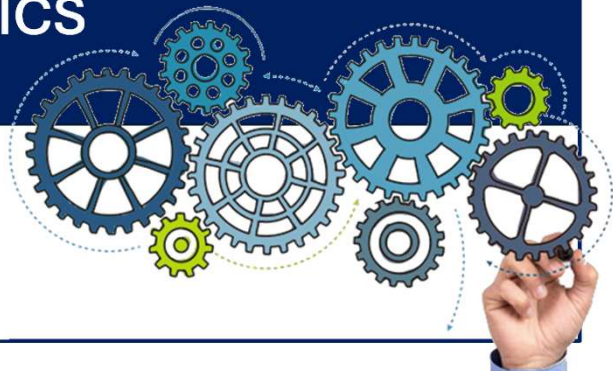


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AFCC AND NCJFCJ JOINT STATEMENT ON PARENT-CHILD CONTACT PROBLEMS

Accessed at <https://www.ncjfcj.org/pubs/parent-child-contact-problems/AFCC-NCJFCJ-Joint-Statement.pdf>

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Caveat lector

❖ Time is short. The topics presented here today each deserve in-depth examination. Take this presentation as introduction only. Please use the references and links provided to learn more.

❖ Make this the beginning of a dialogue. Contact me any time at: [bdgarberphd@FamilyLawConsulting.org](mailto:bdgarberphd@FamilyLawConsulting.org)

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Caveat lector

❖ These ideas are always evolving, so this presentation must as well. Please reach me for up-to-the-minute materials.

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Caveat lector

❖ Gender references and images are arbitrary for the ease of expression unless specifically noted

❖ “Parent” refers to any primary caregiver without regard to biological or genetic status, legal ties or cohabitation status unless specifically noted.



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Caveat lector

❖ The dynamics at issue can occur within any caregiver-child dyad regardless of legal, biological, or genetic relatedness or proximity; i.e.,

❖ This is not only about divorce.



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Caveat lector

❖ We don’t know if or how this conceptualization may be culture-specific.



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Caveat lector

❖ These topics are controversial and can be inflammatory.

❖ My goal is to push this discussion ahead toward a valid model and efficient/effective practices that genuinely serve the BIC.

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At issue

The polarized child



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Parent-child Contact Problems (PCCP)



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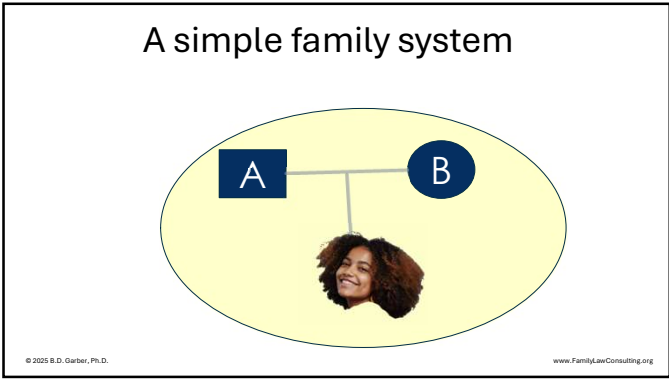
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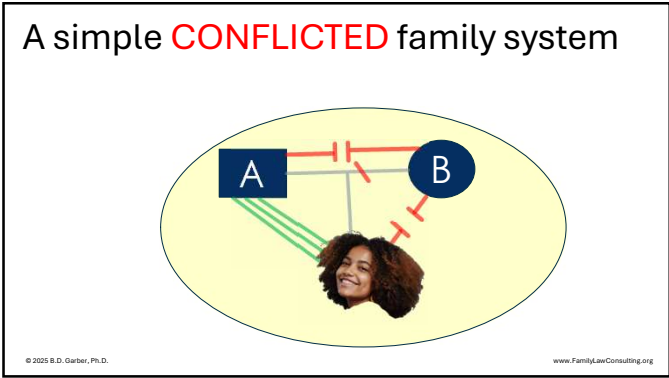
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A simple (conflicted) family system includes three dyads

The diagram shows a yellow oval containing a woman's head at the bottom. Above her are two boxes, 'A' (blue) and 'B' (blue). Box 'A' is connected to the woman by three green lines. Box 'B' is connected to the woman by three red lines. Box 'A' is also connected to box 'B' by a red line with a break in the middle. The entire diagram is set against a light yellow background.

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A simple (conflicted) family system includes three dyads

The diagram is similar to the one on slide 14, but the yellow oval is smaller and only encloses the woman's head and the boxes 'A' and 'B'. The text 'The co-parenting dyad' is written in red below the oval. The woman's head is now faded and positioned below the oval.

