

Received: 5 September 2023 | Accepted: 11 July 2024

DOI: 10.1111/ijsw.12692

**ORIGINAL ARTICLE**INTERNATIONAL  
JOURNAL OF  
SOCIAL WELFARE

# The illusory correlation between parental alienation and other forms of family violence

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Email: [jennifer.harman@colostate.edu](mailto:jennifer.harman@colostate.edu)**Abstract**

There has been considerable public discourse around courts allegedly “dismissing” mother’s allegations of domestic violence and child abuse when a father alleges that he is being alienated from his children by their mother. The purpose of this project is to test whether this discourse is based on an illusory correlation. Published court decisions from 200 family court cases in Canada were sequentially selected if parental alienation was alleged to have happened to the father and abuse was alleged to have been perpetrated by the father. Independent coders recorded the investigative outcomes of the court cases regarding alienation and abuse, and whether the mother lost child custody. Results indicate that there is an illusory correlation between family court cases involving both allegations of abuse and parental alienation, and that mothers are generally not losing custody to abusive fathers in such rarely occurring cases.

**KEYWORDS**

abuse allegations, court cases, court decisions, custody, illusory correlation, parental alienation

**INTRODUCTION**

Narratives are stories experienced by people that connect what are perceived to be non-randomly connected events (Toolan, 2001). Narratives are used not only for entertainment, but also as a powerful persuasive platform for advertising (Feng et al., 2021), health communication (Ballard et al., 2021; Jiang, 2021), and political purposes (Dawson et al., 2011; Loseke, 2018; Shen et al., 2023). The content of narratives (e.g., characters, degree of imagery, valence ending) can be manipulated to effectively change beliefs, attitudes, and behaviors of an audience (e.g., Cohen et al., 2020; Hanby & Brinberg, 2016; Zeitoun et al., 2020). For example, compared to positive information, cautionary tales that negatively frame losses

elicit more attention and likelihood of recall from the communication target and increase their perceived severity of outcomes because negative frames contain more vivid and diagnostic information (Herr et al., 1991; Ma & Nan, 2019).

Illusory correlations, which are reports of associations between two or more classes of events that are not correlated, correlated in the opposite direction, or correlated to a lesser extent (Chapman, 1967), are one way narratives can be manipulated to impact an intended audience. Attitudes and behaviors of the target audience can be shaped effectively by portraying details of a story that create relationships between two details that do not actually exist (e.g., Van Dessel et al., 2020), such as an illusory correlation between hospital admissions and lunar cycles.

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*Int J Soc Welf.* 2024;1–13.[wileyonlinelibrary.com/journal/ijsw](https://onlinelibrary.wiley.com/journal/ijsw)

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Among health care professionals, scientists have found a perceived association between full moons and hospital admissions due to experiencing or seeing a large number of hospital admissions on one single night when there was a full moon. This one experience is then extrapolated to create the illusion of being a standard pattern; when in reality, there is no association between the two respective subjects (Lilienfeld et al., 2009).

## Narratives and public opinion about family violence

Public opinions about social and political issues are heavily influenced by narrative content communicated by mass and social media (Milburn, 1991; Petty et al., 2002; Wang et al., 2021). Prominent political elites are often able to shape public opinion using strong rhetorical arguments (Koch, 1998), political storylines (Montiel et al., 2019), and manipulated historical narratives (Bikmen, 2015) to promote support for their agendas. One recent illustration of this persuasion process has been the media's portrayal of parental alienation (PA) in relation to intimate partner and child abuse cases, as well as within legislation that impacts the lives of families.

There is burgeoning scientific support for the argument that PA refers to an outcome of family violence (Harman et al., 2018; Bates & Hine, 2023; Dijkstra, 2019; Hine & Bates, 2023; Lysova et al., 2024; Rowlands et al., 2023; Sharples et al., 2023) whereby a coercively controlling and abusive parent influences a child to reject or refuse to have a relationship with a parent for untrue, illogical, or exaggerated reasons (Harman et al., 2021; Rowlands et al., 2023; Bernet et al., 2016). When children adopt the belief, their rejected parent never loved them, abandoned them, is unsafe or unfit (Harman, Matthewson et al., 2022), they can manifest psychological and behavioral symptoms that are unique for alienated children (e.g., lack of ambivalence in attitudes toward their parents; Bernet et al., 2016; Gardner, 1985) and not likely to be found among children experiencing other forms of family conflict, such as parental estrangement or loyalty conflicts (see Harman, Warshak et al., 2022).

