

"Parental Alienation: Emotional Child Abuse in Disguise"

By: Ken Lewis, PhD¹

"Emotional child abuse is a misuse of power and a violation of trust." Ken Lewis

Introduction

When marital discord evolves into hatred, many couples are quick to see divorce as their best option. Divorce may be an easy way out for the couple; but it often wreaks havoc on the children. Family Court judges welcome mental health professionals to guide them in determining the future best interests of the children. These "guides" are called Custody Evaluators, and they are usually Mental Health Professionals, such as psychologists and social workers. While these professionals are historically skilled at identifying blatant child abuse, they are now beginning to identify a more insidious form of emotional child abuse called Parental Alienation. When this form of abuse is correctly identified, custody evaluators, family law attorneys and Guardians *ad Litem* can advocate strategies for success.

Parental Alienation vs. Parental Alienation Syndrome

Parental Alienation is frequently confused with the Parental Alienation Syndrome (PAS). Dr. Richard Gardner² coined the phrase, "parental alienation syndrome" in 1985³ and wrote extensively about it. He defined the syndrome as

"...a childhood disorder that arises almost exclusively in the context of child-custody disputes. It is a disorder in which children, programmed by the allegedly 'loved' parent, embark upon a campaign of denigration of the allegedly 'hated' parent. The children exhibit little if any ambivalence over their hatred, which often spreads to the extended family of the allegedly despised parent."⁴

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² Richard Alan Gardner, American psychiatrist, died May 25, 2003.

³ Dr. Gardner wrote, "Of the many types of psychological disturbance that can be brought about by [child custody] litigation, there is one that I focus on here...The term I prefer to use is parental alienation syndrome." "Recent Trends in Divorce and Custody Litigation," 29(2) *Academy Forum* 3-7 (1985).

Simply stated, the syndrome⁵ describes the children's campaign of denigration against one of their parents, a campaign that is encouraged by the other parent. It should be noted that there is no PAS when abuse or neglect is present. PAS can only be applicable when the "hated" parent has not abused or neglected the child, or exhibited any behavior that would justify the child's animosity toward that parent. While PAS identifies a problem in the child ["a childhood disorder"], Parental Alienation on the other hand, identifies a collection of one parent's behaviors aimed at causing the child to become alienated from the other parent. Children can become alienated from a parent for a variety of reasons, such as sexual abuse, physical abuse, emotional abuse, parental abandonment, adult alcoholism, narcissism, and other reasons. Indeed, a child may become alienated from the parent who initiated the divorce, blaming that parent for breaking up the family. But, while these reasons may explain why the child is alienated from the parent, none of these reasons would qualify as descriptors for Parental Alienation. Parental Alienation is a strategy whereby one parent intentionally displays to the child unjustified negativity aimed at the other parent. The purpose of this strategy is to damage the child's relationship with the other parent, and to turn the child's emotions against that other parent. This strategy has been called a "head-trip game."⁶

Parental Alienation is a particular type of family dynamic that can emerge during divorce in which the child becomes excessively hostile and rejecting of one parent. The trans-generational dynamics involved with this family process troubles mental health professionals, family law attorneys, and judges as well.

Mental health professionals can learn about the origins, diagnosis and treatment of Parental Alienation by attending workshops at their respective mental health conferences. They also can matriculate at professional seminars⁷ that can be found around the country.

⁴ Gardner, R. A. (1998) "Recommendations for Dealing with Parents who Induce a Parental Alienation Syndrome in Their Children," *Journal of Divorce & Remarriage*, 28(3/4), 1.

⁵ Dr. Gardner probably used the term, "syndrome" because of his medical background. A syndrome is a cluster of related symptoms. Syndromes are generally discouraged as evidence in court because they refer to symptoms from a collection of individuals; while the court is only concerned with those individuals having standing for the particular matter before the court.

⁶ See, Ken Lewis, (2009) "The Head-trip Game," *Child Custody Evaluations by Social Workers*, Washington, DC: NASW Press, p. 44.

⁷ One particularly comprehensive seminar is offered by Dr. Craig Childress, a California psychologist. His Web address is <http://www.craigchildress.com>.