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Default best path for change

The diagram is similar to the one on slide 15, but the yellow oval is larger and encloses the woman's head and the boxes 'A' and 'B'. The text 'The co-parenting dyad' is written in yellow below the oval. The woman's head is now solid and positioned below the oval.

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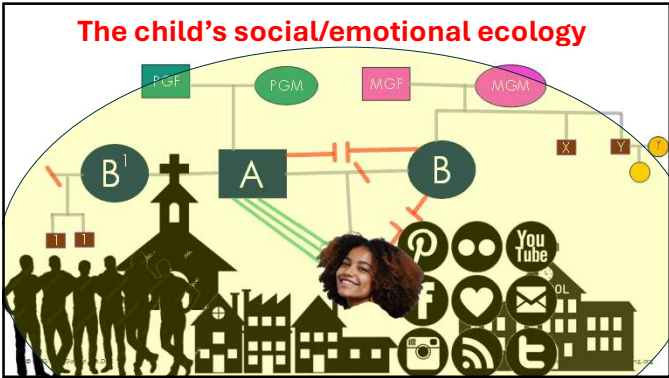
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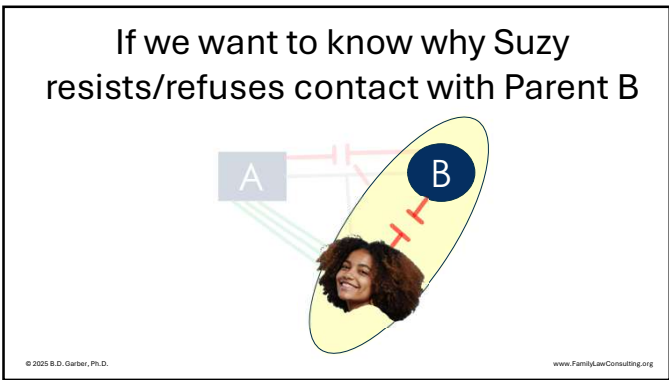
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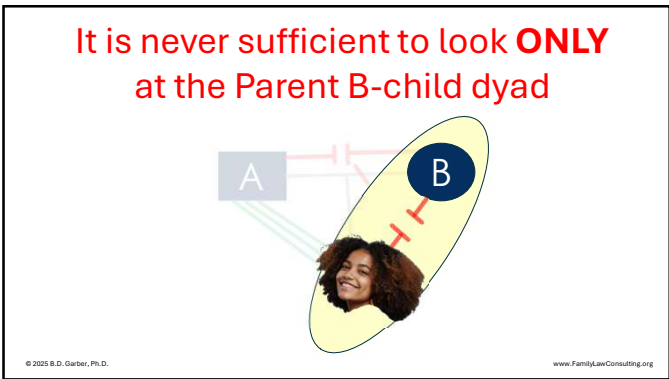
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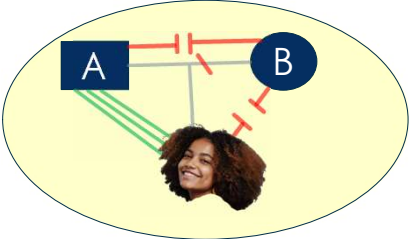
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It is never sufficient to look **ONLY**  
at the family system



A diagram showing a woman's head inside a yellow oval. Above her are two blue boxes labeled 'A' and 'B'. Box 'A' is connected to box 'B' by a red line with a break in the middle. Green lines connect box 'A' to the woman's head. Red dashed lines connect box 'B' to the woman's head.

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We must look at  
the child's entire **social/emotional ecology**



A diagram showing a woman's head inside a yellow oval. Above her are three blue boxes labeled 'B¹', 'A', and 'B'. Box 'A' is connected to box 'B' by a red line with a break in the middle. Green lines connect box 'A' to the woman's head. Red dashed lines connect box 'B' to the woman's head. The background features silhouettes of a church, a school, and a city, along with various social media icons like Pinterest, YouTube, Facebook, and Twitter.

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We must learn to  
ask the right questions



A man in a suit and tie is shrugging his shoulders with a questioning expression on his face.

