



Children's resistance or refusal to spending time with a parent: a structured guide

This guide was created and published by Cafcass. It is available at www.cafcass.gov.uk for other professionals to access. If replicating part or all of the contents of this guide please reference Cafcass as the original source.

Some of the links contained in this guide are not live. This is because they relate to internal Cafcass guidance. Please contact us at Privatelawprojects@cafcass.gov.uk should you wish to access this internal guidance or have any other questions about the guide.

Introduction

This guidance and the accompanying tools are designed to support the Family Court Adviser's (FCA) structured professional analysis of cases where children are resisting or refusing to spend time with a parent or carer(1). It is designed to enable the FCA to recognise when this is happening, explore the reasons why, understand and analyse the impact on the child, and recommend the best way forward to bring about positive change for the child.

This guidance forms part of the Child Impact Assessment Framework, and together with the Underlying Principles of Private Law Assessment applies from the outset to case closure, where child resistance or refusal is present. Other parts of the Child Impact Assessment Framework may also be applicable and all relevant factors for the child need to be considered as the assessment progresses.

As with all assessments, the case analysis should begin with and follow what is happening for each child, considering any risk posed to them and the impact of parental behaviour and their wider experiences.

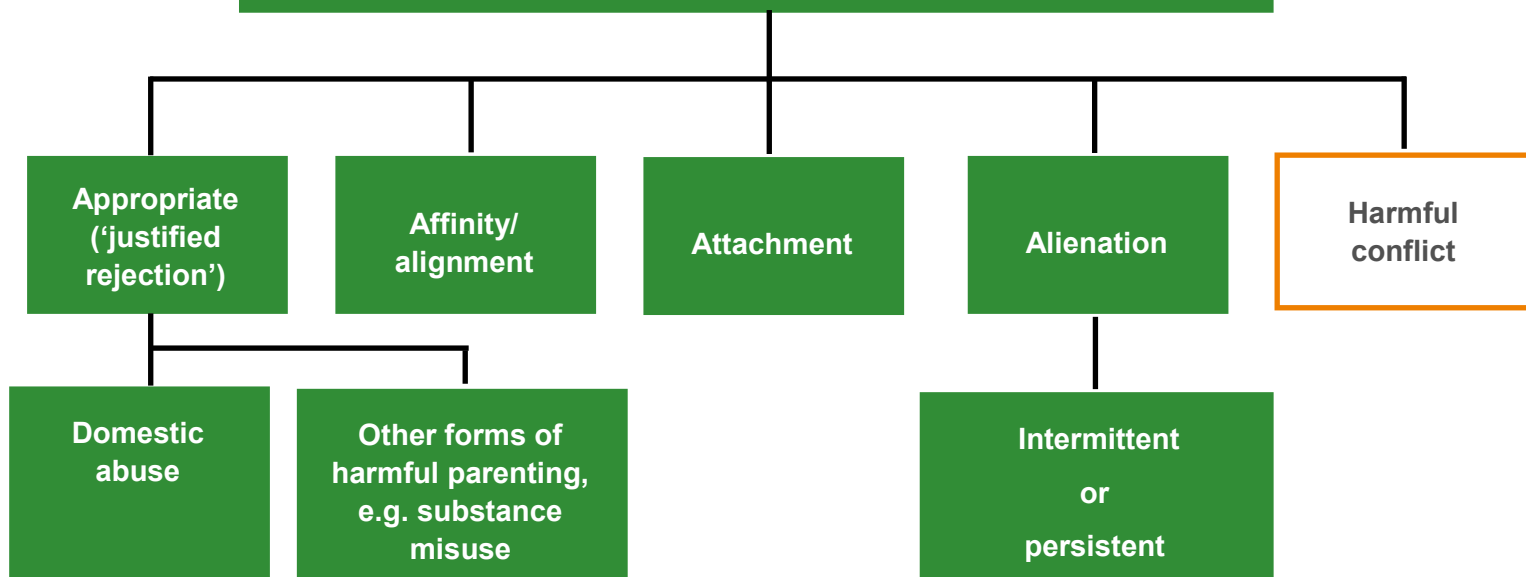
Key practice points	
Consider child impact and risk	• What has been happening for this child? - Past • What is happening now? - Present • What might happen? - Future • How likely is it to be repeated? - Risk • How serious would it be? - Impact on the child

(1): Please note: throughout this document we use the term parent when referring to a parent or carer.

