



Briefing for the Public Petitions Committee

Petition Number: [PE1790](#)

Main Petitioner: Samantha Kerr

Subject: Parental and familial alienation as a form of child abuse

Calls on the Parliament to urge the Scottish Government to recognise parental and familial alienation as a specific and serious form of pathological psychological child abuse

Background

It would appear that the definition of parental alienation as a concept in family court cases, its surrounding terminology and its scale remain under debate, with the result that there is no clear data as to its extent¹.

However, while there is no single definition, it has been recognised that parental alienation (and by extension, familial alienation) is when a child's resistance to one parent is not justified and is the result of psychological manipulation by the other parent or other family member.

Parental alienation could be one of the reasons why a child may reject or resist spending time with one parent, post-separation. While not restricted to alienation, behaviours and indicators can include: a parent constantly bad-mouthing or belittling the other parent; limiting contact; forbidding discussion about them; and/or creating the impression that the other parent dislikes or does not love the child.

A key point about parental alienation is that the conclusion the child has reached is unjustified when measured against objective criteria. Of course, in some cases, it would be completely understandable if a child regarded a parent in a negative way, for example, when that parent is, or has been, a perpetrator of domestic abuse.

¹ [Children and Family Court Advice and Support Service](#), England.

Scottish Government Action

In May 2018, the Scottish Government launched a consultation [Review of Part 1 of the Children \(Scotland\) Act 1995 and creation of a Family Justice Modernisation Strategy](#).

The consultation asked respondents to comment on whether the Scottish Government should take action to try and stop children being put under pressure by one parent to reject the other parent (see question 28). An analysis of responses to the consultation showed that 56% of respondents were in favour of the Scottish Government taking action in this area.

Following the consultation, the Scottish Government introduced the Children (Scotland) Bill in the Parliament on 2 September 2019. Despite support for some form of action to be taken, the Bill does not include any specific provisions in relation to parental alienation.

Scottish Parliament Action

The issue of parental alienation has been the subject of previous petitions in the Scottish Parliament.

Petitions PE413 and PE438 were concerned with Parental Alienation Syndrome and Parental Alienation Syndrome (Sibling Contact) respectively.

PE413 called on the Parliament to recognise parental alienation syndrome and PE438 called for resources to allow children to obtain the right of contact with alienated siblings. At its meeting on [18 June 2002](#), the then Public Petitions Committee considered both petitions after asking the then Scottish Executive for its views.

With regard to PE413, the Scottish Executive's response was that parental alienation syndrome was not a medically recognised condition, nor was it a term used in legislation in Scotland. The response also stated that the term was not used in the definition of child abuse or domestic abuse. The Executive provided details of the circumstances in which the term is used by parties in a legal context and the types of parental activity that the term is used to define. The Executive did not agree that parental alienation syndrome was a medical term that was sufficiently well defined to make its diagnosis certain. The Executive also did not agree that the use of the term would be appropriate in legislation. It took the view that Scots law already dealt with the issues that may arise and which may be attributed to parental alienation syndrome.

With regard to PE438, the Executive made the point that, when a court is making a decision about a child, the paramount concern of the court must be the best interests of the child concerned. It referred to the Children (Scotland) Act 1995, which allows the views of children to be taken into account, and of the right of siblings to establish contact with a child through the court system.

Graham Ross

Senior Researcher

18 February 2020

SPICe researchers are not able to discuss the content of petition briefings with petitioners or other members of the public. However if you have any comments on any petition briefing you can email us at spice@scottish.parliament.uk.

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.