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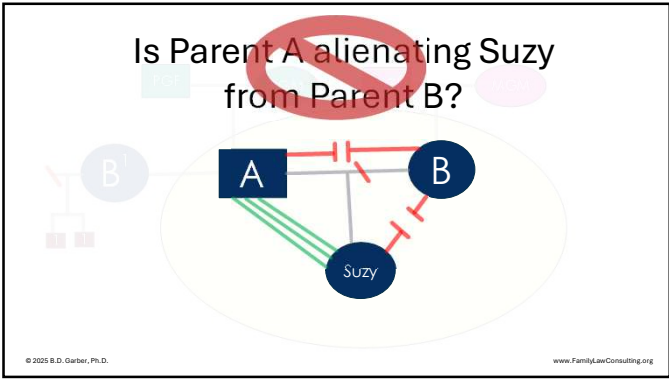
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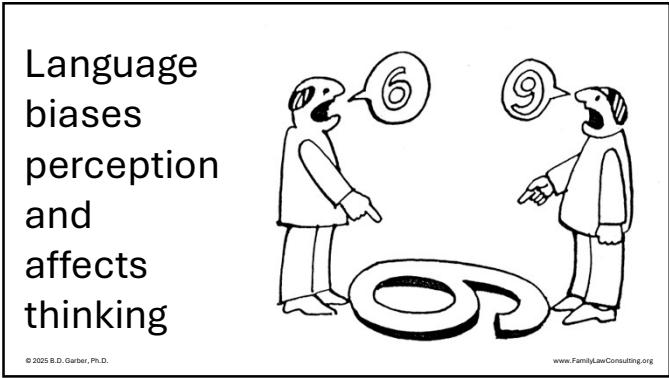
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Is Parent A alienating Suzy from Parent B?

Asking the question this way

- ❖ Reflects the history of our field
- ❖ Promotes **binary** good guy/bad guy perspective
- ❖ Fuels acrimony
- ❖ Risks premature closure/myopic approach
- ❖ Biases the evaluation (“ketchup blindness”)

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Expectation  
colors  
perception

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Selective Attention Test

from Simons & Chabris (1999)

Instructions

Count how many times the players wearing white pass the basketball.

Priming

biases our perceptions

Blind to gorilla?

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Selective Attention Test

from Garber (2024)

Instructions

Assess alienation in this family group

Priming

biases our perceptions

Blind to enmeshment?

Blind to autism?

Blind to estrangement?

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Priming often occurs as confirmational bias

Rage, shame, embarrassment and fear (and the urging of advocates) biases perceptions and motivates premature validation of ego-syntonic perceptions, e.g., he rejected me, therefore he must be evil.

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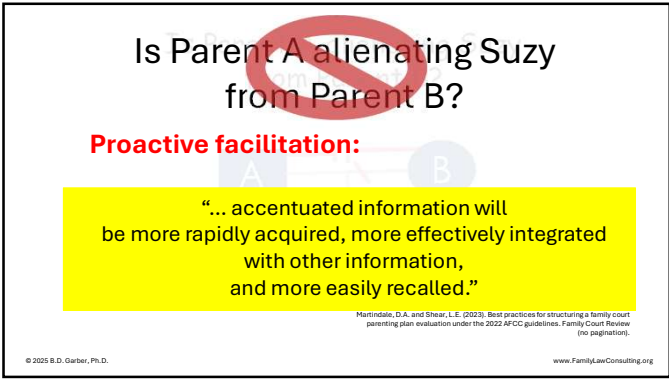
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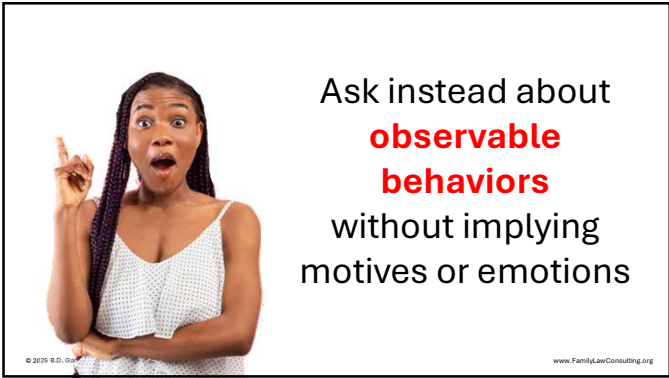
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Why is Suzy allied with Parent A and resisting/refusing contact with Parent B??

Asking the question this way

❖ Minimizes evaluation bias

❖ Minimizes premature closure

❖ Invites a broad “ecological” investigation of all relevant variables

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“Children are at greater risk when parent-child contact problems are not effectively addressed and when family law professionals and others echo and intensify the polarization within the family. This problem may be exacerbated by ... gendered and politicized assumptions that either parental alienation or intimate partner violence is the determinative issue”

15 August, 2022 by the Association of Family and Conciliation Courts (AFCC) and the National Council of Juvenile and Family Court Judges

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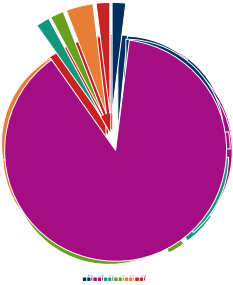
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We know that PCCP is commonly associated with many convergent variables



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How do children cope with their parents' conflict?