Assess the reasons for a child resisting or refusing time with a parent or carer

- Resistance or refusal by the child may occur for a range of reasons. Perhaps the child has been harmed by the parent or is frightened of them (**known as 'appropriate justified rejection'**). There may be reasons to do with the child's active choices about how they want to live their life, or perhaps they have been affected by alienating behaviour by the other parent.
- The reasons for child refusal/resistance can be categorised as **the four As: appropriate justified rejection, alignment/affinity, attachment, or alienation** (Fidler, Bala & Saini, 2013), as set out below.

Why do children resist post-separation time with a parent?



Please note: The child may also refuse or resist a parent as a response to conflict. Kelly & Johnston (2001) identified that ***"resistance can be rooted primarily in the high-conflict marriage and divorce (e.g. fear or inability to cope with the high-conflict transition)."*** If this is identified as a factor at any point in the case refer to [the tools and guidance on harmful parental conflict](#), which includes information about interventions aimed at reducing parental conflict and the impact on children.

- Use your case plan** for planning your interviews with the child and parents and/or carers to enable you to gather relevant information about why the child is resisting or refusing time with a parent.

Key practice points: appropriate justified rejection

Definition: Appropriate justified rejection

Justified rejection by the child to spending time with a parent or realistic estrangement because of harmful parenting, including neglect or abuse or significant parenting limitations.

Factors and indicators:

- There are substantiated allegations of abuse or neglect.
- There are substantiated allegations of domestic abuse.
- The child feels unsafe or very unhappy in the care of the other parent (these feelings should be explored in line with this guidance).
- The parent the child lives with has acted protectively.
- Rejection of the other parent is justified due to non-existent, interrupted, or minimal involvement, inexperience, or poor parenting which may or may not reach the level of abuse or neglect.
- The other parent has unmanaged mental health difficulties, such as personality disorder, substance and/or alcohol misuse issues or other factors that impact on their capacity to provide attuned and consistent care.

Next steps and support: Where these factors are present, the FCA should undertake an assessment using the tools and guidance on domestic abuse or the other forms of harmful parenting, of the Child Impact Assessment Framework. The FCA should also consider the need for the court to carry out a fact finding hearing, see Cafcass' Finding of Fact guidance.

Assess indicators of domestic abuse and other forms of harmful parenting

- The first step in assessing the reasons for the child's resistance or rejection of a parent is to consider whether domestic abuse or other forms of harmful parenting are factors. Keep all possible forms of harm, including alienation in mind as you gather further information.
- Important: Give early consideration of all risks which may amount to a child protection concern and take action in line with the Child Protection Policy as necessary.
- Domestic abuse is not a 'conflict between parents': it is the abuse of one person by another, in the setting of an intimate relationship with an imbalance of power.
- Note that children may be subject to coercive and controlling behaviour as a means of alienating them from a parent as part of a longer history of the alleged perpetrator controlling the victim and continuing this abuse through family court litigation.

If domestic abuse, including coercive control, is a potential factor, refer to the [tools and guidance on domestic abuse](#). This includes where the following indicators are alleged, present or suspected – either now or in the past, (including, but not limited to):

- Information relating to a primary perpetrator
- Physical violence
- Sexual violence
- Coercive, controlling behaviours (towards a child or an adult)
- Stalking behaviours and 'jealous surveillance'
- Power imbalance
- Threats to kill: any known or alleged threats must be taken seriously until sufficiently assessed to reduce potential risk and safeguard the child and others at risk
- One or both parents report or present as being afraid
- One or both parents were in a previous relationship that was abusive
- Children imitate violent behavior
- Presence of degrading or humiliating behaviours
- Features of 'honour' based violence and / or features of forced marriage
- Situational couple violence (SCV). Use the SCV guidance in the [Domestic Abuse Pathway](#) to help distinguish and identify when this is present.