But, family law attorneys and Guardians *ad Litem* usually do not find workshops on this topic at their conferences. Therefore, this article presents a brief introduction of (1) the various descriptors that identify Parental Alienation; (2) the possible effects on the children; (3) Parental Alienation as a form of emotional child abuse; and (4) the ways that courts have responded to Parental Alienation. This article will end with ten tips for attorneys and Guardians *ad Litem*.

(1) Descriptors of Parental Alienation

When the custody evaluator investigates whether or not Parental Alienation is present, he/she looks for a variety of descriptors, recognizing that one or two alone are usually insufficient to identify a parentally alienated child. Lawyers and Guardians *ad Litem* should be aware of these descriptors. Ohio Psychologist Douglas Darnall, PhD, has compiled twelve of the most frequent descriptors of Parental Alienation.

“What Does an Alienated Child Look Like?”⁸

1. “The child has a relentless hatred for the targeted parent.”
2. “The child parrots the alienator.”
3. “The child does not want to visit the targeted parent.”
4. “Many of the child’s beliefs are enmeshed with the alienator.”
5. “The child’s beliefs are delusional and frequently irrational.”
6. “The child is not intimidated by the court.”
7. “The child’s reasons are not from direct experiences, but what has been told by others.”
8. “The child has no ambivalence in his feelings; it’s all hatred with no ability to see the good.”

⁸ Darnall, Douglas (1999) “Parental Alienation: Not in the Best Interest of the Children,” *75 North Dakota Law Review* 323-364.

9. “The child has no capacity to feel guilty about his/her behavior towards the targeted parent or to forgive any past indiscretions.”
10. “The child shares the alienators cause. Together, they are in lockstep to denigrate the hated parent.”
11. “The child’s obsession with hatred extends to the targeted parent’s extended family without any guilt or remorse.”
12. “The child can appear like a normal healthy child. But, when asked about the targeted parent, it triggers his/her hatred.”

(2) Effects of Parental Alienation on the Children

Parental Alienation is a form of emotional child abuse. The potential impact of this abuse on a child’s life can be devastating. Some of the frequently listed effects of Parental Alienation have been reported in the child welfare literature. These include the following:

- (a) An impaired ability to establish and maintain future relationships;
- (b) A lowering of the child’s self-image;
- (c) A loss of self-respect; and
- (d) The evolution of guilt, anxiety, and depression over their role in destroying their relationship with a previously loved parent.
- (e) Lack of impulse control. Aggression can turn into delinquent behavior.
- (f) Educational problems, disruptions in school.

Family therapists who have attempted to treat alienated children have classified the problem as a “parent-child relational problem,” (# V61.20) outlined by the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders (DSM-IV).

(3) Parental Alienation as a Form of Emotional Child Abuse

Children who suffer from emotional abuse often elude the legal assistance of the child protection system. The normative framework of the child protection system does not always include the emotional abuse of children. For the majority of states, the physical health and safety of children are focal points in determining whether abuse or neglect has occurred. Nonetheless, 48 states include emotional abuse or maltreatment in their abuse definitions. [Emotional maltreatment is not included in statutory definitions in Georgia and Washington, but are found elsewhere in their statutes.] Here are some samples of statutory definitions in the United States and Canada:

- (a) California. “A child who is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian...” W.I.C. §300 subd. (c) 2000 [Welfare and Institutions Code].
- (b) Michigan. “’Serious mental harm’ means an injury to a child's mental condition...that is not necessarily permanent but results in visibly demonstrable manifestations of a substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality....” MCL 750.136b (1)(g). Punishment for serious mental harm is prescribed: “A person is guilty of child abuse in the first degree if the person knowingly or intentionally causes serious physical or serious mental harm to a child. Child abuse in the first degree is a felony punishable by imprisonment for not more than 15 years. MCL 750.136b (2)
- (c) Minnesota. “Persons guilty of neglect or endangerment [include] a parent...who endangers the child's ...health by: ... permitting a child to be placed in a situation likely to substantially harm the child's...emotional health...” Minn. Stat. § 609.378, Subdivision 1 (a)(2)(b)(1) (2005)
- (d) Nevada. “Substantial mental harm” means an injury to the...emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his normal range of performance or behavior.” Nev. Rev. Stat. Ann. § 200.508, 4 (e) (2006)