Some become emotional

Some pick

Some act to

Some become a parent's

Some are pressured by one

Most struggle to adapt to multiple combined pressures

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Which tend to become black or white -good guy v. bad guy- through the lens of confirmation bias and the courts

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Confirmation bias



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**An ecological perspective**  
examines the full spectrum of  
relationship pressures  
and practical variables  
that mutually contribute to a  
unique child’s specific circumstance.



Garber, B.D. (2019). Sherlock Holmes and the case of resist/refuse dynamics: Confirmatory bias and abductive inference in family law. Family Court Review, 56(2), 388-402.

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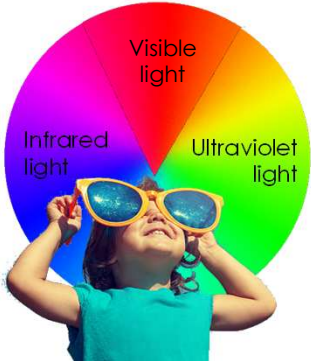
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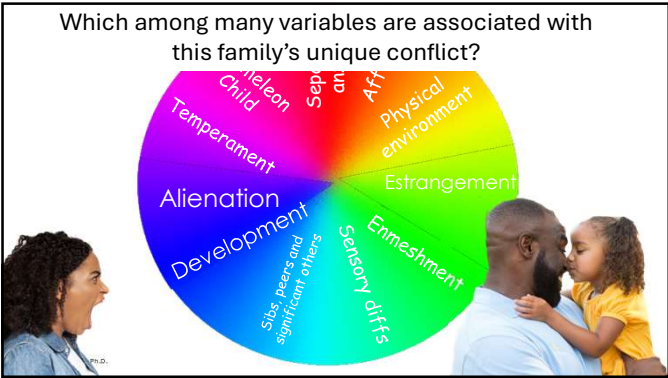
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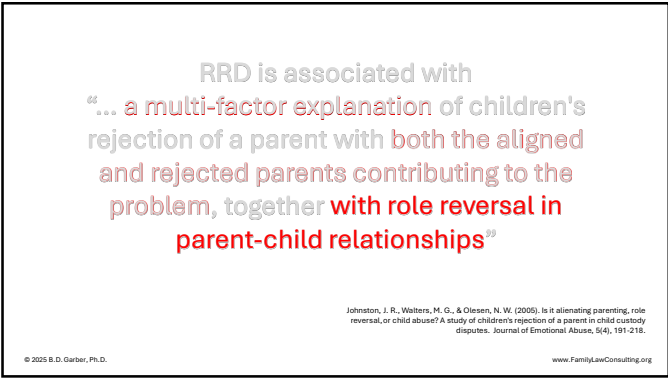
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An ecological perspective examines **the full spectrum of relationship pressures and practical variables** that mutually contribute to a unique child’s specific circumstance.



Garber, B.D. (2019). Sherlock Holmes and the case of resist/refuse dynamics: Confirmatory bias and abductive inference in family law. Family Court Review, 58 (2), 386-402.

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We need tools to help us standardize our evaluations, minimize bias, and avoid premature closure.



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**Rubric** 

A structure or checklist of criteria each of which must be addressed in order to complete the whole.



Garber, B. D. (2025). A structured rubric for evaluating the many systemic variables that can contribute to parent-child contact problems (PCCP). Family Court Review, 62(2), 343-358.

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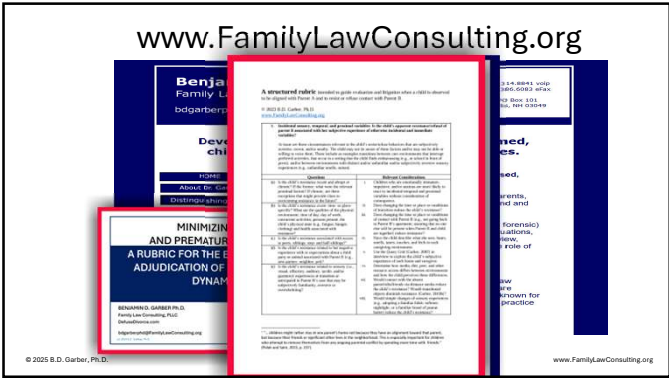
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The rubric requires consideration of **six domains** of variables

1. Incidental sensory, temporal, and proximal factors
2. Child variables
3. Child-Parent A dyadic variables
4. Child-Parent B dyadic variables
5. Systemic variables
6. Extra-systemic variables