If the following indicators are alleged, present or suspected – either now or in the past refer to [the tools and guidance for assessing the impact of harmful parenting](#). These include but are not limited to:

- Alcohol misuse which is harmful to the child
- Drug misuse which is harmful to the child
- The impact of mental health difficulties, including personality disorders, that are harmful to the child
- Neglect
- Physical abuse
- Sexual abuse
- Emotional and/or psychological abuse (including radicalisation).



If appropriate justified rejection does not appear to be a factor in your assessment of the reason for the child's resistance or refusal, proceed to assess the other possible reasons for this.



Assess the pre and post-separation parent/child relationships, with focus on considering affinity, alignment and attachment

- Set clear expectations with the parents that the focus of your work will be on what the impact for the child is using these templated letters of expectation to assist.
- **Use your case plan** to think about how you will gather information from parents, children and professionals to answer the following questions:
 Was there a pre-existing relationship with the parent being resisted?
 If so, what was the quality of this?
 Has the quality of the relationship deteriorated post-separation?
 How were the parenting tasks and responsibilities shared before separation?
 What is the capacity of each parent to meet the child's developmental needs, particularly their emotional needs, considering the separation?
 Does the child have any additional or complex needs? If so, what has been the role of each parent in meeting these needs and what will these roles be in the future?
 Consider the **key practice points below on affinity and alignment, and attachment** in developing your analysis.

Key practice points: affinity / alignment

- **Definition: Affinity** is where the child does not have strong negative feelings for the other parent but prefers spending time with one parent. **Alignment** between a parent and child may develop before, during or after separation as part of naturally occurring preferences or from the other parent's non-existent, interrupted, or minimal involvement, inexperience or poor parenting (which does not reach the level of abuse or neglect).
- **Factors and indicators:** Resisting a parent, particularly in the early stages after separation, could result from one or more forms of 'benign post-separation parental rejection,' such as dislike of tougher rules at one house, dislike of upheaval or anger at a departing parent (Clarkson & Clarkson, 2006).
- An alliance may occur because of the child's indignation at the departed parent's behaviour and resistance to seeing that parent may be entirely understandable, at least initially.
- Older children and teenagers may resist time with a parent as part of normal adolescent behaviour and exercising increased independence and personal choice.
- Brothers and sisters may have different reasons for their acceptance or rejection of time with a parent.
- When resistance occurs for benign reasons, separated parents can mistakenly blame each other.
- **Next steps and support:** If the reasons for the child's resistance indicates affinity/alignment, explain this to the parents and encourage them to reflect on the impact of their behaviour on their child.
- Consider local and online options for signposting the parents and children to for support and guidance on post-separation parenting.
- Completing a Parenting Plan or SPIP may also be beneficial.

Key practice points: attachment

- **Definition: Attachment** - age or gender appropriate reactions for resisting time with a parent for attachment reasons, including separation anxiety.
- **Factors and indicators:** From an attachment perspective, a child or young person's distress and hostility to the parent they don't live with may be interpreted as an attempt to activate care-giving responses from the other parent. If the child does not receive Parent A's endorsement of Parent B, it triggers 'proximity-seeking behaviours' in the child towards Parent A. Proximity seeking behaviours could include crying, clinging, defiantly rejecting the other parent, aggression, withdrawing or attentively caring for Parent A.
- The child is not likely to have conscious awareness of their attachment behaviours: children do not always 'know' that they are using such strategies to protect their relationship with their primary caregiver.
- Consider the possibility that the child's behaviour and feelings may be distorted by the attachment strategy of the child as his/her means of maintaining loyalty to or eliciting care from the parent they live with. See the section below on considering the child's wishes and feelings in relation to their emotional and mental health and wellbeing.
- **Next steps and support:** If the reasons for the child's resistance indicates attachment issues as a cause, explain this to the parents. Encourage them to reflect on how their behaviour affects their child and to think about how, for example, hand over arrangements or frequency or length of time with the other parent may be adapted to support the child.
- Consider local or online support options and use of the [Parenting Plan](#) or [SPIP](#) as with affinity/alignment.

