The First Ingredient of Parental Alienation

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Access and Visitation Blocking

In cases when one parent starts to limit parenting time with and access to the children by the other parent, it's important to determine if parental alienation is a factor in your case. It's imperative to be aware if Parental Alienation is present in your case as it can undermine your effectiveness.

This is a first in a series of four articles about the criterion for Parental Alienation. The information in this blog was derived from an article that was published in the Florida Bar Journal in 1999. Since that time, even more information has surfaced regarding Parental Alienation.

The first criterion and one you may see immediately is that of Access and Visitation blocking.

This behavior inhabits virtually all Parental Alienation cases. The most important thing to understand about this issue is that its manifestations can vary in their presentation. On the most extreme end, one parent's behavior will be overt and purposeful in blocking access of the children from the other parent. For example the parent denying access is considered the "alienating parent". This behavior can be extreme and transparent or very subtle. The alienating parent may refuse to deliver children to the other parent or have conflicting events during the other parent's parenting time.

Perhaps surprisingly, the extreme expression of this kind of access blocking is more the exception than the rule. It's easy to spot and confront. If a court order states that the child will be delivered to the non-custodial parent on Friday at 3:00 PM, and the child isn't delivered and no warning or reason is given that can be considered visitation blocking. The offending parent, who often becomes the alienating parent, is placing themselves in a position to be chastised by the court. While conflicts over timesharing does occur in many cases where a parent can't deliver a child to the other parent for valid reasons more often than not is rather rare because most true alienating parents are savvier than this.

We must be reminded that the Family Law system throughout the land is biased towards the protection of children, which it should be.

Children should and must be shielded from abuse and danger. It is important to understand that this default setting of protection does in fact constitute a bias. What this means is that even the most subtle suggestion that a child would be better off not seeing the (targeted) parent tends to be absorbed by this bias.

The legal phrase "out of an abundance of caution" is often heard during these cases. In other words, out of caution for making certain that the child in question is not in danger, the access time might well be at least postponed, if not cancelled all together, due to this bias. However, as we know in the case of Parental Alienation, it is precisely this bias that is manipulated and exploited.

In other words, even when there is no articulated (false) allegation as to why a child should not see that other parent, the bias to protect that child from danger very often jumps into the thinking of the court, which causes the court to rarely act quickly and decisively to confront a violation of its own order. Therefore we more often than not find that the access and visitation blocking represented by this criterion implicitly clothed in some suggestion that the child is better off not having their contact time with that parent passes muster with the court.

"*There must be some reason the child did not want to see that parent*" is a phrase that hovers over these incidents, which causes the court to "lean back" out of caution, rather than "lean forward" to protect. It simply is the default setting, so much so that little attention is given as to why the court's order was not followed in the first place.

We stress the point that the bias to protect, while legitimate and necessary as it is, constitutes a powerful undertow that can easily wash a parent's time with their child out to sea. Even the hint or suggestion of displeasure or danger tips the bias over the edge. And it's this petri dish of bias to protect, where the bacterium of alienation can grow both quickly and easily. The alienating parent's task is easy.

The playing field is not level. It is slanted in favor of the alienating parent when alienation is present. It's important to simply recognize this if it's to be overcome.

What forms of this access and visitation blocking might we see?

The most extreme and obvious forms of blocking and access denial are noted above, but the more subtle yet powerful must also be identified. In today's hyper communicative environment, replete with social media, text messaging, Facebook, Twitter, email and cell phones, all of these media are subject to the expression of this criterion.

When it comes to social media, we might find that a parent is "unfriended" or perhaps an alternate identity is created for purposes of cutting off communication with that parent. In the case of the other digital media, we see alternate email addresses being created, and alternate cell phone accounts being opened. In the case of telephonic communication, we might see telephone calls not being returned or voicemail messages not being played. Ironically perhaps, since we now have so many more communicative media available, they all represent opportunities to show to the court the presence of this criterion.

An important strategy that is helpful in uncovering these criteria is a strong recommendation that logs of calls, messages and all other data exposing this criterion be created and maintained. While it is unrealistic to expect that any trier of fact is going to listen to many or any of these messages, the effect of having abundant documentation that carries the theme of access and visitation blocking is significant.

Moving down the scale of subtly, one of the more common expressions of this criterion is that of the alienating parent scheduling a child for activities that occupy the time that the child is to see the targeted parent.

This has the familiar theme of thereby causing the targeted parent to be in a quandary as to what to do. Should he or she insist on disallowing the child to participate in the activity in favor of contact, or should he or she alter their activities to attend the activity with the child, or should he or she simply allow the activity to occur and forgo contact? There are no pat answers to these questions as each set of circumstances must be assessed and weighed individually.

However what is clear is that this quandary as to what to do may be presented to the court as having been created by the actions of the alienating parent. The alienating parent must be shown to be the puppeteer who manipulates the child to be in the middle, and to act as their agent, and examples of using activities to block access can be a fertile ground to make this argument. In most cases when the court begins to understand the pattern an alienating parent is to setting up to make circumstances move in their favor the court often fails to act in a curative direction, if it acts at all.

Visitation blocking is present in virtually every Parent Alienation case and needs to be understood as a warning sign of either what's subtly in a case or what's about to become very obvious.