

THE FAMILY COURT SYSTEM IS NOT WORKING: SO WHY HAS NO ONE CHANGED IT?

By Joan T. Kloth-Zanard

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When something does not work, we usually just stop using it. For years, the judges, attorneys, GALs, AMC's and agencies have known that the family courts and the state agencies associated with them are not functioning in the best interest of the children or the family. In fact, the courts interventions and programs do not work in most cases, because they are antiquated, outdated, and/or administered by improperly trained, poorly educated or worse, corrupt individuals.

Question:

So why do the courts continue to use these outdated, antiquated broken methods that are not working to prevent divorces from getting out of control?

Answer:

They are unsure of what else to do? I doubt it. They know that Family Therapists specialize in working with families. And many of those therapists are now highly trained in high conflict divorce involving custodial interference, alienation and impeding of the children's relationship with the other parent. They also know that the rules and laws are so antiquated and corrupted that they do nothing to help the families, but make them financially, emotionally and physically poor.

It is time for the courts and agencies working with families to start listening to the professionals who are trained in Marriage and Family Therapy or a Licensed Marriage and Family Therapist (LMFT). These are the people who understand the nature of human beings and family relationships the best. These are the professionals who should be called upon to evaluate and make recommendations, especially if they are trained or educated in alienation and solving for it. This does NOT include social workers, as social work does NOT necessarily mean training in Family issues. Social workers are trained in social services needs and some family issues, but not marriage and family. And worse, these untrained social workers and other professions have no idea what to do when it comes to an explosive parent who just refuses to listen and follow the courts orders.

The following is adapted from the Explosive Child p. 256 by Ross Greene, Ph.D. According to Ross Greene, there are 3 possible plans that can be used when resolving conflicts, especially with explosive children or in the case of Parental Alienation and custodial interference, explosive parents. He calls the "Plan A, B & C". Plan A is the punishment plan. If the child/adult does not do what they are told, they get punished. This plan only works if you have a person who respects authority and can control him or herself. Plan B or the proactive approach involves collaboration to solve the problem and usually is the best course of action. And lastly, Plan C is the do nothing plan or just let the offending person get away with their aggressive behavior for now and thus not dealing with it until later if ever.

Taken and applied to Parental Alienation they might look something like this.

- Plan A: Punishment or consequences to fit the situation such as telling a parent that they will have to do community service with children who have no parents, be fined, have supervised visitation or even weekend jail, if they do not comply. These solutions would work only because it directly affects the aggressive parent but if the parties are narcissistic and so out of control that they will not listen, then something drastic must be done, such as loss of the custody for non-compliance. But even with this, unless the courts follow through with these consequences, the offending parent knows they can get away with it.
- Plan B: Proactive Approach using Collaborative Problem Solving which allows the exploration of what is really at the heart of the conflict, or what is each parents true interest in keeping the war/conflict going. This would involve getting everyone into counseling, but especially the adults. Specialized counseling involves reunification techniques that includes not only individual therapy to work on the adults family of origin issues (FOO) but also would include sessions with each parent and one child to see the true dynamics of their relationship. In addition, if safe and if applicable, both parents should be seen together in session dealing with their own personal divorce issues. This method is a more progressive approach that leads to more beneficial outcome for all, while teaching proper communication, parenting and relationship styles.
- Plan: C: Ignoring that custodial interference is happening and/or saying it will get better on it's own and the kids will come around, which is exactly what the courts primarily do now as well as the improperly trained professionals. The problem with this theory is that each time we give the offending parent another chance or do nothing about their contempt of orders; or allowing them to lie, it provides more time for this offending parent to aggressively harm the children's relationship with the other parent. And from experience we know this is not the right answer as the kids get worse and end up with physical, psychological, emotional and mental issues.

As for counseling, a part of Plan B, this alternative proactive approach of Plan ABC works well with aggressive/alienating parents (AP) who are like an explosive child that is not getting their way. With time and years of experience, the aggressive parents have cultivated and fine-tuned their explosions or temper tantrums. They are now much more subtle in their presentation of their anger, rage and hatred. They no longer us high-energy explosions and temper tantrums on the floor but instead it is more of a psychological outburst.

In fact, AP's cannot help themselves from alienating as they are lagging in skills to control their impulses and anger especially toward someone else that could undermine their total control. And here it might be important to remember something that Ross Greene says, "Kids Do Well if they Can!" Adults/Parents are no different. If a person does not have or has not learned the skills or are lagging in a developmental skill, it affects their ability to communicate, let alone do so many things appropriately. These adults, like the explosive child, need to get caught up because now it is not just a problem for them but for others, such as the children in a divorce. These unresolved problems and lags in interpersonal skill development are like those seen in the explosive child. They must be taught or re-taught to help the explosive parent to "do well if they can." (*Greene, P. 289-290*)

So to compare the AP's to the explosive child, it would look like the same issue as Greene saw in the aggressive children; the AP's need total control because they do not know how to deal with or communicate the real problem and so shut down and overreact. In the case of AP's, this could be a fear of being alone and abandoned if they are not perfect. This fear of abandonment for the Explosive Parent is part of their extreme low self-esteem. They are severely depressed and often riddled with anxiety, but they have learned to mask it well so they can hide their imperfections from the world. Let untreated or improperly treated, it migrates to a more psychologically aggressive response. These aggressive parents mental health lags and issues morph or metastasize into Borderline Personality Disorder (BPD) or Bipolar/Manic Depressive Disorder, and narcissism along and stem from severe chronic depression and anxiety that they have masked for years.