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1. Incidental sensory, temporal, and proximal variables

Is there evidence of?	<input checked="" type="checkbox"/>
(a) Is the child's resistance recent and abrupt? If so, what triggers?	<input type="checkbox"/>
(b) Is the child's resistance event- time- or place-specific?	<input type="checkbox"/>
(c) Is the child's resistance associated with access to peers, siblings, step- and half-siblings?	<input type="checkbox"/>
party or animal associated with Parent B (e.g., new partner, neighbor, pet)?	<input type="checkbox"/>
(e) Is the child's resistance related to sensory (i.e., visual, olfactory, auditory, tactile, and/or gustatory) experiences at transition or anticipated in Parent B's care that may be subjectively aversive or overwhelming?	<input type="checkbox"/>

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1. Incidental sensory, temporal, and proximal variables

Is there evidence of?	<input checked="" type="checkbox"/>
(a) Is the child's resistance recent and abrupt? If so, what triggers?	<input type="checkbox"/>
(b) Is the child's resistance event- time- or place-specific?	<input type="checkbox"/>
(c) Is the child's resistance associated with access to peers, siblings, step- and half-siblings?	<input type="checkbox"/>
(d) Is the child's resistance related to her negative experience with or expectations about a third party or animal associated with Parent B (e.g., new partner, neighbor, pet)?	<input type="checkbox"/>
(e) Is the child's resistance related to sensory (i.e., visual, olfactory, auditory, tactile, and/or gustatory) experiences at transition or anticipated in Parent B's care that may be subjectively aversive or overwhelming?	<input type="checkbox"/>

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Sounds?  
Smells?  
Textures?



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2. Child variables

Is there evidence of?	<input checked="" type="checkbox"/>
(a) Is the child's resistance associated with temperament?	<input type="checkbox"/>
(b) Does the child resist change, transition, and/or separation across contexts (i.e., not exclusively when transitioning between care environments)?	<input type="checkbox"/>
(c) Is the child's resistance due to diagnosed/diagnosable social, emotional, behavioral, and/or cognitive differences?	<input type="checkbox"/>
(d) Is the child's resistance due to a history of trauma not exclusively associated with either adult?	<input type="checkbox"/>

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Anxious?  
Cautious?  
Slow-to-warm?  
Separation anxiety?  
Autism spectrum disorder?

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3. Child-Parent A dyadic variables

(a) Is the child's resistance due to a relationship affinity appropriate to the child's experience, development, and culture?

☒

(b) Is the child saying and doing what the Parent A needs to hear and see in order to maintain love and/or avoid anger and rejection? Does the child respond in a similarly chameleon-like manner with others?

(c) Is the child's resistance associated with Parent A's threats, promises, and/or bribes as in "If you don't tell the evaluator you want to live with me I'll kill myself" or "If you tell the GAL you want to live with me I'll get you a car."

(d) Does the child resist all separations from Parent A but manages separations from others?

(e) Enmeshment: Are the interpersonal boundaries between Parent A and the child appropriate to the child's developmental capacities and the ambient culture? Is the child adultified, parentified, and/or infantilized in this relationship?

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3. Child-Parent A dyadic variables

Is there evidence of?

☒

(b) Is the child saying and doing what the Parent A needs to hear and see in order to maintain love and/or avoid anger and rejection? Does the child respond in a similarly chameleon-like manner with others?

(d) Does the child resist all separations from Parent A but manages separations from others?

(e) Enmeshment: Are the interpersonal boundaries between Parent A and the child appropriate to the child's developmental capacities and the ambient culture? Is the child adultified, parentified, and/or infantilized in this relationship?

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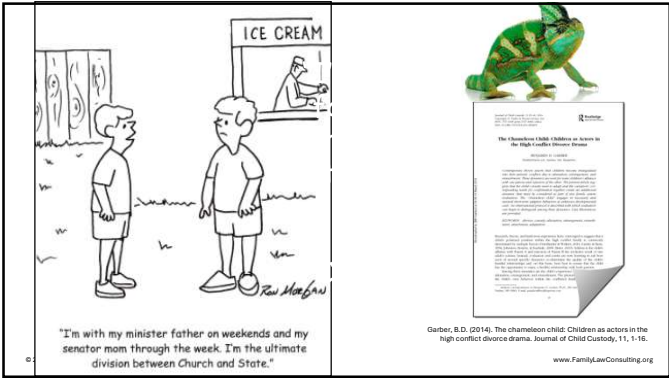
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### 3. Child-Parent A dyadic variables