- (e) New Jersey. “A child whose...emotional condition...is in imminent danger of becoming impaired as the result of the failure of his parent...to exercise a minimum degree of care... (b) in providing the child with proper supervision or guardianship, by unreasonably inflicting... substantial risk thereof, including the infliction of ...any ...acts of a... serious nature requiring the aid of the court.” N.J. Stat. § 9:6-8.21. (1) b. (4) (2007).
- (g) North Dakota. “A parent...who...[f]ails to provide...other care...necessary for the child's...emotional health... is guilty of a class C felony.” N.D. Cent. Code, § 14-09-22, 1 (b) (2006)
- (g) Wyoming. "Mental injury" means an injury to the...emotional stability of a child as evidenced by an observable... impairment in his ability to function within a normal range of performance....” Wyo. Stat. § 14-3-202 (A) (2006)
- (h) Manitoba. “The best interests of the child shall be the paramount consideration of the...court in all proceedings... [R]elevant matters shall [include]...the child's opportunity to have a parent-child relationship as a wanted and needed member within a family structure...[and] the...emotional...needs of the child and the appropriate care...to meet such needs.” Manitoba. The Child and Family Services Act, 1985, C.C.S.M. c. C80 2(1)(a) & (b) [Continuing Consolidation of the Statutes of Manitoba]
- (i) Ontario. “No person having charge of a child shall permit the child to suffer from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child’s development.” Ontario Child and Family Services Act, R.S.O. 1990, Chapter C.11 sec. 79 (2)(b)(ii)

Whether “mental harm,” “mental injury,” “emotional instability,” “emotional endangerment,” “emotional damage,” or some other phrase, it is clear from the above statutes that emotional child abuse is a statutory crime. When one parent intentionally encourages the child to turn against the other parent, he/she is employing Parental Alienation as a strategy. When the strategy is successful, the emotional consequences to the child can be damaging; and may rise to the level of criminal behavior.

The expression, “poisoning the mind of a minor” as an example of parental interference can be traced back in case law to the early years of the last century.⁹ When one parent “poisons” the child’s mind against the other parent in hopes of alienating the child against the other parent, it is tantamount to teaching the child how to hate. In recent years, Quebec’s Judge John H. Gomery put it eloquently this way:

“Hatred is not an emotion that comes naturally to a child. It has to be taught...Defendant has deliberately poisoned the minds of his children against the mother that they formerly loved and needed.”¹⁰

Parental Alienation can be administered in mild or extreme amounts, or anything in between. In its extreme form, it can be defined as criminal behavior, consistent with the various State definitions presented here.

(4) How the Courts Have Responded to Parental Alienation

Courts in different States have responded to Parental Alienation in different ways. Basically, there have been four categories of these responses: (1) criminal response, (2) civil remedies, (3) custody responses, and (4) therapeutic responses.

(1) Criminal Response. Some states make interference with custody a criminal offense. For example, New Jersey makes interference a crime of the third degree that may lead to imprisonment for three to five years or a fine of \$7,500 or both. All States make emotional child abuse or maltreatment of a child a criminal offense. Some extreme cases of Parental Alienation may warrant this response.

(2) Civil Remedies. All courts can impose civil sanctions by way of contempt of court orders. When a parent’s strategy of Parental Alienation endangers the child’s relationship with the other parent, some of the possible civil remedies may be:

- (a) Economic sanctions against the alienating parent.
- (b) Short incarceration time in jail for contempt of court.¹¹

⁹ “The state is a party to every marriage contract...and will not tolerate even **parental interference** that is not prompted by true parental love and a disinterested motive to promote the child's welfare and happiness.” *Allen v Forsythe et. al.*, 160 Mo. App. 262; 142 S.W. 820 (1912).

¹⁰ *Stuart-Mills, P. v. Cher, A.J.*, Sup. Ct. Quebec, District of Montreal (1991).

(3) Custody Responses. All courts that have initial custody jurisdiction have the authority to modify previous custody orders. Responses to Parental Alienation have been (a) to deny custody, (b) to modify visitation, and (c) to modify previous custody.

(a) Initial Custody

(1) Deny custody to the alienating parent.¹²

(b) Visitation Modification

(1) Extend visits between the child and the alienated parent.¹³

(2) Modify or establish supervised visitations.¹⁴

(c) Custody Modification

(1) Temporary modification of custody.