(With thanks to Asen & Morris (2019, not yet published) for contribution to this section).

Identify and assess the impact of alienation on the child, including emotional harm

- Kelly and Johnston (2001) caution against labelling children as alienated 'too often' without a full exploration of all the subtle and complex reasons for their resistance or refusal.
- The increasing number of allegations of alienation in the family courts and the risk of over identification, provides a further reason for balanced, nuanced, child-centred guidance drawing on as wide a knowledge base as possible. [See article](#) by Linda Neilson, 2018.
- Early identification of behaviours which are not intentionally alienating is important, e.g. withholding a session of time with the other parent as a response to the child being returned late, may over time result in the child 'taking sides and opting out of seeing one parent.' In this kind of situation, [refer to the guidance and tools on harmful conflict folder](#).
- If there are indications that the child's previously good relationship is being undermined and this is not justified, assess this using the guidance below.

Key practice points: parental alienation and child impact

- **Definition:** The definition of **parental alienation** as a concept in family court cases, its surrounding terminology and its scale remain under debate, meaning there is no clear data as to its extent.
- While there is no one clear single definition, Cafcass recognises alienation as when a child's resistance/hostility towards one parent is not justified and is the result of psychological manipulation by the other parent.
- Polarised positions regarding alienation potentially do a disservice to children, since this can lead to their experiences not being recognised or acted on. Similarly, the debate about whether alienation is a syndrome can be a distraction from the necessary focus on the impact on the child.
- Alienating behaviours instead present themselves on a spectrum with varying impact on the individual child, which requires a nuanced and holistic assessment. We should avoid rigid labels and overstating or understating alienation. Our role is to understand children's individual experiences and how they are affected by behaviours.
- These behaviours can include: a parent constantly badmouthing or belittling the other; limiting contact; forbidding discussion about them; and creating the impression that the other parent dislikes or does not love the child.
- They can also include spurning, terrorising, isolating, corrupting or exploiting, and denying emotional responsiveness. These tactics foster a false belief that the alienated parent is dangerous or unworthy. Children adapt their own behaviours and feelings to the alienating parent to ensure that their attachment needs are met (Baker, 2010).
- Both men and women can demonstrate alienating behaviours. While alienation can be demonstrated solely by one parent, it is often the case that a combination of child and adult behaviours and attitudes, with both parents playing a role, that lead to the child rejecting or resisting one parent.
- Harmful conflict and domestic abuse are distinct from alienation, and one another. Alienation is one of a number of reasons why the child may reject or resist spending time with one parent post-separation.
- Information on the history and context of parental alienation can be found in the article: *Kelly, J., & Johnston, J. (2001). The alienated child: a reformulation of parental alienation syndrome. Family Court Review, 39(3), pp.249-266.*

- **Impact for children:** Exposure to alienating behaviours can be emotionally harmful to the child.
- Alienated children can be at risk of short-term emotional distress and long-term adjustment difficulties (Fidler, Bala & Saini, 2013). Children can develop distorted belief systems that impact on their internal working models of self and others. The potential impact on the child and their outcomes include:
 - Loss of important relationships with a parent and/or wider family.
 - Dislikes the traits that they have inherited from the alienated parent and belief that they must be 'bad' if they share them.
 - Low self-esteem and a belief that they are unloved by the alienated parent.
 - Experience of severe guilt or betrayal in late adolescence and adulthood for rejecting a parent and others.
 - Mental health difficulties, such as depression, anxiety or personality disorder. The focus in the case becomes how to help a child recover a degree of normal development and reduce symptoms of emotional, psychological or mental ill-health.
 - Trauma informed practice recognises that the impact of living through traumatic and stressful events and relationships can result in a range of mental health and wellbeing difficulties, other than post-traumatic stress disorder, including alcohol/substance abuse, depression, anxiety problems, childhood behavioural disorders, psychosis, and some personality diagnoses.
- However, also remember that not all children exposed to alienation become alienated. A nuanced approach to assessment is necessary, recognising that alienating behaviours are on a spectrum and that the impact on the child varies according to their individual resilience and vulnerability, prior relationships and other influences and factors.
- Although these negative long-term consequences have been reported by adults who experienced alienation in their childhood, empirical findings about outcomes are mixed and hampered by being retrospective and not taking account of other potential explanatory factors (Drozd, Saini & Olesen, 2016).