Is there evidence of?	<input checked="" type="checkbox"/>
(a) Is the child's resistance due to a relationship affinity appropriate to the child's experience, development, and culture?	<input type="checkbox"/>
(b) Is the child saying and doing what the Parent A needs to hear and see in order to maintain love and/or avoid anger and rejection? Does the child respond in a similarly chameleon-like manner with others?	<input type="checkbox"/>
(c) Is the child's resistance associated with Parent A's threats, promises, and/or bribes as in "If you don't tell the evaluator you want to live with me I'll kill myself" or "If you tell the GAL you want to live with me I'll get you a car?"	<input type="checkbox"/>
(e) <b>Enmeshment:</b> Are the interpersonal boundaries between Parent A and the child appropriate to the child's developmental capacities and the ambient culture? Is the child adultified, parentified, and/or infantilized in this relationship?	<input type="checkbox"/>

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4. Child-Parent B dyadic factors

Is there evidence of?	<input checked="" type="checkbox"/>
(a) Did the child ever have a relationship of any sort with Parent B?	
(b) Does the child experience Parent B's behavior, language, habits, beliefs, or activities as foreign, unacceptable, or embarrassing?	
(c) <b>Estrangement:</b> Has the child directly experienced Parent B as insensitive, unresponsive, abusive, or neglectful toward her?	
(d) <b>Estrangement:</b> Has the child vicariously experienced Parent B as insensitive, unresponsive, abusive, neglectful, destructive or threatening toward others including animals and objects?	
(e) If the child has direct or vicarious negative experiences associated with Parent B, do these constitute trauma that trigger extreme anticipatory anxiety, dissociation, flashbacks, resistance and/or refusal of contact?	

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4. Child-Parent B dyadic factors

Is there evidence of?	<input checked="" type="checkbox"/>
(a) Did the child ever have a relationship of any sort with Parent B?	
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Vicarious  
experience of  
insensitive,  
unresponsive  
care



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5. Systemic variables

Is there evidence of?	<input checked="" type="checkbox"/>
(a) Is the child's resistance to Parent B associated with an avoidance of the (emotional, verbal, and/or behavioral) conflict that erupts when the two adults are face-to-face?	
gravitate toward a permissive parent's home and away from an authoritarian's parent's home.	
(d) How has each parent scripted the adult separation, the adult conflict, and the other parent's role in the child's life for the child?	
(e) Is the child escaping the adult conflict by arbitrarily picking sides?	
(f) <b>Alienation:</b> Is this child's resistance/refusal of Parent B associated with her exposure to Parent A's (direct or indirect; intended or incidental) negative words, behaviors, and/or emotions about Parent B? This includes Parent A's effort to enroll the child as her spy, courier, or go-between to the extent that these actions communicate that Parent B is not safe or trusted.	

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Avoiding the war that  
erupts at transition,  
not Parent B  
him- or herself



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5. Systemic variables

Is there evidence of?	<input checked="" type="checkbox"/>
(a) Is the child's resistance to Parent B associated with an avoidance of the (emotional, verbal, and/or behavioral) conflict that erupts when the two adults are face-to-face?	
(b) Is the child's resistance to Parent B an effort to avoid "culture shock"?	
(d) How has each parent scripted the adult separation, the adult conflict, and the other parent's role in the child's life for the child?	
(e) Is the child escaping the adult conflict by arbitrarily picking sides?	
(f) <b>Alienation:</b> Is this child's resistance/refusal of Parent B associated with her exposure to Parent A's (direct or indirect; intended or incidental) negative words, behaviors, and/or emotions about Parent B? This includes Parent A's effort to enroll the child as her spy, courier, or go-between to the extent that these actions communicate that Parent B is not safe or trusted.	

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5. Systemic variables

Is there evidence of?	<input checked="" type="checkbox"/>
(a) Is the child's resistance to Parent B associated with an avoidance of the (emotional, verbal, and/or behavioral) conflict that erupts when the two adults are face-to-face?	
(b) Is the child's resistance to Parent B an effort to avoid "culture shock"?	
(c) Does the child experience the culture in one home as more aversive than the other? For example, teenagers may gravitate toward a permissive parent's home and away from an authoritarian's parent's home.	
(d) How has each parent scripted the adult separation, the adult conflict, and the other parent's role in the child's life for the child?	
(f) <b>Alienation:</b> Is this child's resistance/refusal of Parent B associated with her exposure to Parent A's (direct or indirect; intended or incidental) negative words, behaviors, and/or emotions about Parent B?	

