

PE1790/K

Petitioner submission of 17 May 2020

It is universally acknowledged that Child & Parental Alienation, as defined below, constitutes a serious form of psychological and emotional child abuse which has extremely negative, lasting impacts on both the subject child and the 'target parent' (T.P.), with often irreversible long term effects.

There is an immeasurable crisis, that is Alienation and psychological coercive control not being unrecognised by the Scottish Government and Scottish Parliament where one parent in some cases have their children removed by criminal false allegations of neglect and abuse to the outright denial and denigration of the target parent by the alienating parents and/or including significant other adults in the children's lives.

This is a gender neutral issue and a targeted parent can be either the Mother or the Father who are deliberately targeted by the psychological coercion of their children against [the target the other parent] as a means to obstruct remove and or obstruct any contact with the child whether by legal methods or conspired plans to remove the target parent and erase them from the child's life

These alienators are using children as pawns, going to war with ex-spouses or partners causing some targeted parents to have nervous breakdowns, and destroying relationships deliberately between children and the targeted parent, despite coercive control of children being included in the new Domestic Abuse (Scotland) Act 2018.

Affording the voice of the child requires paramount consideration ordinarily or ex facie is a progressive move for a child to have their voice heard and their wishes given full and frank consideration, however the relevant checks and balances are required as this is not a cut and dry issue, especially if there is any form alienation or coercive control involved.

As one expert has said It is a question of differentiating between the expressed wishes of the child and the ascertainable wishes and feelings of the child and this requires expertise.

If the coerced voice of the child is accepted, then that puts a responsibility on that child for all repercussions of the fact that the voice of the child is actually a third-party voice for an alienating adult. In some cases it can perjure a child if false allegations are made and the alienating adult(s) use the child as a weapon against the target parent in court, this is where the child is used to shield the abuser(s) of both the target parent and the child to ensure that their own personal desires are met without putting themselves at criminal risk.

What this in effect does is puts full responsibility for their actions and desires onto the child, and if the voice of the child is to be recognised, then that very voice of the child bears the same significant weight in law as would the voice or testimony of an adult. Therefore it must be ensured that any child as full cognisance and cognitive knowledge of exactly serious and in some cases criminal repercussions and the long term detrimental effect on the target parent

including serious emotional and mental health issues that could lead to suicide of the abusers targets being the targeted parent and the child(ren).

Therefore specialised assessment and accurate checks and balances must be put in place in order allow the voice of the child in a safe manner that will not inflict significant or serious harm to another, and indeed the child themselves in years to come when that child does attain full cognitive knowledge of the significant outcome of expressing paramount voice of the child, and that outcome has far reaching devastation and destruction.

Without the acknowledgement in the least that this type of psychological coercive control actually exists and there are many cases of this, then the child has no recourse to obtain exoneration for exerting a third party's voice (used as the child's) and hold them fully responsible for any far reaching consequences.

The Alienating Parent (AP) whose narcissistic behaviours culminate in the Psychological 'Splitting' in the alienated Child's personality that leads to the many symptoms that encapsulate under the definition of Parental Alienation as reflected in Bill Gates funded the WHO's ICD-11 Index as:

'Caregiver-child relationship problem; Problem associated with interpersonal interactions in childhood; Description Substantial and sustained dissatisfaction within a caregiver-child relationship associated with significant disturbance in functioning.'

Coming from two differing Psychological Schools of Thought the following internationally renowned experts considers Parental Alienation as follows.

Professor of Psychiatry & Behavioural Sciences William Bernet M.D. states that Parental Alienation which is indexed in ICD-11 WHO's (Latest version of International Classification of Diseases) is also clearly expressed in DSM-V (Diagnostic and Statistical Manual of Mental Disorders - American Psychiatric Association) particularly in child-parental relationship and a child affected by parental relationship distress.

Clinical Psychologist Dr Craig Childress defines Parental Alienation as a shared persecutory delusion between the child and the allied parent, with the allied parent as the primary case. it is a shared persecutory delusion - an ICD-10 diagnosis of F24 Shared Psychotic Disorder and a DSM-5 diagnosis of child abuse see <https://drcachildress.org/>

There was a remarkable judgment from the English Appeal Court on 29th April 2020. This judgement includes the best interests of a child and unsupported and unfounded allegations of improper conduct against a father with mention of COVID19 also. The landmark judgment also states that Parental alienation is a child protection issue. (<https://karenwoodall.blog/2020/05/03/court-of-appeal-judgment-parental-alienation-as-a-child-protection-issue/>)

The Scottish Parliament Justice Committee published its Stage 1 Report on the Children (Scotland) Bill on May 1st, 2020, Whereby it is stated:

“The Scottish Government consulted on the inclusion of a specific factor relating to parental alienation but ultimately decided against it. Scottish Government officials told the Committee that the term parental alienation is ‘much disputed’ and therefore the Government concluded that it would not be appropriate to include it in the Bill.”

The Scottish Parliament Justice Committee rejects to recommend to the Scottish Government to amend its Bill to include Parental Alienation, despite their being a current substantial petition lodged with The Scottish Parliament Public Petitions Committee: Parental and familial alienation submitted by myself Samantha Kerr, an alienated Mother of nearly two years now by false allegations and unlawful gatekeeping of any form of contact with my children in all this time.

As we are currently operating under the confines of the Scottish Government imposed lockdown due to the COVID19 outbreak, The Scottish Courts have recently published guidance on complying with family court orders on 27 March 2020 by the Lord President during coronavirus outbreak.

It is emphasised that contact arrangements should remain as they are unless a parent and their ex-partner agree to change them during the pandemic. Where there is a complete breakdown of communication between parent refusing to acknowledge the other, this can be an impossible situation to amicably resolve.

There is no statistics nor guarantees that this guidance is being adhered too, and there have been reports of many parents using the Coronavirus restrictions obstruct and cease any form of contact with the other parent, whilst we are still in an indefinite period of how long these restrictions will last for.

In a fairly recent judgement The Supreme Court v West Lothian Council in March 2017 states Parental responsibilities and parental rights that include the responsibility and the right, respectively, “if the child is not living with the parent, to maintain personal relations and direct contact with the child on a regular basis”: Children (Scotland) Act 1995, sections 1(1)(c) and 2(1)(c).

Lady Hale emphasised that interfering with individual rights must be taken by an independent and impartial court. In order to bring home to judges that their role is not merely supervisory, she drew an analogy with criminal proceedings: I would conclude that would also include a parent interfering with an individual’s parental rights and responsibilities also, and that the child should not be deprived to having regular contact with the other parent unless there is a real and non-vexatious malicious falsehood appertaining to child protection and safeguarding from the other parent.

Therefore, the substantial issue regarding child, parental and familial alienation must be acknowledged to allow for the rights of the parent and the child to be adhered too without any form of detriment to the targeted parent of the

child(ren). Measures and checks and balances must be put in place to ensure that the current pandemic restrictions are not being used to violate these individual rights.