

**2019 HOUSE HUMAN SERVICES**

**HB 1260**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Fort Union Room, State Capitol

HB1260  
1/16/2019  
30924

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Elaine Stromme by Marjorie Conley
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### Explanation or reason for introduction of bill/resolution:

Relating to the reporting of a mental injury of a child; and to provide a penalty.

### Minutes:

Testimony 1,2,3
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**Vice Chairman Rohr:** Opened the Hearing for HB 1260.

**Representative Bernie Satrom:** Parent alienation is more common than assumed. Children of divorced parents want and need to maintain healthy and strong relationships with both parents, and to be shielded from their parents' conflicts. Some parents, in the effort to bolster parental identity create an expectation the children to choose sides. In a more extreme situation they foster the children's rejection of the other parent. In the most extreme cases, children are manipulated by one parent to hate the other, despite children's need to love and be loved by both parents. Every child has a fundamental right and need for an unthreatened and loving relationship with both parents. To be denied that right by one parent without sufficient justification, such as abuse or neglect, is in itself a form of child abuse. Hatred is not an emotion that comes natural to children, that has to be taught.

**Representative Porter:** Presentation is very subjective. How can that be enforced? He said she said. Custody fights. Very complicated. Very expensive to prove one way or another. Both sides get expert witnesses. It seems that we are trying to put something that can't be measured into the Century Code and only cause a further problem by having it in there.

**Representative Bernie Satrom:** It is a difficult thing, but I think that this is something that the judges can hang on, right now it is just go and be nice. The problem is the children are suffering and there is really nothing to deal with it very well.

**Representative Porter:** By the time it reaches a judge, it would end up in a civil proceeding.

**Representative Bernie Satrom:** It is messy, we can't avoid it or ignore it. It is for the well being of children.

**Representative Dobervich:** No definition for parental alienation in here.

**Representative Tveit:** Does the spouse being abused fall into this? Does that have to be included in this also?

**Representative Bernie Satrum:** That would have to be a different piece of legislation. This bill is to protect the children and to help them in their healing.

**Heather Aune, Teacher:** I am a mother & Grandmother, teacher grades K – 12, ( Testimony # 1 & 2).

**Vice Chairman Rohr:** Anyone else here to testify in support of HB 1260? Anyone here in opposition to HB 1260?

**Marlys Baker, Child Protection Services Administrator for the Department of Human Services:** In opposition to HB 1260 in its current form. (Testimony #3). (24:08-28:19).

**Representative Porter:** What was missed in Heather's testimony?

**Marlys Baker:** 2 different things. The difference between the administrative child abuse and neglect system and the civil court system. Child abuse and neglect typically works through the juvenile court. This has no bearing on the civil court action between two parents. There are two different systems involved here putting an amendment into the section of the law that governs the administrative system for child abuse and neglect versus the civil system that deals with parents and children in divorce and custody.

**Representative Tveit:** I feel we are missing something here by seeing it is not in this statute. Can you help us to define how you deal with that? It is realistic and it is a problem. Do we just push it out the door because it is not in the Century Code and we cannot create it in the Century Code?

**Marlys Baker:** We believe that it is in the Century Code for the purposes of child abuse and neglect reporting and assessment and determination. The mental injury is not defined in that civil code that judges look at when they make these decisions.

**Representative Tveit:** It is realistic thus this bill is in front of us. How do we fix this?

**Marlys Baker:** That it should be placed in civil code of parent and child.

**Representative Skroch:** Have you seen these occasions in which the situation has been serious enough that a judge will order treatment or some resolution to protect the children from this type of abuse and if you have then how are these protected? How do you relieve them from this kind of manipulated mental abuse? What were the good results?

**Marlys Baker:** The only real remedy that is available is through the juvenile court. There is very little that the child protection system can do beyond providing those services and counseling.

**Representative Schneider:** Are you aware of systems in other states? Parents Forever – a video that tries to educate parents on the proper behavior toward their children and treatment of their children as they go through that step in their divorce. It tries to prevent parental alienation. This is in Minnesota. Do we have anything like that in North Dakota?

**Marlys Baker:** I am very familiar with the program that you are describing. For several years when I was a county worker, I actually taught what was then known as children of divorce, which is now known as Parents Forever. It is a program that is run by NDSU Extension Service and is available to parents that are divorcing or who are struggling with custody and visitation issues. We often refer families to that program. I know that the court on occasion order parents to participate in that program.