Despite several decades of accumulated qualitative and quantitative scientific research on PA (Harman, Warshak et al., 2022), there have been a vocal group of critics who have claimed that this research is "pseudoscience," or is just an invention created by legal professionals representing abusive fathers who are attempting to deflect abuse allegations leveraged against them; even though courts systems, such as Canadian courts, have accepted PA as a real scientific concept (Bala et al., 2010),

and have taken judicial notice that it is not a phenomenon that is in children's best interests (D v. T, 2021). Research has also indicated that there are not statistically significant gender differences in who is likely to be an alienated parent using nationally representative samples (Harman, Leder-Elder et al., 2016, 2019; Harman et al., 2023), but that more fathers are alienated parents in trial (Harman et al., 2023) and appellate legal decisions (Harman et al., 2021; Lorandos, 2020). The reason for these discrepant findings remains unclear, but scholars speculate that the cost of appeal (Harman & Lorandos, 2021), gender biases in perceptions of parental alienating behaviors (Harman, Biringen et al., 2016; Harman et al., 2020), and women identifying as an IPV victim rather than alienated parent (Harman et al., 2023) may contribute to gender differences found in some legal systems.

Some scholars have claimed that fathers allege PA in family court in an effort to obtain custody of their children from mothers who are victims of their abuse (e.g., Meier et al., 2019). These claims have been referenced directly in popular news outlets that can influence public opinion, such as two articles that appeared in *Forbes* magazine claiming that PA is a strategy used in court by fathers to cause women to lose custody of their children (Cahn, 2020; Fersch, 2021). Similar articles have been published in the United Kingdom, via *The Guardian*, speculating that evaluators and experts in custody cases are responsible for rejecting mother's and children's claims of abuse when fathers claim they have been alienated from their children (Summers, 2022, 2023; Summers & Campbell, 2022). These news articles have often referenced the unpublished and unreviewed work of Joan Meier et al. (2019) that was posted onto an internet repository. The authors of this work have not been transparent in their methods or statistical models and findings, and the work has failed replication by others using methodologically rigorous methods (see Harman & Lorandos, 2021; Harman et al., 2023), the findings reported by Meier et al. (2019) support a larger gender-biased narrative that men are most likely to be abusive in cases that involve PA, and that women and children are their victims whose alleged experience should always be believed.

The influence of these media depictions on public opinion regarding PA and other forms of family violence is not inconsequential. Narrative persuasion techniques used in such media reports also appeared in recent legislation passed by the US government with the reauthorization of the Violence Against Women's Act (VAWA, 2022). The "Keeping Children Safe from Family Violence Act," otherwise known as Kayden's Law, was added as an amendment to VAWA after having passed the legislature and while in the appropriations committee. There was no

public debate or analysis of this amended law, which *ideally* aims to protect children from being placed with an abusive parent during a custody battle. Section 1502 of Kayden's Law refers to PA as a "scientifically unsound theory" (VAWA, 2022), and paints the concept as a tool used by fathers and courts to discount abuse allegations made about fathers rather than as a form of family violence.

To gain support for this law, domestic violence advocates manipulated a narrative regarding Kayden Mancuso (Mancuso v. Giglio, 2018), a 7-year-old child who was murdered by her father after the court decided to grant joint custody to both parents. The case involved a mother who raised issues with the court regarding aggressive tendencies that the father had toward others (not the child). The legal and mental health professionals who worked with the family ultimately determined that the child was not at risk or in danger while in the care of her father, and the mother did not appeal the court's decision awarding joint physical custody. After Kayden was killed, there was outrage regarding the decision of the judge and the work of custody evaluators, and false claims were made about the court ignoring concerns about child abuse and domestic violence. These claims were used to support a lawsuit filed against the judge, but the suit was dismissed when it was proven that the court decision was made in compliance with Pennsylvania law (J. G. Trauger, personal communication, August 9, 2023; Pechkurow, 2021). Critics of PA have used this court case to attack the concept of PA, although PA was never once mentioned in the original case or raised as an issue in court by the father (Mancuso v. Giglio, 2016, 2017, 2018).

Similar to the VAWA, the National Association of Women and the Law (NAWL) in Canada are leading a campaign to enact legislation that aims to ban the use of PA within the court system (NAWL, 2024).

If the narrative is true that mothers lose custody of their children to abusive fathers who have claimed to be alienated at high rates and as disseminated by the media, it remains unclear why advocates would need to manipulate and distort the narrative details of a story like Kayden Mancuso to support their legislative agenda. Indeed, scientific, peer-reviewed research supports a very different state of affairs: claims of abuse (e.g., domestic violence, child abuse) are made in fewer than half of cases involving allegations or findings of PA (Harman & Lorandos, 2021; Harman et al., 2023). Harman and colleagues (2021; 2023) and Sharples et al. (2023) have found that allegations of abuse, when made in family court, were investigated and considered very carefully by Child Protection Service (CPS), police, legal and mental health professionals; and mothers were not likely to lose custody of children when the courts had found that the father who alleged or was found to have been alienated

from their children was also abusive (Harman & Lorandos, 2021; Harman et al., 2023). The purpose of the current study is to examine whether the narrative that mothers lose custody of their children to abusive fathers who claim to have been alienated from their children by her is reflected in real life legal decisions.