If we use Plan A, i.e. punishments, by themselves, these often would have no meaning to the narcissist AP as rules and laws are made for everyone else but them. Because the courts rarely penalize for contempt, it would be like a slap on the wrist for not complying or lying in court. This is where the courts make their biggest mistakes, if the threat of punishment with a parent is not working and the parent is still not complying, either enact the punishment or go to plan B because otherwise, the AP knows they can get away with it and will continue to do so. Here is where a 3-strikes and you are out policy could really help.

When the courts allow the AP to get away with no punishment or recourse for non-compliance, then typically the courts response is to use Plan C, and just let them get away with the alienation. The thought process here seems to be we can deal with this later down the line. But the problem is that later down the line, means that the children remain in the line of fire, i.e. the anger, hatred and rage of the AP. This is not healthy for the children in any way, shape or form. The children never learn appropriate relationship and communications skills, as their role model is defective or lagging in their own interpersonal skills. This then gets passed down to the children causing a multigenerational affect. And it definitely has a dramatic affect on the targeted parent who develops PTSD or Post Traumatic Stress Syndrome from the stress and constant attacks by the AP. The only way to stop this multigenerational process and the future of our youth from being pervasively narcissistic is to start preventing it now while we can.

If we were to use Plan B, the proactive approach from the start, we might never have to deal with threats of punishment or worrying about the children's

welfare. If from the start we got to the heart of the matter, i.e. what is motivating a parent or parents to keep up the conflict, we could help to negotiate and calm the situation down. If instead, we incorporated a therapeutic protocol and properly planned set of negotiations with a portion of Plan A's punishment phased in, we might make a difference. A phased in Plan A incorporated with Plan B negotiations would ensure that if the offending parent was mentally ill, they still had a chance to resolve the problem using Plan B but with a 3-strikes and you are out attitude from Plan A.

The program would be 12 weeks of Plan A and B incorporating in the three strikes and you are out precedence. This would be established an efficient monitoring progress. The first part of this would be to immediately court order counseling with a qualified therapist who can get problems resolved before they become an out of control conflict. In other words, by helping each parent to deal with their anger, hatred and rage, we help to prevent it from being passed onto the children and targeted adult. Each parent will have only 12 weeks and three-strikes to comply after which supervised visitation or loss of custody must be instituted and visitation can only be re-established by a panel of three professionals, two LMFT's and a Judge. Until unsettled personal problems relative to each parent are resolved, along with passing the 12-week program with little incidence, a parent should NOT be allowed to attend the mandated parenting classes. The offending parent should not advance to these parenting classes because an ill-prepared parent, will ignore the lessons they need to learn from them. If the parent makes it through the 12-weeks with a clear bill from the counseling, they will continue in their treatment program and be allowed to take the mandated parenting classes.

From here the courts must take on the same role as a school does when it must stop bullying. Custodial interference is a form bullying the children and extended family to side with the aggressive parent or be cut out of the alienating parents lives. For the children this means loosing a parent. For a grandparent, it means loosing their grandchildren. If we were to view the courts as the monitor like in a School, it helps to understand what their role really needs to be. The schools are analogous to the courts as both are institutions that oversee people or children, in the case of the school. Technically, the courts job is to make sure that the participants do as they are supposed to be doing and prevent bullying. At the schools, there is a no tolerance rule to bullying. So just like the school, the courts should not be tolerating the bullying and abuse of custodial interference. But if we utilize the three strikes and you are out coupled with the extensive specialized therapy, we might have a chance of stopping the snowball affect of Parental Alienation.

To this end, I propose that we need to get a panel of LMFT's, who are trained in high conflict aggressive divorces where the children are being used as pawns, to help establish a protocol of treatment and testing to determine if custodial interference is justified or not. We need to revamp our procedure for determining and examining abuse allegations of all kinds as too many cases either fall through the cracks or turn out to be false vendetta's to ruin someone's life. And then we need to establish solid ground rules using the 12-weeks, and three-strikes you are out program. All of this combined, might just stop the destruction of families and

the future of this country. Our children are the future of this country and if we do not stop this narcissistic psychological abuse from unnecessary high conflict divorces, these will be the future adults running this country to the ground.