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# Alienation

[illegible]

THE FAMILY LAW PROFESSIONAL'S PRACTICE GUIDE IS

# HIGH-CONFLICT LITIGATION

Dynamics, Not Diagnosis

ELINOR LURIE AND GARY P. FRIEDMAN

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Garber, B.D. & Simon, R.A. (2025) Looking Beyond the Sorting Hat: Deconstructing the "Five Factor Model" of Alienation, *Family Transitions*.

[illegible]

## ... THEN alienation

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[illegible]

1. The Child Manifests Contact Resistance or Refusal,  
i.e., Avoids a Relationship with one of the Parents

“This might involve complete contact refusal,  
or it might involve agreeing to contact but resisting/refusing  
attempts on the part of the parent for communication,  
affection, and interaction.  
In these situations, the child may be physically present but is  
not emotionally present.”

Baker, A. J. L. (2020). Parental alienation and empirical research. In D. Lora & W. Bernal (Eds.), Parental alienation: Science and law (pp. 207-253). Charles C Thomas Publisher, Ltd.

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2. The Presence of a Prior Positive Relationship Between  
the Child and the Rejected Parent

✓ What is a “positive relationship”?

✓ Don’t conflate images (photos, movies) of happy times with  
relationship security

✓ An impossible tautology:

If parent A alienated Suzy from Parent B her entire life,  
Then Parent B could never have had a positive relationship with Suzy,  
Which means that Parent A was not alienating!

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3. The Absence of Abuse, Neglect, or Seriously Deficient  
Parenting on the Part of the Rejected Parent

✓ Define “Abuse” and “Neglect”? Jurisdictions vary.

✓ There is no objective measure of what is and is not scary (e.g., children  
with prior trauma)

✓ 5FM ignores vicarious trauma (e.g., child witness IPV)

✓ Half-life of child abuse? When does protective gatekeeping become  
alienation?

✓ CPS has HUGE error rates (false positives and false negatives)

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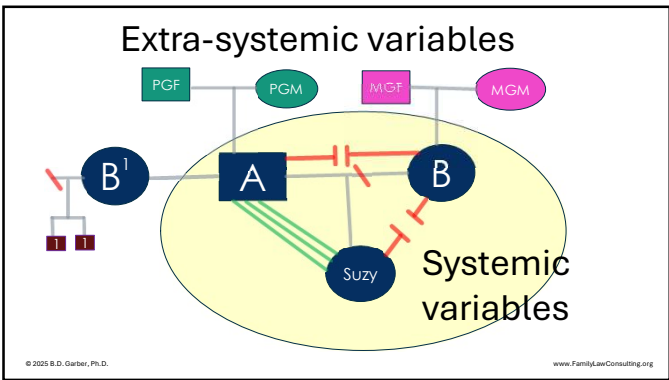
6. Extra-systemic variables

Is there evidence of?	<input checked="" type="checkbox"/>
(a) Extended family influences including grandparents, step-parents, uncles, aunts, siblings?	
(b) Professional helper bias including teachers, coaches, clergy, and THE SILOed THERAPIST	
(c) Is the child missing desired activities in Parent A's community while with Parent B?	
(d) Is the child avoiding undesirable activities in Parent B's community while with Parent A?	
(e) How do media and other models influence the child's choices?	

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6. Extra-systemic variables

Is there evidence of?	<input checked="" type="checkbox"/>
(a) Extended family influences including grandparents, step-parents, uncles, aunts, siblings?	
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The silo-ed therapist  
is one common example of an  
extra-systemic influence  
that can contribute to RRD.



Greenberg, L. R., Goulet, J. W., Goulet-Saltman, D. J., Stark, P. (2003). Is the child's therapist part of the problem? What judges, attorneys, and mental health professionals need to know about court-related treatment for children. Family Law Quarterly, 37, 241-271.

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6. Extra-systemic variables

Is there evidence of?	<input checked="" type="checkbox"/>
(a) Extended family influences including grandparents, step-parents, uncles, aunts, siblings?	
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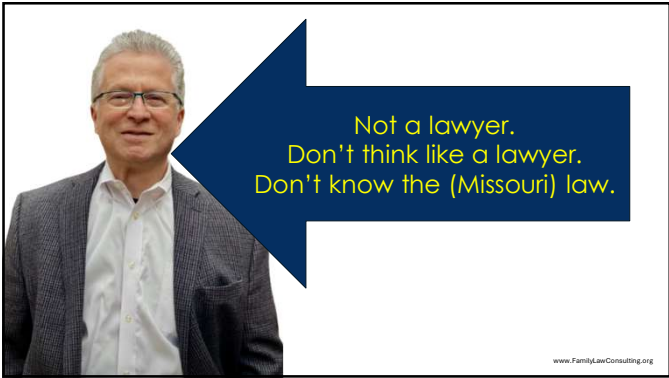
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The validity and admissibility of a parenting plan evaluation will depend in part on its scope.