## PA in Canadian law/courts

This study will utilize Canadian family court decisions due to their public availability and greater detail that such decisions contain compared to appellate decisions. In Canadian law, PA is defined as the rejection of a parent by a child due to the negative influence of the other parent (Bala et al., 2010). An overview of cases in Canada regarding PA has found that alienation is typically accomplished by the parent who has primary custody of the child(ren), and the decisions of the court vary regarding custody; no evidence of gender bias has been found in a review of these cases (Bala et al., 2010). A recent study by Paquin-Boudreau et al. (2022) finds that Canadian courts rarely make a finding of PA while simultaneously dismissing claims of violence, with the most common decision being a continuation of the current custody arrangement. This study also found a lower rate of substantiation of PA against mothers, even though they were more often alleged to be partaking in this type of behavior; therefore, showing weak evidence for there being a gender bias for this outcome (Paquin-Boudreau et al., 2022).

PA within the Canadian court system has become a controversial topic. Critics have argued that PA cases in Quebec have often used definitions that are inconsistent with law, which could lead to a misinterpretation between how researchers and judges view PA (Zaccour, 2018). Neilson (2018) and Zaccour (2020) have argued that courts have a gender bias against mothers, and their claims of IPV have been ignored by the courts when PA is alleged, however the evidence supporting these claims has been based on anecdotes or presented in non-peer-reviewed reports. Sheehy and Boyd (2020) have reported gender biases in the resolution of IPV allegations in PA cases in Canada; however, their study used a narrow range of English-language-only published decisions dated 2014 through 2018, and the authors provided few methodological details about how cases were qualitatively evaluated and by whom. Unfortunately, some researchers in Canada have stated that they would like to distance themselves from the topic due to the controversies surrounding it (Lapierre et al., 2020). Although this study will focus on how PA allegations and findings affect custody decisions in Canadian courts/law, family

courts in other parts of the world are grappling with the same issues (e.g., Brazil; Soma et al., 2016; Spain; Casas Vila, 2020; United States; Harman & Lorandos, 2021; Harman et al., 2023).

## The current study

For this study, we tested two pre-registered hypotheses:

1. There are a large number of family law cases where a father who claims or is found to have been alienated from their child also has a finding of abuse made against him by an investigative party (e.g., CPS, police, the court).
2. When an abusive father claims he is alienated from his children, the mother is likely to lose sole custody (physical, legal, or both) of her children to him.

If we fail to find support for these hypotheses, this is an indication that advocates and the media have used an illusory correlation to influence public opinion and legislation about PA. Indeed, if it is found that these outcomes do not occur in real life as often as they have been portrayed, then the narrative being pushed by such advocates has the potential to harm millions of families across the world.

## METHOD

### The sample

Our preregistered study (<https://doi.org/10.17605/OSF.IO/T3RFS>) was designed to test our hypotheses using an archival research method involving decided trial-level court cases from Canada. The United States does not require trial-level court opinions to be published, so Meier et al. (2019), as well as Harman & Lorandos (2021) used US appellate cases as their study's samples. This sampling strategy poses limitations because few trial-level cases are ultimately appealed, and those that are appealed often give deference to the trier of fact (Harman et al., 2023). Consequently, it is difficult to generalize appellate findings to what occurs at the trial court level where most decisions regarding families are made. Trial court decisions also contain considerably more detail regarding the family history and the legal and administrative interventions that have been attempted (e.g., involvement of the police; Harman et al., 2023).

The FamilySource database was used to search for all family law cases where PA was alleged or found to have happened by any party using the following search terms: alienat!/s mother! father! son! daughter! parent! child!

Cases and Decisions sorted by "Date (Newest)." The search terms produced a large pool of publicly available, Canadian court cases decided before the date of the initial search (November 8, 2023). Court cases that were originally in French were translated into English using the document upload function of Google Translate.

We then sequentially selected the most recent 200 court decisions that met three inclusion criteria. Our first inclusion criterion were cases where a father is alleged to have been alienated from their child(ren) by their mother. While our search string included the term alienation, many court decisions involved allegations of alienation by the mother or another parental figure (e.g., foster parent), referenced alienation in decisions from other cases, or referenced other types of alienation (e.g., alienation of property). The second inclusion criterion was that each case in the sample had to be unique in order to not violate assumptions of statistical independence in our sample. Therefore, in cases where there were multiple court decisions over time, we selected only the most recent decision for the sample.

Our last inclusion criterion was that the case involved an allegation of abuse other than PA made against the father in the case, such as IPV or child abuse. This allegation could have been made by anyone (e.g., mother, child, stepparent, neighbor). If there was no mention of any allegations of abuse against the father in the court decision, then the case was excluded from the sample. Using these exclusion criteria, we reviewed 1500 cases in their entirety to obtain the final case, the 200th court decision for our sample that was published on February 19, 2015. In summary, we found 200 cases that met our inclusion criteria out of 1500 cases published over an 8-year time span. Details on cases that were ultimately excluded and included in the sample are presented in Figure 1.

