, <https://menscenter.org/respond-to-parental-alienation/>
- 43 *Id.*
- 44 See Stuart Hart, et. al., *Psychological Maltreatment of Children, The APSAC Handbook on Child Maltreatment* 145-162 (4th ed. 2018).
- 45 Fidler & Bala, *supra*, at 15.
- 46 “Splitting” is a psychological phenomenon that is considered a hallmark behavioral symptom of parental alienation. Alienated children demonstrate *splitting*, i.e., the favored parent is presented as all good or “perfect” versus the target parent is presented as all bad or “horrible” in all respects. Splitting does *not* typically occur in children who have been abused, neglected or otherwise mistreated.
- 47 See Amy Baker, et. al., *Foster Children's Views of their Birth Parents: A Review of Literature*, *Children and Youth Services Review*, 67, 177-183 (2016).
- 48 Clawar and Rivlin, *supra*, at 321(emphasis in original).
- 49 *Id.*
- 50 *Harner v. Harner*, 2018 WL 521863, (Mich., January 23, 2018).
- 51 See *Prisk v. Prisk*, 2017 WL 2131511, \*5 (Mich. App., May 16, 2017).
- 52 *Harner, supra*, \*1.
- 53 *Porter v. Porter*, 285 Mich. App. 450, 457; 776 NW2d 377 (2009). In fact, in a recent unpublished decision, the Court of Appeals found a trial court had abused its discretion when it refused to issue a finding of contempt and incarcerate a party who had refused to comply with a parenting time order. *Magryta v. Magryta*, unpublished per curiam opinion of the Court of Appeals (Docket No. 336433, June 20, 2017).
- 54 Clawar and Rivlin, *supra*, at 335.
- 55 *Id.*, at 336.
- 56 *Id.*
- 57 See e.g. *Lauren R. v. Ted R.*, No 293699-02, slip op. (N.Y. Sup. Ct., May 25, 2010).

- 58 Richard Warshak, *Ten Parental Alienation Fallacies That Compromise Decisions in Court and in Therapy*, Professional Psychology: Research and Practice, 6-7 (2015).
- 59 *Id.*
- 60 *Id.*, at 7.
- 61 *Id.*, at 1. See also A. A. Milne, *In Which Pooh and Piglet Go Hunting and Nearly Catch a Woozle*, (1926). *Winnie The Pooh* (1<sup>st</sup> ed.).
- 62 *Id.*, at 10.
- 63 *Id.*
- 64 Clawar and Rivlin, *supra*, pg. xx-xxi.
- 65 Richard Warshak, *Family Bridges: Using Insights from Social Science to Reconnect Parents and Alienated Children*, 48 Fam. Ct. Rev. 48 (2010); Matthew Sullivan et. al., *Overcoming Barriers Family Camp: A Program for High-Conflict Divorce Families Where a Child is Resisting Contact with a Parent*, 48 Fam. Ct. Rev. 116 (2010).
- 66 Steve Miller, *supra*, Part 2, pg. 18-19.
- 67 See Ann Haralambie & Deborah Glaser, *Practical and Theoretical Problems with the AAML Standards for Representing "Impaired" Children*, Journal of the American Academy of Matrimonial Lawyers, Vol. 13, 57, 92 (Summer 1995); also see Lawrence Snyder & Alan May, *Guardian ad Litem Immunity Revisited: Recent History*.

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