(2) Permanent modification of custody.¹⁵

¹¹ “The court held defendant in contempt of court, finding her actions demonstrated bad faith, and sentenced her to three days in jail, then suspended the sentence, but warned defendant the next time she violated a court order she would receive at least a seven-day sentence.” *Bielaska v Ofrley*, Unpublished Opinion: COA No. 173666, July 19, 1996, Wayne County, Michigan.

¹² North Dakota Justice Sandstrom wrote, “We hold a parent who willfully alienates a child from the other parent may not be awarded custody based on that alienation.” *McAdams v McAdams*, 530 N.W. 2nd 647 (N.D. 1995).

¹³ In this case, the court ordered that visitation time with the father be gradually increased, to “overcome what may be parental alienation syndrome which has been developing over the past while.” *Orszak v. Orszak*, O.J. No. 1606 (Ontario Super. Ct. Just. May 5, 2000).

¹⁴ The West Virginia Supreme Court of Appeals wrote, “Because of the extraordinary nature of supervised visitation, such visitation should be ordered when necessary to protect the best interests of the children. In determining the best interests of the children....the court should weigh the risk of harm of supervised visitation... against the risk of harm of unsupervised visitation....” *Carter v. Carter*, 196 W.Va. 239, 470 S.E.2d 193 (1996).

¹⁵ In Michigan, custody was modified from mother to father. “According to a social worker assigned to counsel the children, [mother] exposed the children to emotional neglect and abuse. Because she behaved in a self-serving manner and detrimental to the parent-child relationship, she was unable to provide the children with appropriate guidance or create an emotionally secure environment for the children. Thus, the trial court did not err in finding that no established custodial environment existed with defendant.” *Meadows v Meadows/Henderson*, Unpublished Opinion, Antrim Circuit Court Family Division LC No. 03-002805-DM, Sept. 30, 2010.

(4) Therapeutic Responses. Family law's innovations and reforms have become the showcase for therapeutic jurisprudence. Parental Alienation cases provide opportunity to demonstrate how the strategy of replacing the "punishment" role of the courts with the therapeutic "fix the problem" approach can advantage children. Evaluation and therapy are earmarks of the therapeutic response to Parental Alienation.

(a) Evaluation. The court could order an evaluation of the child to determine whether or not Parental Alienation is operative in a particular case.¹⁶

(b) Therapy. The court could order therapy for the child.¹⁷

(c) Parental Alienation Therapy could be ordered by the court.¹⁸

¹⁶ "The parties again appeared before Judge Wells, who ordered that the parties shall undergo an evaluation with Dr. Gregory Joseph to assess parental alienation." *R.O., v L.O.*, Unpublished, Docket No. A-2067-08T32067-08T3, 2010 N.J. Super., August 18, 2010.

¹⁷ "In her third assignment of error, the plaintiff argues that alienating the child is emotional abuse and that the trial court erred in not placing the child in therapy. We agree." *Leard v Schenker*, 35 So. 3rd 1152 (La. App. 2010).

¹⁸ "The father was in need of specialized parental-alienation therapy in order to reach an understanding of the serious emotional harm he had done to the boys by reason of the by-then firmly entrenched alienating conduct in which he had engaged. The court ordered the father to obtain such therapy....We affirm." *In re Marriage of Saleh*, Court of Appeals of Washington, 2003 Wash. App. (June 9, 2003).

Ten Tips for Attorneys and Guardians *ad Litem*

- Tip #1. There is no Parental Alienation when there is reasonable justification for the child to express negativity against one parent.
- Tip #2. Parental Alienation can be a strategy utilized by the custodial parent, the noncustodial parent, or both parents.
- Tip #3. Parental Alienation is nearly impossible when the child is an infant.
- Tip #4. Parental Alienation is difficult to begin after the child is in his/her late teen years.
- Tip #5. Parental Alienation can be operative on one sibling, while not operative on the other(s).
- Tip #6. If Parental Alienation, is suspected or alleged, it should be assessed by a child custody evaluator experienced in the matter.
- Tip #7. Severe Parental Alienation should be considered emotional child abuse and processed criminally.
- Tip #8. Often Parental Alienation can be reduced or eradicated by ordering more time between the child and the alienated parent. When a child spends frequent positive time (primary experience) with one parent, it is less likely that the other parent's Parental Alienation strategy will be successful.
- Tip #9. Parental Alienation case law is growing; become familiar with cases in your jurisdiction.
- Tip #10. Identify mental health professionals in your jurisdiction who have expertise in Parental Alienation.