Three coders reviewed each published court decision and extracted details that were entered into fillable coding forms. Two of the coders, who were blind to the study's hypotheses, each coded half of the sample and the first author served as a second coder for each case for accuracy purposes. In order to ensure the coders were not aware of the study's hypotheses, they provided their guesses after training, and again after completing all their coding of the cases. Neither of the coders accurately guessed either of the hypotheses (see [https://osf.io/ey952/?view\\_only=696842b7a6e94369bda69d8cd624879c](https://osf.io/ey952/?view_only=696842b7a6e94369bda69d8cd624879c) to review their guesses).

## Variables

### Parental alienation

The first variable that was extracted from the court decisions was whether PA was found to have happened

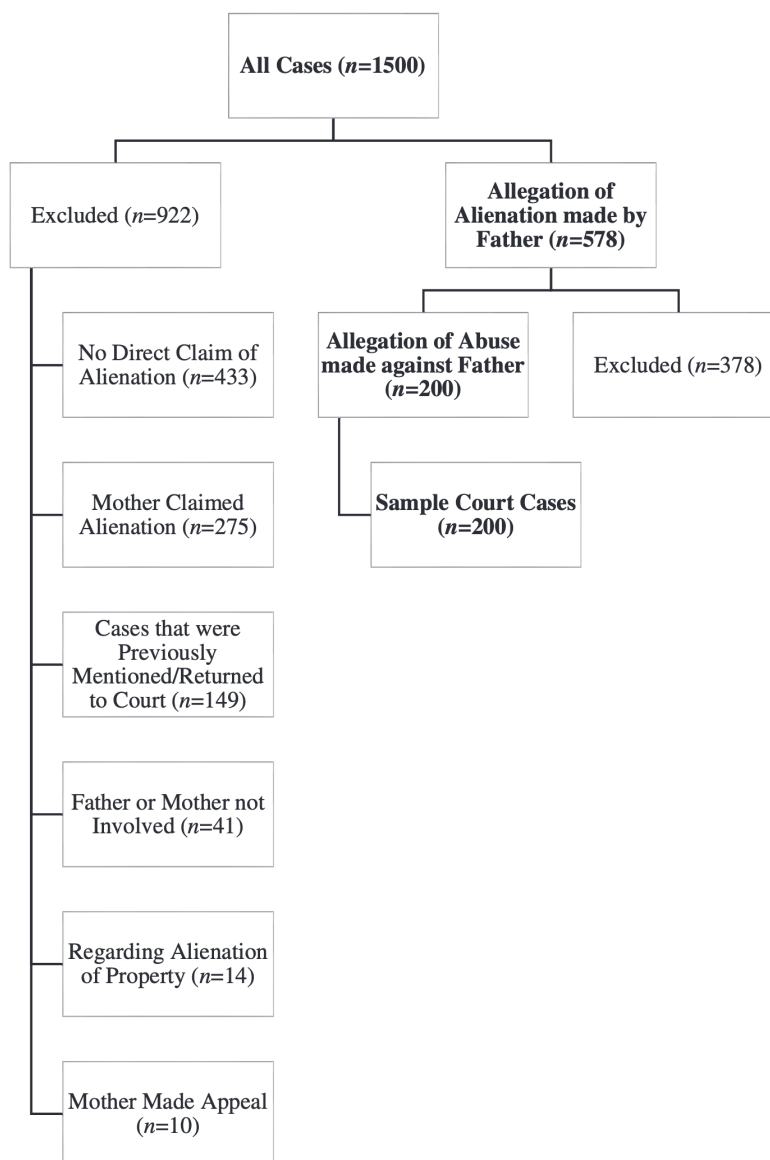


FIGURE 1 Court case inclusion/exclusion flowchart.

by the court, which based its decision on either a court-appointed third party, such as a custody evaluator (the parties did not necessarily have to agree), other evidence relevant to the case, or the sole decision/conclusion of the judge. If the court or an appointed third party determined PA had occurred, this variable was coded with a “1” signifying that alienation was found by the court or an appointed third party (*Founded PA*), and a “0” if alienation was only alleged by the parent (*Alleged PA*).

## Abuse

The second variable was whether an abuse allegation against the father was substantiated by a third party (e.g., police) and/or found by the court after evaluating the preponderance of evidence. A coding form was created by each coder for every individual abuse allegation within each court case (see [https://osf.io/ey952/?view\\_only=696842b7a6e94369bda69d8cd624879c](https://osf.io/ey952/?view_only=696842b7a6e94369bda69d8cd624879c) to view full abuse allegation form), meaning that a separate form was

created for each time an allegation of abuse was made. The forms include details regarding the allegation (date of allegation, person making the claim, etc.), the investigation (parties who investigated), and outcomes of each court case.