Deubert

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Bias

“The court ordered ‘an evaluation of whether mother is alienating.’

What did you do to minimize the bias inherent in this order?

Why didn’t you discuss this in your report?



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An impartial evaluator concludes that your client’s behaviors are the cause of the child’s RRD.



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“You concluded that because Parent B is not abusive, Billy’s rejection **must be due to Parent A’s alienating behaviors.** Does this mean that you see this as a **binary good guy/bad guy** contest?”

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Binary fallacy



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Binary fallacy



“You concluded that because **Parent B is not abusive,** Billy’s rejection must be due to Parent A’s alienating behaviors. Can you please advise the court **what other variables you considered** in reaching this conclusion?”

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“You concluded that because there is **no evidence that Parent A is alienating,** therefore Billy’s rejection **must be justified.** Can you please advise the court **what other variables you considered** in reaching this conclusion?”

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Binary fallacy



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Five Factor Model



“You cite to the **Five Factor Model** in supporting your conclusions. Can you please explain **HOW you evaluated other potential contributing variables** to the child’s RRD?”

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Five Factor Model

“Your analysis relies on the Five Factor Model. You have an ethical responsibility to **identify the limitations of your data**. Please advise the court about the limitations of the FFM and why you did not include these in your report. ”



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Ecological approach



“Certainly, you’re familiar with studies that find that **RRD is commonly associated with multiple, co-occurring family system pressures**. Can you please explain your singular conclusions in light of those data?”

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Ecological approach

“Please advise the court  
HOW you evaluated...”

✓Extra-systemic variables?


✓Child-specific variables?

✓Child-preferred parent variables?

✓Child-rejected parent variables?

✓Systemic variables?

✓Extra-systemic variables?



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An impartial evaluator makes  
custody recommendations  
based on these findings.

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Missouri Revised Statutes § 452.375

§ 4. it is the public policy of this state that  
frequent, continuing and meaningful contact with both  
parents after the parents have separated or dissolved  
their marriage is in the best interest of the child,  
except for cases where the court specifically finds that  
such contact is not in the best interest of the child.

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Missouri Revised Statutes § 452.375

BIC factors especially §2:

- (2) "The needs of the child for a frequent, continuing and meaningful relationship with both parents ..."
- (4) "Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent..."
- (6) "...Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm ...."

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- ✓ How if at all do the identified behaviors comport with the state's BIC criteria?
- ✓ Is alienation abuse?
- ✓ What's the half-life of past abuse/neglect?
- ✓ What are the long-term consequences of alienation?



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Given a comprehensive ecologically-informed evaluation, remedies must correspond to identified causes.

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### Individual interventions?

A

B

Suzy

- ✓ Psychotherapy?
- ✓ Medication evaluation?
- ✓ Group therapy (e.g. couples therapy)?
- ✓ Substance abuse evaluation/intervention?
- ✓ Psychoeducation (DEFUSEdivorce.com)?

Must be **systemically-informed!**  
Court orders/individual consents to collaboration amongst all providers?

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### The co-parenting dyad

- ✓ Co-parenting coaching?
- ✓ Parenting Coordination?

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### Either or both parent-child dyads

A

B

**Dyadic therapy**

- ✓ video feedback?
- ✓ In-person or remote?
- ✓ Forward-looking
- ✓ Build new healthier boundaries

✓ **One therapist alternates?**  
Improve consistency across dyads, reduce splitting

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### The family system

**“Reunification” therapy?**

- ✓ Court-ordered
- ✓ Systemically informed
- ✓ TEAM collaboration
- ✓ Graduated exposure/anxiety management

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and exists within **extra-systemic pressures**

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child-centered expert psychological services.

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About Dr. Garber

Distinguishing roles

Forensic Evaluation

Forensic Consultation

Expert Witness

Publications

Upcoming Training

DefuseDivorce.com

Dr. Ben Garber is a New Hampshire licensed,  
PsyFact-qualified psychologist.

Dr. Garber's long-standing commitment is to help parents,  
schools, agencies and the courts to better understand and  
serve the needs of children.

Dr. Garber's practice is limited to Court-related (i.e., forensic)  
services including individual and family system evaluations,  
peer consultation and supervision, work-product review,  
attorney consultation, and educating the court in the role of  
expert witness.

Family Law Training

Dr. Garber provides large group trainings to family law  
professionals to increase their understanding of children's needs.

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Keep me away from  
the wisdom that does not cry,  
the philosophy which does not laugh,  
and the greatness which does not  
bow before children.

Khalil Gibran

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