

PARENTAL ALIENATION FAQ

Does “listen to the child” mean that the child should choose between the parents when they separate?

All over the Western world there is a demand to listen to the child with reference to *Article 12* in the *UN Convention on the Rights of the Child*, and with reference to the best interests of the child as the paramount principle for all decisions concerning children. Listening to the child does not imply that the child should take over decisions regarding what is in his or her best interests. A child does not have life references or the neurological brain maturity to understand the long-term consequences of choosing one of the parents over the other.

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Here is an illustrative study:

The child psychiatrist Dr. Kirk Weir, who was working as a consultant to the National Health Service for 35 years, looked into what is compulsory in England and Wales to decide in all matters concerning children. It is summarized by the expression “the child’s wishes and feelings.” (It is a duty ruled in Children Act 1989 and often an Order is made for CAFCASS to establish what is the child’s wishes and feelings.)

Dr. Weir tells about when he started his work as a private expert with separated parents.

I was caught off guard by the intensity of hatred and emotion, the extremes of denigration of an ex-spouse and the total resistance to the idea that the nonresident parent had anything positive to contribute to their child’s future development. I met nice children who were filled with fear and loathing for a parent they may have loved at one stage in the past. These children were really resistant to the idea of any form of contact be it direct or indirect. They were rude and dismissive about one of their parents and all relatives on that side of the family. They often refused to accept cards or presents and tore them up or threw them in the bin. When I discussed the possibility of a contact visit the children reacted as though terrified.

Initially I was so concerned by the levels of distress emanating from children and the extreme parental conflict to which they were exposed, that I did not insist that a contact visit should take place. That was a mistake.

Dr. Weir described the following case, which occurred later in his career:

A boy age 7½ and a girl age 5½ whose parents had been separated for 3 years. Contact difficulties began immediately and by the time I met them the children had not had contact visits with their father for 2½ years. The mother opposed contact on the basis that she was following the children’s wishes as they were angry with the father, were frightened of him and did not wish to see him.

Dr. Weir related how strong the children's and the mother's resistance was at their first contact when he had been appointed as an expert. Eventually the mother agreed to his seeing the children in her presence. He said:

Girl refused to answer simple enquiries and hid her face. Boy answered in a quiet, anxious voice He didn't know why I was visiting. I said that it was about a disagreement between his parents and explained the role of the Courts when parents couldn't decide what was best for their children. I said the disagreement was between his dad who wanted to see him, as he loved him, and his mum who was not sure that was a good idea. The mother interrupted me to say that I was wrong, she wanted contact were it not for her children's strong feelings Girl refused to talk to me though as I was leaving said: "Mummy said we don't have to go if we don't want to."

Following my standard assessment method on the following day I collected the children from school with the Guardian and drove them to the contact venue. The children were taken into a room where the father was waiting. Girl immediately withdrew saying she was frightened. They refused to re-enter the room and were settled and encouraged to play games. Once settled the father was brought in. Both looked away. After a while Boy agreed to his father being part of a game and increasingly looked at him and responded. He began to smile. Within ¼ of an hour Girl agreed to join in. The children became lively and happy and talked about their home life and their memories of the past. The whole visit, including collection and travel took 3-4 hours.

On returning the children home Boy told his mother that he had been forced to play with his father. The mother was agitated and repeatedly asked whether he had wet himself. When I explained what had happened, she became angry. She could not envisage that the children ever want to see him. Regular contact was reinstated but difficulties persisted and the case was resolved by a Residence Order to the father.

Dr. Weir summarized that of 58 contact resistant children, 34 enjoyed a good or reasonable contact with the parent they had refused to have any contact with, while 24 either refused to visit or remained resistant throughout the visit. This demonstrates that about two-thirds of the children, when a contact was insisted, not only went along—they even enjoyed it.

The children's ascertainable wishes and feelings not to have any contact turned out to be extremely unreliable, Dr. Weir concluded. This study also found very high rates of successful reunion among young children; for the children below 5 years of age, it was 100 percent. For children above 8 years, 40 percent reunited at the first visit.

Weir, K. (2011). Intractable Contact Disputes – The Extreme Unreliability of Children's Ascertainable Wishes and Feeling. *Family Court Journal* 2(1).