#### *Type of abuse*

The type of abuse that was involved in the abuse allegation was identified in the form via a dropdown menu that included types of abuse such as domestic violence, child sexual abuse, child physical abuse, child psychological abuse, “other,” and so forth. If the “other” was chosen, then the coder added a small description of what the alleged abuse was (e.g., animal abuse). Multiple forms of abuse could have been made with one allegation, so each were recorded on the form. For example, if a mother and child made an allegation of domestic violence and child abuse to the police one day, one form recording both forms of abuse were made. If the mother and child then made the same allegation of abuse a week later to the pediatrician, another allegation form was made, because it appeared on another day to a different party.

#### *Investigation*

While some abuse allegations were made directly to the court, others were made to third-party investigators such as the police or Children’s Aid Society (CAS), which is directly referred to in a majority of court cases, but is equivalent to CPS. The outcome of the investigation was transcribed directly from the court case, with terms such as “substantiated” or “unsubstantiated” being used. If multiple parties investigated the same allegation, then decisions for all parties were recorded separately.

#### *Court involvement*

Any time the court was involved in the abuse allegation, the details regarding that involvement were also recorded. The court’s decision regarding the allegation was entered into the form for each allegation that was made (e.g., “substantiated,” “unsubstantiated”). If the court order did not specify the decision or opinion regarding the allegation of abuse, then the section was left blank or marked “inconclusive” if this was stated in the order.

The abuse variable for our analyses was created based on the information derived from the three data fields above. Each case was given a dummy code of “1” if abuse was found by the court, and a “0” if abuse was not found by the court. If there was not court involvement, and the allegation was only investigated by other third parties, the outcome from that investigation was used. If there were multiple allegations over time within the same court case that resulted in different outcomes, even one

allegation being found or substantiated resulted in our coding the case as a “1.” The determination of abuse findings was highly consistent among the coders with an interrater reliability of 100% agreement ( $\kappa = 1$ ).

#### Loss of custody

The final variable we coded was whether the mother lost custody of her child(ren) as part of the court’s decision. This variable was extracted by assessing the court order section of each decision, which listed the custody arrangement that the judge ordered after trial. Three outcomes were coded: child custody to the mother, child custody to the father, or joint custody. Similar to the other variables the variable was coded with a “1” signifying that the mother lost custody of her child(ren), or with a “0” if the mother did not lose custody.

## RESULTS

The percentage of decided trial-level decisions from Canada involving alleged or found PA and abuse allegations involving the father was small, with only 13.3% of all 1500 cases that were identified using our search terms. Importantly, of the 578 decisions involving a father who alleged or was found to have been alienated from his children, 34.6% of these had any allegation of abuse made against him. In other words, a little over 1/3 of PA cases involving a father (whether found or only alleged) had any allegation of another type of abuse made against him by anyone.

The majority of the 200 court decisions that met our three inclusion criteria were primarily from in the provinces of Ontario ( $n = 96$ ), and Quebec ( $n = 46$ ), which are the two largest provinces in Canada by size and population; with the latter province compromising most of the court decisions published in French ( $n = 49$ ). Regarding the court matters at issue for each case, 117 court cases involved disputes over the modification of custody or parenting time, followed by 80 cases that requested modification of access and protection, and 76 cases that pertained to financial matters. Descriptive details regarding these cases can be found in Table 1.

Although all of the 200 cases in the sample were selected because they involved an allegation of PA made by the father, 25.5% ( $n = 51$ ) of the decisions involved a finding of PA made by the court or a court-appointed third party. In other words, a finding of PA was made about a quarter of the time when it was raised as an issue by a father in court. Across the court decisions, there were a total of 673 allegations of abuse with a mean

**TABLE 1** Characteristics of court cases ( $N = 200$ ).

		Number (%)
Cases published in French		49 (24.5%)
Province	Ontario	96 (48.0%)
	Quebec	46 (23.0%)
	British Columbia	25 (12.5%)
	Alberta	8 (4.0%)
	Manitoba	8 (4.0%)
	Nova Scotia	7 (3.5%)
	New Brunswick	4 (2.0%)
	Saskatchewan	3 (1.5%)
	Newfoundland and Labrador	2 (1.0%)
	Prince Edward Island	1 (0.5%)
Trial matters	Modification of custody or parenting Time	117 (58.5%)
	Modification of access and protection	80 (40.0%)
	Financial matters (Child support, costs, expenses)	76 (38.0%)
	Rights to property	9 (4.5%)
	Relocation	7 (3.5%)
	Other	15 (7.5%)
Abuse allegations	Cases with one allegation	62 (31.0%)
	Cases with two allegations	47 (23.5%)
	Cases with three allegations	35 (17.5%)
	Cases with four allegations	20 (10.0%)
	Cases with five allegations	10 (5.0%)
	Cases with six or more allegations	26 (13.0%)
Court findings	Finding of abuse	55 (27.5%)
	Finding of alienation	51 (25.5%)
	Mother lost custody	25 (12.5%)

Note: The number of matters is higher than the total number of court cases because some cases included matters that referred to multiple categories. The *Other* section refers to other matters such as requests for Reunification/Intervention Programs, Civil Claims, and Restraining Orders.

number of 3.37 abuse allegations per court case. Due to many allegations of abuse involving multiple forms of abuse (e.g., child abuse and domestic violence), the number of types of abuse allegations exceeds 673. The three main types of abuse that were described in the court cases were domestic violence ( $n = 334$ ; 49.6%), child physical abuse ( $n = 158$ , 23.5%), and child sexual abuse ( $n = 135$ , 20.1%). The person or party that made the abuse claim against the father was the mother in 79.8% of the decisions ( $n = 537$ ), 16.2% of the allegations involved the child(ren) as the alleging party ( $n = 109$ ).