**Vice Chairman Rohr:** Any additional questions? Anybody else in opposition to HB 1260? Anyone here on a neutral position?

**Vice Chairman Rohr:** Closed hearing on HB#1260.



# 2019 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Fort Union Room, State Capitol

HB 1260A  
1/28/2019  
31604

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Nicole Klamann by Marjorie Conley
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### Explanation or reason for introduction of bill/resolution:

Relating to the reporting of a mental injury of a child; and to provide for a penalty

### Minutes:

**Chairman Weisz:** Opened hearing on HB 1260.

**Vice Chairman Rohr:** We had one woman testify on a divorce proceeding and the children were used against her. They felt that it was missed along the way in terms of being able to see that these children were being emotionally abused. The sponsor came up with the term mental injury to add it to the definition. There was a lot of controversy in the committee. The fact that it's subjective.

**Chairman Weisz:** We are all aware that unfortunately children are used as pawns time and time again in divorce cases.

**Vice Chairman Rohr:** Made a motion for Do Not Pass on HB 1260.

**Rep. Skroch:** Seconded the motion.

**Chairman Weisz:** Discussion.

**Rep. Devlin:** This bill may have had good intentions, but I don't see it working at all.

**Rep. Damschen:** Mental injury is hard to define and hard to put blame on the cause. A lot more complicated than is included in this bill.

**Chairman Weisz:** Mental injury is an impossibility to really determine whether it should be reported or not. People get hooked on not reporting as a required reporter.

**Rep. Schneider:** I think the concept is important and the problem is real, but having done hundreds of family law cases in Minnesota, I really like the educational system that they require before they let divorces proceed there and that they watch Parents Forever which deals with parental alienation and other interactions between parents and child during their divorce. I would like to see that program implemented as it is a really effective program. The court puts the parents on notice of the bad behavior

and if it comes back to them, they deal with in their court order. That might be a way to approach it and that I would share with the proponents of this bill.

**Chairman Weisz:** Any further discussion? Being none, the clerk will call roll.

**Roll Call Vote** Yes 12 No 0 Absent 2.

**Rep. Damschen** is the Carrier.

Date: 1-28-19  
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1260

House Human Services Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Rohr Seconded By Skroch

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	X		Gretchen Dobervich		
Karen M. Rohr - Vice Chairman	X		Mary Schneider	X	
Dick Anderson					
Chuck Damschen	X				
Bill Devlin	X				
Clayton Fegley	X				
Dwight Kiefert	X				
Todd Porter	X				
Matthew Ruby	X				
Bill Tveit	X				
Greg Westlind	X				
Kathy Skroch	X				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Damschen

If the vote is on an amendment, briefly indicate intent:  
Do Not Pass Passes

**REPORT OF STANDING COMMITTEE**

**HB 1260: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1260 was placed on the Eleventh order on the calendar.

**2019 TESTIMONY**

**HB 1260**

I am a mother of three children ages 19, 18, & 14 (two boys and one girl). I am also mother to a stepson, daughter-in-law and grandmother to our six-year-old grandson. I have devoted my career to children as a piano and vocal instructor, children's ministry director, and licensed ND music educator of grade K-12.

I am particularly passionate about this amended bill to include mental injury and parental alienation because my children and I been living it firsthand for the past five years. And I see it in my teaching career. Helpless children are being adversely affected by the power of manipulation, harmful words, mind-control, and isolation of loved ones by their caregivers. Under the current law, there is nothing that states what these individuals are doing to children is unlawful. This amended bill will ensure that steps can be taken to report, enforce, and protect children from mental injury and parental alienation.

As I've already stated, I have been living the affects of parental alienation for five years after the separation of my first husband. My children and I had close relationships with each other. Many people had commented how close my daughter and I were because she was always with me as if you could have sown her on. The deterioration of our relationship happened shortly before I had left the home. The shift started to happen

when my son started requesting to have his dad help him with his homework and not wanting me. My eldest didn't want me to tuck in bed anymore. This seemed normal to me that boys would naturally desire to step away from their mothers and be more independent and I was happy to see their father's increased involvement.