In my shoes – experiences of young people in their own words

Jane: "I live with my dad now, but my sister still lives with our mum. It's my mum who has done things like change my sister's surname and stop contact between my sister and my dad's extended family who have not seen her since around 2013. She would take my sister to court hearings and tell her what to say. My sister would throw Christmas presents and birthday presents back in my dad's face with a grin on hers. I see my dad's pain and hurt at not seeing my sister."

Ayesha: "Parental alienation feels like you've heard so many things from one [parent] it starts to become believable. Although you don't know the truth, you're made to feel like it's the only truth. You're constantly made to feel as if the other parent hates you, wants nothing to do with you. Badmouthing one another, and others getting involved agreeing [with them]. When you walk around the streets on your own, you always see that perfect family: Mum, dad and two children, and you think to yourself that it'll never be you."

*Please note that these real-life stories are anonymised to protect the identity of the young people.

When identifying and assessing the impact of alienation on the child, consider:

- Use the tool for typical behaviours where the child may be alienated after direct work as an aid to thinking about and analysing any impact on the child.
- The diagram below illustrates how alienating behaviours are not all of the same intensity or level of persistence and includes some of the indicators of intermittent and persistent alienating behaviours and their varying impact on the child.

Patterns of alienating behaviour

Not all alienating behaviour by a parent the child lives with will be of the same degree of intensity and the impact will vary. For example, the child is likely to be influenced by the emotional intensity of the negative comments about the other parent. The range of behaviours from intermittent to persistent are best seen on a spectrum, rather than as discrete categories.

Alienating behaviour on a spectrum - behaviour and impact

Intermittent:

Intermittent, intentional words or actions aimed at either undermining the child's relationship with the other parent as a result of hurt or anger or emotional vulnerability. They may feel genuinely concerned for the child in the care of the other parent, but these concerns are unfounded (adapted from Judge and Deutsch, 2017).

Indicators:

- Some recognition of the value of the child's relationship with the other parent (and their extended family where applicable).
- However, intermittently exhibits alienating behaviours or strategies because of their own feelings.
- Understands that what they are doing is wrong, and in this sense there is an element of intentionality connected to their pain and anger at the end of the relationship.

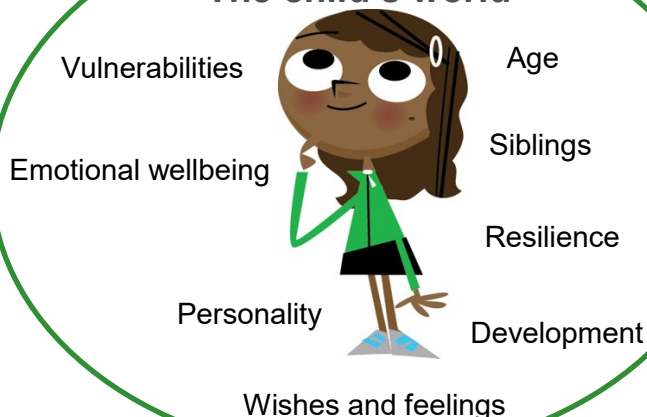
Persistent:

Persistently acting in a way to hurt the other parent and destroy their relationship with the child, rarely showing empathy, self-control or insight and taking on an obsessive quality (adapted from Judge and Deutsch, 2017).

Indicators:

- Active and **persistent** campaign to undermine and destroy the other parent's relationship with the child.
- Unable to recognise or accept that the child may have wishes and feelings that are separate from their own.
- Denies or undermines the value of the relationship between the child and the other parent (and sometimes their extended family).
- Lacks empathy and/or is unwilling to forgive.
- Has made allegations of abuse against the other parent which the court has found to be false.
- Where there are unsubstantiated allegations of abuse, they cannot be convinced otherwise, even when there is evidence to the contrary.
- Is not motivated to seek help to restore the child's relationship with the other parent (or extended family and friends where applicable).
- The alienating behaviours are intentional, although their actions may be direct, indirect or a result of protective behaviours based on genuine beliefs.
- Mental health difficulties or personality disorder may be contributing to the alienating behaviours.