Appendix

Cases Referencing Parental Alienation and/or the Parental Alienation Syndrome

Alabama

Ex parte S.C., 2009 Ala. Civ. App. LEXIS 449 (Ala. Civ. App. Aug. 14, 2009).
Goetsch v. Goetsch, 990 So. 2d 403 (Ala. Civ. App. 2008).
K.B. v. Cleburne County Department of Human Resources, 897 So. 2d 379 (Ala. Civ. App. 2004).
C.J.L. v. M.W.B., 879 So. 2d 1169 (Ala. Civ. App. 2003).

Alaska

Pearson v. Pearson, 5 P.3d 239 (Alaska 2000).
Plate v. Alaska, 925 P.2d 1057 (Alaska App. 1996).

Arkansas

Linder v. Johnson, 2006 Ark. App. LEXIS 780 (Ark. Ct. App. Nov. 29, 2006) (unpublished), *cert. denied*, 128 S. Ct. 69 (2007).
Ignatiuk v. Ignatiuk, 2006 Ark. App. LEXIS 260 (Ark. Ct. App. April 12, 2006) (unpublished).
Chambers v. Chambers, 2000 Ark. App. LEXIS 476 (Ark. Ct. App. June 21, 2000).

California

In re Marriage of Condon, 73 Cal. Rptr. 2d 33 (Cal. App. 1998).
Edlund v. Hales, 78 Cal. Rptr. 2d 671 (Cal. App. 1998).
In re John W., 48 Cal. Rptr. 2d 899 (Cal. App. 1996).
Coursey v. Superior Court, 239 Cal. Rptr. 365 (Cal. App. 1987).

Colorado

In re Marriage of Hatton, 160 P.3d 326 (Colo. Ct. App. March 8, 2007).
Oosterhaus v. Short, No. 85DR1737-Div III (Colo. Dist. Ct., Boulder County) (unpublished).

Connecticut

Ruggiero v. Ruggiero, 819 A.2d 864 (Conn. App. 2003).
In re Jamie S., 2009 Conn. Super. LEXIS 754 (Conn. Super. Ct. March 9, 2009) (unpublished).
Krukiel v. Krukiel, 2007 Conn. Super. LEXIS 166 (Conn. Super. Ct. Jan. 18, 2007) (unpublished).
Synder v. Cedar, 2006 Conn. Super. LEXIS 520 (Conn. Super. Ct. Feb. 16, 2006) (unpublished).
Coleman v. Coleman, 2004 Conn. Super. LEXIS 2147 (Conn. Super. Ct. Aug. 5, 2004).
Metza v. Metza, 1998 Conn. Super. LEXIS 2727 (Conn. Super. Ct. Sept. 25, 1998).
Bowles v. Bowles, 1997 Conn. Super. LEXIS 2721 (Conn. Super. Ct. Aug. 7, 1997) (unpublished).
Case v. Richardson, 1996 Conn. Super. LEXIS 1836 (Conn. Super. Ct. July 16, 1996).

Delaware

D.M.W. v. T.V.W., 2005 Del. Fam. Ct. LEXIS 55 (Del. Fam. Ct. June 6, 2005).
Ford v. Ford, 2000 Del. Fam. Ct. LEXIS 104 (Del. Fam. Ct. Dec. 19, 2000).

Florida

Marquard v. Secretary for Department of Corrections, 429 F.3d 1278 (11th Cir. 2005).
Schutz v. Schutz, 581 So. 2d 1290 (Fla. 1991), *aff. Schutz v. Schutz*, 522 So. 2d 874 (Fla App. 1988).
Perlow v. Berg-Perlow, 816 So. 2d 210 (Fla. App. 2002).
Boyd v. Kilgore, 773 So. 2d 546 (Fla. App. 2000).
Blosser v. Blosser, 707 So. 2d 778 (Fla. App. 1998).
Tucker fka Greenberg v. Greenberg, 674 So. 2d 807 (Fla. App. 1996).
Williams v. Williams, 676 So. 2d 493 (Fla. App. 1996).
In the interest of T.M.W., 553 So. 2d 260 (Fla. App. 1989).
McDonald v. McDonald, No. D-R90-11079 (Fla. Cir. Ct., Orange County Feb. 20, 2001).
Loten v. Ryan, No. CD 93-6567 FA (Fla. Cir. Ct., Palm Beach County Dec. 11, 2000).
Blackshear v. Blackshear, No. 95-08436 (Fla. Cir. Ct., Hillsborough County) (unpublished).