**TABLE 2** Characteristics of abuse allegations ( $N = 673$ ).

		Number (%)
Allegation type	Domestic violence	334 (49.6%)
	Child physical abuse	158 (23.5%)
	Child sexual abuse	135 (20.1%)
	General child abuse	63 (9.4%)
	Child emotional/psychological abuse	56 (8.3%)
	Child neglect/maltreatment	41 (6.1%)
	Other	6 (0.9%)
Person(s) or parties making claim	Mother	537 (79.8%)
	Child(ren)	109 (16.2%)
	Mother's partner or family	14 (2.1%)
	Counselor(s)	7 (1.0%)
	Other	11 (1.6%)
Allegation reported to	Court	235 (34.9%)
	Police	211 (31.4%)
	Child Aid Society	98 (14.6%)
	Medical professional	39 (5.8%)
	Ministry of Child and Family Development	29 (4.3%)
	Director of Youth Protection	20 (3.0%)
	Lawyer/representative	20 (3.0%)
	Counselor(s)	17 (2.5%)
	Other	59 (8.8%)
Third-party investigator	Police	161 (24.0%)
	Child Aid Society (CAS)	87 (13.0%)
	Medical professional	26 (3.9%)
	Police and Ministry of Family and Development	25 (3.8%)
	Police and Child Aid Society (CAS)	21 (3.1%)
	Director of Youth Protection	18 (2.7%)
	Other	65 (9.7%)
Final (un) substantiation determined by	Investigation	321 (47.7%)
	Family court	237 (35.2%)
	Criminal court	32 (4.8%)

Note: Many allegation forms included multiple items for each entry, such as an allegation that was investigated by the Police and the Child Aid Society (CAS). Therefore, the number of cases exceeds 100%.

A little over one third of abuse allegations (34.9% of 673 total) were made directly to the court and no other investigative party. Likewise, about 1/3 (31.4% of 673 total)

abuse allegations were made directly to the police. Allegations of abuse were also made directly to the CAS in 14.6% of the allegations. Any abuse allegation that was investigated by a third party was predominantly investigated by solely the police (24.0% of allegations,  $n = 161$ ) or the CAS (13.0% of abuse allegations,  $n = 87$ ). There were also times where two third-party investigators investigated the same allegation; an example being both the Police and the CAS being an investigator in 3.1% of the allegations ( $n = 21$ ). The final decision regarding substantiation of the allegations was decided by an investigation (Police, CAS, etc.) in 47.7% of the allegations ( $n = 321$ ), the family court only in 35.2% of the abuse allegations ( $n = 237$ ), and the criminal court only in 4.8% of the abuse allegations ( $n = 32$ ). Less than 1/3 of the 200 cases in the sample (55 decisions, or 27.5%) reported an ultimate finding of abuse against the father. Full details regarding the characteristics of the abuse allegation forms are shown in Table 2.

## Hypothesis 1

The first hypothesis we tested was whether there are a large number of court cases that have a finding of PA, alleged by the father, and a finding of abuse, alleged against the father. A chi-square contingency table was

**TABLE 3** Chi-square contingency table regarding the findings of parental alienation and abuse within the court cases.

	Parental alienation found by court	Parental alienation not found by court
Child abuse and/or domestic violence found	6	49
Child abuse and/or domestic violence not found	45	100

Note:  $\chi^2(1) = 7.48, p < 0.01$ .

**TABLE 4** Logistic regression table regarding parental alienation and a finding of abuse.

Predictors	Did mother lose custody?			
	Odds ratios	SE	CI	<i>p</i>
(Intercept)	0.11	0.04	0.06–0.21	<0.001
Parental alienation found by court	3.80	1.72	1.58–9.41	0.003
Other abuse found by court	0.12	0.13	0.01–0.63	0.046
Observations	200			
$R^2$ Tjur	0.092			

Note: The interaction term between abuse and alienation found was not significant enough to test or compute, due to only six cases having a finding of both.

created from the data collected and used to address this claim; shown in Table 3. There were only six decisions where there was a finding of abuse and a finding of PA. Of the remaining cases, 49 involved a finding of abuse and no finding of PA (only alleged by the father), 45 cases where there was a finding of PA and no finding of abuse, and 100 cases where there was no finding of either abuse or PA (only alleged in both instances); The contingency table was statistically significant,  $\chi^2(1) = 7.48, p < 0.01$ , indicating that the number of cases involving both allegations of abuse and PA that were substantiated/founded was very small (3.0% of the total cases).