The first few months I lived within walking distance of our house, giving our children the opportunity to stay with me as much as they wanted. However, they started refusing to see me. I'd go to see them at their house and they refused to come out of their rooms. They stopped answering text messages. They did not want me to go to their concerts, parent-teacher conferences, or sport activities. They would not acknowledge me at games and would ignore or turn away as if I was "stranger/danger". I was later told from family members and a neighbor that they believed I abandoned them and that their dad was the only one left to care for them. Shortly after my ex-husband was let go of his ministerial job, my children were isolated from friends, grandparents, aunts, uncles, cousins, teachers, and coaches. If individuals reached out to my children and state anything positive about me, they would cut those individuals out of their lives and quit those activities.

In later years I discovered that the memory of me, their mother, was being erased. They could not recall any positive memory. And they were fixated that college was more important to me than they were and that I had abandoned them. They would not listen to reason or truth.

After educating myself about parental alienation and what it is, I decided that I had to do everything in my power to do what we can to rectify these relationships. During our court-ordered mediation, I received a text message from my ex-husband stating that they were moving to Bismarck (which was less than a week's notice). No one from their school or friends knew they were moving. The isolation grew. I later discovered that the new schools did not even know I existed because I was not listed as the mother on the school's registration form.

Finally the day came when we could meet with our new judge and we felt we'd see light at the end of the tunnel; that the court would enforce some treatment and much needed time together. Unfortunately it was only the beginning to a very dark hole. The beginning visits started with police visits because my children would not return home and gone missing. They refused to eat our food because they thought we were poisoning them. There are many other events that have occurred but I



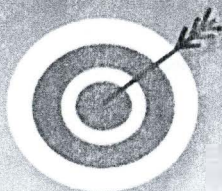
am not at liberty to discuss because we are currently in litigation.

It's been a devastating journey. How does a mother, family, or child grieve the loss of the person they love, that is still living? I long for the day that my children will open their hearts to the truth that they were loved, longed for, and belonged. That they are precious and the greatest gift a parent could possess. To be without them is a tragedy. There are pieces of them missing because they have been mentally and emotionally broken.

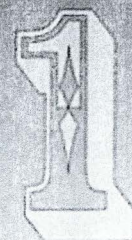
We have had six therapists (court-ordered), a guardian ad litem, four attorneys, and two judges that are currently working or worked with our family. No progress has been made. The law simply is not in place to enforce mental injury or parental alienation. Teachers, coaches, friends, and family members could have reported what has happened to my children, but what has happened to them is not illegal. This bill ensures that something can be done. Please exercise your vote to support this amended bill. Thank you for your consideration.



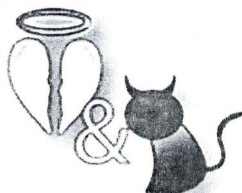
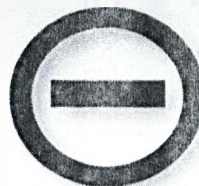
## SIGNS OF PARENTAL ALIENATION



The child's contempt, hatred and rejection toward the target parent is based on frivolous & unwarranted reasons

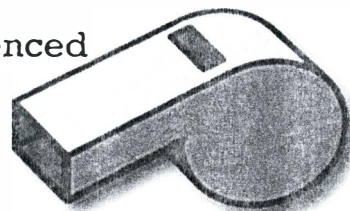


The child's negativity extends to the targeted parent's extended family



The child views the alienating parent as the good and honest parent and expresses only negative feelings toward the target parent who is seen as all bad

The child denies being coached or influenced by one parent



The child consistently rejects one parent & refuses to have contact with them



GOLDBERG JONES

## Definition of Emotional and Mental Abuse in Children

Children are often victims of emotional and mental abuse and neglect. According to the Administration for Children and Families, the mental abuse definition is: "a pattern of behavior that impairs a child's emotional development or sense of self-worth. This may include constant criticism, threats, or rejection, as well as withholding love, support, or guidance."

## Signs, Symptoms of Mental Abuse in Children

Mental abuse in children can result in:

- Relationship difficulties – emotional abuse leads to a lack of trust in the parent and this follows through the rest of the relationships in life. Without a positive early relationship on which to base others, emotionally abused children may choose not to have relationships or continually get into other abusive relationships because they don't know what a non-abusive relationship is like.
- Feelings of being worthless or damaged in some way – emotionally abused children are typically told they are no good so frequently that they come to believe it. This can lead to unfulfilling adult roles as the person feels they are not worth a good education or job.
- Trouble regulating emotions – because emotionally abused children are often punished for expressing their emotions, they never learn how to express them in a reasonable, safe way. This leads to emotions coming out in unpredictable ways such as in anger, depression or anxiety.