The child's world



The **impact on the child** will vary according to factors in the child's world. Every child is unique. Intermittent and persistent alienating behaviours are likely to be harmful, but the degree and type of harm will differ for each child as will the best course of action to reduce or overcome the harm.

Impact on the child

Mild

Moderate

Severe

- One parent may be alienating the child without any contribution to this by the other parent. However, it is often the case that each parent is playing some role in this. The Typical Behaviours Tool helps with the identification and analysis of these factors.
- Family members, friends, professionals and the court (particularly when proceedings are protracted), can become entangled in the harmful impact on the child. Consider what contribution people in the child's network are making. This could be a positive support for the child or more negative.
- Persistent adult behaviour, which has a cumulative effect, is likely to have more impact on the child than single incidents. How emotionally charged the alienating comments and behaviours are will also influence the degree of impact on the child.
- In gathering the evidence base for child impact consider the child's individual characteristics, personality and stage of development. Consider using Calder's Resilience and Vulnerability Matrix, an analytical tool which can be used to explore the specific resilience and vulnerability factors for each individual child.
- Are arrangements for handovers safe and helpful for the child? Is the child unhelpfully influenced by who is present?
- Consider again whether there are indicators that allegations of alienation are being made as a form of post-separation abuse, as part of coercive and controlling behaviour toward both the other parent and/or the child.
- Consider the child's diversity in its widest sense, including in relation to their identity.

Next steps and support:

- Availability of effective interventions remains problematic because of its cost and lack of consensus about the effectiveness of alternative options. For more information, refer to the guidance on Recommendations for the child when alienation is a factor.
- Consider a recommendation for an early fact finding hearing by the court or an early appointment of a Children's Guardian under rule 16.4, with a clear and focused remit, is required.
- Consider whether the court will require expert assessment regarding any psychological or mental health difficulties within the family.

Assess the child's wishes and feelings in relation to their emotional and mental health and wellbeing

- The child should be actively involved in the family court process if they wish to be. They should be “treated as persons rather than objects of concern” (Butler-Sloss, 1987). The assessment should be done ‘with them’ rather than ‘to them.’
- Key questions to consider are:
 - What are the child’s ascertainable wishes and feelings about their past, present, and future?
 - Do any factors impact on the child’s ability to express their wishes and feelings? If so, make appropriate arrangements to facilitate this and support the child e.g. involve a school counsellor.
 - How does the child feel about their parents’ separation?
- Remember, the child may be an active player, not a passive recipient of alienation.
- The [Cafcass Direct Work tools](#) should be used to work sensitively with each child.
- Refer to the [Top Tips](#) set of guidance documents produced by the Family Justice Young People’s Board for working with children and young people.
- The child’s views should be reported directly, using their own words where possible, to bring this to life for the parents and court. For example, embed their words into a report or support them to write a letter to the judge. There is training available inhouse on [use of digital tools to embed the voice of the child in court reports](#) which you may find helpful.
- If the child has been exposed to alienating behaviour, there may be tension inherent between their wishes and feelings and their best interests.
- Refer to the guidance ‘[assessing children’s wishes and feelings](#)’. This sets out best practice when listening to and analysing children and young people’s wishes and feelings and helps you to consider what arrangements are in the child’s best interests.
- Children can be supported to take full or partial control of their situation and this can be a positive intervention. Consider connecting the child with a school counsellor or other supportive people who could help the child to understand what is abusive or unhealthy within relationships and provide support.
- If your recommendations are not in line with the child’s wishes and feelings, it is best practice to let them know about this in an appropriate way.