## Hypothesis 2

Our second hypothesis inspected the claim that when an abusive father was found to have been alienated from his child by the mother, or even claimed to have been alienated from his children, the mother would lose custody of the child(ren) to him. This hypothesis was tested using a bivariate logistic regression model, with PA and abuse as predictors, and loss of custody as the outcome variable. The statistical model and output are available on the OSF project page for this study.

We found two main effects in this analysis, which are presented in Table 4. When PA was found by the court, the odds of the mother losing custody was 3.80 ( $p = 0.003$ ), meaning that the odds of the mother losing custody to the father was nearly four times higher when PA was found to have occurred by her. When abuse was found by the court to have occurred at the hands of the father, the odds of the mother losing custody was only 0.12 ( $p < 0.05$ ), showing that any time an abuse allegation was founded or substantiated, there was very little chance the mother lost custody of the children to the abusive father—her claims were not summarily being discredited or given little weight in the proceedings.

We initially planned to create an interaction term for the bi-variate logistic regression model that provided the

critical test of our hypothesis, which would have allowed us to test whether a father simply claiming PA when an allegation of abuse was made against him would be enough for the mother to lose custody. However, the interaction term was not statistically significant, likely because there were only 6 of 200 cases where there was a finding of abuse against the father.

Of these six cases, only one of them led to the mother losing partial custody of the children. In that particular case (D v. D, 2016), both parents had alleged PA against the other, and the court found that both had attempted to alienate their children. The mother alleged the father had assaulted her on two separate occasions. One incident was in 2005, where the father was arrested and a restraining order was made; the father pled guilty with his reasoning being that it would remove the restraining order that was in place. The second incident was in 2016, where the father was charged with assault. Due to a lack of evidence, he was released with no access to the matrimonial home. Ultimately, the judge ordered to have the children decide where they would like to reside; the father was granted custody of the oldest child, and the mother was granted custody of the two younger children—she did not lose custody of all three children.

## DISCUSSION

Illusory correlations are often used for persuasive purposes to manipulate an audience's attitudes and behaviors. The purpose of the current study was to examine whether one particular correlation that has been portrayed in the media and recent US legislation, is an illusory one. We examined whether claims made about mothers losing custody of children to abusive fathers who claim to have been alienated from their children are reflected in real life court decisions. Using all available trial-level decisions published in Canada over nearly an 8-year period, we found support for our two hypotheses, indicating that an illusory correlation has been created and is being used to promote a political agenda by those that disseminate it.

It is important to first mention that only 13.3% of 1500 cases identified in our comprehensive search of trial-level cases involved any allegation of PA made by a father in the legal court decisions. While fathers are more likely to make claims of alienation or alienating behavior against mothers (Harman et al., 2023; Bala et al., 2010; Paquin-Boudreau et al., 2022), we found that mothers and other parental figures also claim this form of family violence as something that has happened to them. Among the cases involving PA as an allegation or finding against a father, less than one third had an

allegation of another type of abuse made against him. Therefore, this sequentially selected sample of recent Canadian trial-level decisions does not indicate that PA and other forms of abuse are commonly alleged, let alone alleged together in the same case.

The first hypothesis we tested was whether there are a large number of cases that contain a finding of PA and a finding of abuse against the father when both are alleged within the same court case. Using a chi-square analysis, we found statistical support for our hypothesis that findings of abuse in cases where PA was alleged or found to have happened would be low. We found only 6 (3.0%) of the 200 court decisions to have a finding of both PA and abuse allegations. There were 49 cases where a father had a finding of abuse made against him and was alleging to be alienated; however, the court and/or court-appointed third parties did not agree with him—a finding of PA was not made, and it was not enough for the father to just make the allegation to be believed. There were also 45 cases where a finding of PA was made, but there was not a finding of other types of abuse, and 100 cases where neither PA or abuse was found, despite having been alleged by the parties. While the number of instances where there is a finding of both PA and abuse is very small, some critics of PA have claimed that they happen at a much higher rate than our data show. In reality, our study adds to the research findings that a majority of family court cases do not involve a finding of both types of abuse (Harman et al., 2023; Paquin-Boudreau et al., 2022).

Our second hypothesis tested whether mothers lose custody to abusive fathers who claimed to have been alienated from their children. Only 1 of the 200 cases involved a finding made for both allegations and led to the mother losing custody; more specifically, losing custody of only 1 of her 3 children (details of that case provided in the previous section). This one case could be used as fodder to create a moral panic, in that an illusion is created that the outcome happens all the time. Our findings indicate that it is rare for PA to be used in this manner in the family court system.