Hawaii

Chee v. Chee, 2009 Haw. App. LEXIS 497 (Haw. Interm. Ct. App. June 19, 2009) (unpublished).

Illinois

In re Marriage of De Bates, 819 N.E.2d 714 (Ill. 2004).
In re Marriage of Divelbiss, 719 N.E.2d 375 (Ill. App. 1999).
In re Violetta B., 568 N.E.2d 1345 (Ill. App. 1991).
Tetzlaff v. Tetzlaff, No. 97D 2127 (Ill. Civil Ct., Cook County March 20, 2000) (unpublished).

Indiana

In re Paternity of V.A.M.C., 768 N.E.2d 990 (Ind. App. 2002).
Kirk v. Kirk, 759 N.E.2d 265 (Ind. App. 2001).
Hanson v. Spolnik, 685 N.E.2d 71 (Ind. App. 1997).
White v. White, 655 N.E.2d 523 (Ind. App. 1995).

Iowa

In re Marriage of Rosenfeld, 524 N.W.2d 212 (Iowa App. 1994).

Kentucky

Edwards v. Williams, 170 F. Supp. 2d 727 (E.D. Ky. 2001).

Louisiana

Hollingsworth v. Semerad, 799 So. 2d 658 (La. App. 2001).
Leard v Schenker, 35 So. 3rd 1152 (La. App. 2010).
Palazzolo v. Mire, 10 So. 3d 748 (La. App. 2009).
White v. Kimrey, 847 So. 2d 157 (La. App. 2003).
Wilkins v. Wilkins, No. 90792 (La. Fam. Ct., East Baton Rouge Nov. 2, 2000) (unpublished).

Maine

Thun v. State, 2009 U.S. Dist. LEXIS 66670 (D. Maine July 28, 2009).

Maryland

Barton v. Hirschberg, 767 A.2d 874 (Md. Sp. App. 2001).

Michigan

Bielaska v Ofrley, Unpublished Opinion: COA No. 173666, July 19, 1996.

Chee v. State, 2008 U.S. Dist. LEXIS 68004 (E.D. Mich. Sept. 8, 2008).

Meadows v Meadows/Henderson, Unpublished, Antrim Court, No. 03-002805-DM, Sept. 30, 2010.

Spencley v. Spencley, 2000 Mich. App. LEXIS 1770 (Mich. Ct. App. April 7, 2000).

Mississippi

Ellis v. Ellis, 952 So. 2d 982 (Miss. App. 2006).

Nevada

Truax v. Truax, 874 P.2d 10 (Nev. 1994).

New Hampshire

Lubkin v. Lubkin, No. 92-M-46LD (N.H. Dist. Ct., Hillsborough County Sept. 5, 1996).

New Jersey

Coles v. Pinn-Wilson, 2008 N.J. Super. Unpub. LEXIS 1452 (N.J. Super. Ct. March 26, 2008).

Lemarie v. Oliphant, No. FM-15-397-94 (N.J. Super. Ct. Dec. 11, 2002) (unpublished).

R.O. v L.O., Docket No. A02067-08132067-0813 (N.J. Super. Ct. Aug. 18, 2010).

New York

Daniels v. Murphy, 2007 U.S. Dist. LEXIS 47838 (E.D.N.Y. July 2, 2007).

Smith v. Bombard, 741 N.Y.S.2d 336 (N.Y. Sup. Ct. App. Div. 2002).

People v. Fortin, 289 A.D.2d 590 (N.Y. App. Div. 2001).

In the matter of Krebsbach v. Gallagher, 587 N.Y.S.2d 346 (N.Y. Sup. Ct. App. Div. 1992).

N.K. v. M.K., 851 N.Y.S.2d 71 (N.Y. Sup. Ct., Kings County Oct. 1, 2007) (unpublished).

People v. Bimonte, 712 N.Y.S.2d 829 (N.Y. City Crim. Ct. 2000).

Oliver V. v. Kelly V. (N.Y. Sup. Ct.), opinion in *New York Law Journal*, p. 25 (Nov. 27, 2000).