Reflect on your analysis, including potential sources of bias

When considering your conclusions or within reflective supervision, have reference to these points and questions:

- Reflect on your analysis of the reason for the child's resistance or refusal of time with a parent .
- Refer to the tools used and summarise what they have told you .
- What is the specific risk to the child? Is the resistance justified or an understandable response by the child that should be respected? Is the risk that their relationship with a parent could be damaged beyond repair, for no good reason other than the abusive alienating behaviour of another parent? Or is it that alienation is a factor, but is so deeply entrenched that reintroducing time with the other parent (or 'forcing') a child against their expressed wishes would be very harmful?
- What does this tell you about the best arrangements or support for the child going forward?
- Consider all possible forms of bias, including gender bias and the impact of personal and cultural norms on your thinking.
- Do you feel you have been disproportionately influenced or 'coerced' by the behaviour of one or more of the parties?
- Have you retained your focus on the impact and risk for the child, and tried to help the parents to do the same?
- Reflect on the cultural sensitivity of your assessment. Have you taken account of the cultural context of the child and their identity needs?
- When reflecting on your analysis refer back to your case plan and revisit the questions you asked at the beginning of the case about what is happening for this child; see page 2. This helps to ensure there are no loose ends in your assessment and brings focus to any risks and child impact as you reach your recommendations.

**Make
recommendations
in the children's
best interest,
focusing on
positive change
for the child**

- Use the guidance on making recommendations for the child when alienation is a factor, which provides advice on cases where the assessment indicates that the child is being harmed by alienating behaviour (or the court has found facts regarding this) and that this behaviour cannot be curbed. This includes using a balance sheet approach to inform recommendations.
- Consider use of Cafcass commissioned services for supervised contact or involvement of an expert to further assess or support the reintroduction of time with the other parent for example.
- Consider as early as possible whether the appointment of a Children's Guardian and children's solicitor under rule 16.4 is required to provide separate representation for the child.
- Where you believe the child is suffering or likely to suffer significant emotional harm, consider the need to refer the case to the local authority (LA) under child protection procedures and/or to recommend the court order a report under section 37 Children Act 1989 from the LA. Consider how to make the referral so that it will have most impact. Consider speaking to the relevant LA manager in advance.
- If a change in where the child lives is being considered, is the involvement of an expert necessary? What will this contribute in addition to your own social work analysis?
- Consider accessing the Cafcass Psychology consultation service, which offers the opportunity for case discussion with a clinical psychologist.
- Ensure that the **golden thread** is visible from the beginning to the end of the assessment.
- Once you have written your report and before you file it, go back to the beginning of your assessment, your case plan and the safeguarding letter. Are all the risks dealt with? Have we missed anything, or overlooked an issue during the life of the case? If any of the issues remain, consider your advice to the court about how these should be addressed?

Reference list

If you would like to see any of the items listed, send the 5 or 6-digit item numbers (in **bold**) to library@cafcass.gov.uk and [click here](#) to view a **further reading list (for internal use only)**

Asen, E., & Morris, E. (2019) *Forthcoming*.

Baker, A. (2010). Parental alienation: a special case of parental rejection. *Parental Acceptance*, 4(3), 4-5.

Butler-Sloss, E. (1987). *Report of the inquiry into child abuse in Cleveland*. London: HMSO.

159595. Clarkson, D., & Clarkson, H. (2006). The unbreakable chain under pressure: the management of post-separation parental rejection. *Journal of Social Welfare and Family Law*, 28(3-4), pp. 251-266.

204423. Drozd, L., Saini, M. & Olesen, N. (2016). *Parenting plan evaluations: applied research for the family court*. 2nd ed. New York, N.Y.: Oxford University Press.

181311. Fidler, B., Bala, N. & Saini, M. (2013). *Children who resist post-separation parental contact: a differential approach for legal and mental health professionals*. Oxford: Oxford University Press.

203850 Judge, A. & Deutsch, R. (2017). *Overcoming parent-child contact problems: family-based interventions for resistance, rejection and alienation*. New York, N.Y.: Oxford University Press.

165080. Kelly, J., & Johnston, J. (2001). *The alienated child: a reformulation of parental alienation syndrome*. *Family Court Review*, 39(3), pp.249-266.

301021: Neilson, L. (2018). *Parental alienation empirical analysis: child best interests or parental rights?* Fredericton: Muriel McQueen Fergusson Centre for Family Violence Research.