The results provide further empirical support that PA is not an effective tool used in courts as a method to diminish abuse allegations made by mothers and children. Similar to Paquin-Boudreau et al. (2022), we did not find it was common for courts or court-appointed personnel to make a finding of PA, and when such a finding was made and there was also a finding of abuse against the father, he was not likely to get custody of the children. These findings also indicate that some critics of PA are using anecdotal stories and illusory correlations, often leaving out critical information to make it seem that these court cases occur at a higher frequency and

with darker outcomes than reality. The results from this research could be used to create or improve policy such that PA is recognized as another form of family violence that should be prevented and addressed when it occurs. Continuing to deny or ignore the reality of PA only serves to protect abusive parents, regardless of their gender.

Many countries are not required to publish trial-level decisions (e.g., United States), so it is unclear whether our findings will replicate in other legal contexts. It would be beneficial to replicate our research findings in other legal contexts where PA is legally recognized (e.g., Brazil, Soma et al., 2016) and where it is not (e.g., Spain; Casas Vila, 2020). While a small proportion of trial-level cases are not published in Canada due to short oral decisions, bureaucratic lapses, or sealed decisions intended to protect the privacy of the parties, our sample of sequentially selected court cases allowed us to consider the most recent and exhaustive set of rulings in our sample—they were not cherry picked or purposefully sampled. This sample provides a window into the types of family conflicts that the judiciary in Canada are currently contending with. The Canadian judiciary have also taken judicial notice that PA is a form of child psychological abuse (D v. T, 2021), so the percentage of cases involving a finding of PA may be higher in this sample than in other countries (e.g., United States). That said, our findings do replicate some findings from US appellate cases involving allegations and findings of PA and abuse (see Harman & Lorandos, 2021; Harman et al., 2023), indicating that if trial-level decisions in the United States were available for analysis, we would likely find similar patterns of results.

Another strength of the current study is that we followed open science practices and pre-registered our hypotheses. Our coders were blind to our hypotheses in order to minimize any potential biases they may have had, we did not exclude decisions published in French, and all data and output are publicly available for review. While no research method is without its limitations, we took tremendous care to minimize biases because the implication of this work affects the lives of many families. Future research should aim to replicate these results in other contexts and to test alternative hypotheses, such as how often mothers gain custody of children when they allege abuse against fathers, even if the abuse is not substantiated by any investigative party, or whether a mother claiming PA is more likely to obtain custody of their children than a father. Harman and colleagues (2023), as well as Paquin-Boudreau et al. (2022) have found that gender does not play a large role in custody decisions regarding PA using trial-level Canadian cases, and that the focus on gender and family violence in this

research area is misplaced. Other factors such as mental illness or psychopathology, history of trauma in the family, and other correlates of abuse identified in the research literature should be examined more closely.

## CONCLUSIONS

This study contributes to a growing body of research showing how PA is not just an allegation a parent can make in court and be believed on its face—like other forms of abuse, the court and court-appointed third parties took such allegations seriously, particularly when there are also allegations of other forms of abuse. Regardless of whether a finding of PA is made by a court-appointed third party or the court itself, some PA critics discount such allegations made by fathers because they often refer to those scholars who acknowledge it as just holding a “belief system” that is not grounded in evidence (Mercer & Drew, 2022). Disturbingly, these critics and others have been promoting a narrative regarding an illusory correlation between PA and abuse allegations in the media and popular culture that persists, despite findings reported here and in recent research published by other scientists indicating that this association is small and/or not statistically significant (e.g., Harman & Lorandos, 2021; Harman et al., 2023; Rowlands et al., 2023; Sharples et al., 2023). While there may be isolated cases where such an association exists that affects child custody outcomes alleged by PA critics, it is concerning that details from anecdotal stories (e.g., Kayden Mancuso), have been distorted to create a moral panic that supports a political agenda that can harm many families around the world. Legal protections for families from all forms of family violence, including PA, should be based on scientific evidence rather than crafted rhetoric and the limited, unreviewed, and poorly executed research projects published by critics of PA (e.g., Meier et al., 2019).

## ACKNOWLEDGMENTS

We thank Ludmer Law, Toronto, ON, for their assistance in searching for and obtaining the court cases used for this study.

## CONFLICT OF INTEREST STATEMENT

The authors declare no conflicts of interest.

## DATA AVAILABILITY STATEMENT

The data that support the findings of this study are openly available in Open Science Framework (OSF) at [https://osf.io/ey952/?view\\_only=696842b7a6e94369bda69d8cd624879c](https://osf.io/ey952/?view_only=696842b7a6e94369bda69d8cd624879c).

**ETHICS STATEMENT**

No human or animal participants were involved in this study.

**PATIENT CONSENT STATEMENT**

No human or animal participants were involved in this study.

**PERMISSION TO REPRODUCE MATERIAL FROM OTHER SOURCES**

No material from other sources were used in this study.

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**How to cite this article:** Varavei, H., & Harman, J. J. (2024). The illusory correlation between parental alienation and other forms of family violence. *International Journal of Social Welfare*, 1–13. <https://doi.org/10.1111/ijsw.12692>