In the Matter of J.F. v. L.F., 694 N.Y.S.2d 592 (N.Y. Fam. Ct., Westchester County 1999).

People v. Loomis, 658 N.Y.S.2d 787 (N.Y. County Ct., Suffolk County 1997).

Sidman v. Zager, No. V-1467-8-9-94 (N.Y. Fam. Ct., Tompkins County) (unpublished).

Karen B. v. Clyde M., 574 N.Y.S.2d 267 (N.Y. Fam. Ct., Fulton County 1991).

Rosen v. Edwards (A.R. v. S.E.) (N.Y. Fam. Ct., Westchester County 1990), opinion published in the *New York Law Journal*, p. 27-28 (Dec. 11, 1990).

North Dakota

In the Interest of T.T., 681 N.W.2d 779 (N.D. June 30, 2004).

Ohio

Weisgarber v. Weisgarber, 2009 Ohio App. LEXIS 4 (Ohio Ct. App. Jan. 5, 2009).
In the matter of J.M., 2008 Ohio App. LEXIS 5631 (Ohio Ct. App. Dec. 22, 2008).
Truex v. Truex, 901 N.E.2d 259 (Ohio App. 2008).
Cichanowicz v. Cichanowicz, 2008 Ohio App. LEXIS 4023 (Ohio Ct. App. Sept. 22, 2008).
Hamilton v. Hamilton, 2008 Ohio App. LEXIS 3138 (Ohio Ct. App. July 25, 2008).
Horning v. Wolff, 2006 Ohio App. LEXIS 6345 (Ohio Ct. App. Dec. 4, 2006).
Curie v. Curie, 2006 Ohio App. LEXIS 6058 (Ohio Ct. App. Nov. 17, 2006).
In the Matter of S.G., 2003 Ohio App. LEXIS 109 (Ohio Ct. App. Jan. 16, 2003).
Doerman v. Doerman, 2002 Ohio App. LEXIS 3183 (Ohio Ct. App. June 24, 2002).
Pathan v. Pathan, 2000 Ohio App. LEXIS 119 (Ohio Ct. App. Jan. 21, 2000).
In re Adoption of Wagner, 1999 Ohio App. LEXIS 3117 (Ohio Ct. App. June 30, 1999).
Arthur v. Arthur, 720 N.E.2d 176 (Ohio App. 1998).
Pisani v. Pisani, 1998 Ohio App. LEXIS 4421 (Ohio Ct. App. Sept. 24, 1998).
Conner v. Renz, 1995 Ohio App. LEXIS 176 (Ohio Ct. App. Jan. 19, 1995).

Oklahoma

Kaiser v. Kaiser, 23 P.3d 278 (Okla. 2001).

Pennsylvania

Dreibelbis v. Young, 2007 U.S. Dist. LEXIS 90659 (M.D. Pa. Dec. 10, 2009).
Popovice v. Popovice, No. 1996-C-2009 (Pa. Ct. of Common Pleas, Northampton County Aug. 11, 1999).

Texas

Rangel v. State, 2007 Tex. App. LEXIS 4761 (Tex. Ct. App. June 17, 2007) (unpublished), *review denied*,
In re Rangel, 2008 Tex. Crim. App. LEXIS 135 (Tex. Crim. App. Jan. 23, 2008).
Ochs v. Martinez, 789 S.W.2d 949 (Tex. App. 1990).

Virginia

Shaw v. Lynchburg Dept. of Soc. Services, 2009 U.S. Dist. LEXIS 6659 (W.D. Va. Jan. 29, 2009).
Ange v. Chesapeake Dep't of Human Svs., 1998 Va. App. LEXIS 59 (Va. Ct. App. Feb. 3, 1998).

Washington

In re Marriage of Saleh, Court of Appeals of Washington, 2003 Wash. App. (June 9, 2003).

Wisconsin

Fischer v. Fischer, 584 N.W.2d 233 (Wis. App. 1998).
Janell S. v. J.R.S., 571 N.W.2d 924 (Wis. App. 1997).
Wiederholt v. Fischer, 485 N.W.2d 442 (Wis. App. 1992).

Wyoming

Carlton v. Carlton, 997 P.2d 1028 (Wyo. 2000).
McCoy v. State, 886 P.2d 252 (Wyo. 1994).