## Signs, Symptoms of Emotional and Mental Abuse in Adults

While children often physically cannot escape their abuser, many adults feel as though they cannot escape their abuser either.

Mentally abusive relationships involve chipping away at a person's self-esteem to the point where they don't feel they deserve anything better than the abuse and they feel that without the abuser, they have nothing.

Signs of mental abuse in relationships take many forms. Mental abuse symptoms can revolve around:<sup>3</sup>

- Dominance – the abuser needs to feel in charge of the relationship
- Humiliation – the abuser puts their partner down by embarrassing them
- Isolation – the abuser segregates their partner from others in order to increase dependence
- Threats – the abuser makes threats to make their partner feel unsafe
- Intimidation – the abuser indicates that if you do not obey, there will be dire consequences
- Denial and blame – the abuser denies the abuse and blames their partner for "making" them do it

Mentally abusive relationships can be of any type and involve either gender.

NATASHA TRACY: <https://www.healthyplace.com/abuse/emotional-psychological-abuse/emotional-and-mental-abuse-in-children-and-adults/>

## KAY IDENTIFIES SOME OF THE SIGNS THAT INDICATE PARENTAL ALIENATION:

- The child views the alienating parent as the good and honest parent and expresses only negative feelings toward the target parent who is seen as all bad. This black-and-white thinking is consistently reinforced by the alienating parent until the child expresses hatred, contempt and fear regarding the target parent while not showing any guilt or remorse.
- The child denies being coached or influenced by one parent. “***Mimics accusations and opinions of the alienating parent yet insists they have formulated ideas about the target parent on their own,***” explains McGhee.
- The child’s negativity extends to the targeted parent’s extended family. The child begins to refuse visits or contact with relatives of the target parent, even if they had a warm and interactive relationship prior to the alienation.
- The child’s contempt, hatred and rejection toward the target parent are based on frivolous and unwarranted reasons. The rejection is not based on personal experiences that are justified by abusive, harmful or destructive behaviors.

The child consistently rejects one parent and refuses to have contact with them. “Many parents describe having a formerly loving and close relationship with their children only to become completely leveled by



the fact that their children no longer want to have any contact with them,” explains McGhee.

Divorce coach Nancy Kay defines parental alienation as: ***“when one parent unduly influences the child to respond to the other parent in a consistently negative manner despite there not being evidence of abusive, destructive or harmful parenting behaviors.”***

<https://www.goldbergjones-wa.com/child-custody/parental-alienation/>

# Florida Representative Antone Introduces HB- 1279 to End Child Psychological Abuse

To amend the child abuse reporting statutes in Florida requires that legislation be passed in both the Florida House of Representatives and the Florida Senate.

Florida State Representative Bruce Antone has just filed legislation with the Florida House of Representatives to protect children from the psychological child abuse surrounding “parental alienation”:

## HB 1279: Child Psychological Abuse

This legislation filed by Representative Anton is companion House of Representatives legislation to the Florida State Senate legislation filed earlier this week by Florida State Senator Victor Torres:

## SB 1432: Child Psychological Abuse

Susan Remus, who is responsible for leading this impressive achievement to change the child abuse protection laws to explicitly include child psychological abuse, has indicated to me in our conversations that Representative Antone’s support has been both key and

instrumental to achieving this monumental accomplishment. According to Susan, Representative Antone provided his support and commitment to protecting children from psychological child abuse from their very first conversations.

I have sent Representative Antone a letter of appreciation for his commitment to protecting all children from all forms of child abuse, and for his commitment to ending the family tragedy of “parental alienation” following divorce, in which loving and beloved parents are erased from the lives of their children. I am posting my letter of appreciation to Representative Antone here to my blog in order to publicly express my deep appreciation to Representative Antone for his commitment to children and families.

Dear Representative Antone,  
Words cannot express my appreciation for your filing of HB-1279: Child Psychological Abuse. Your constituent, Ms. Susan Remus, has described for me how you have been there for her from the very first moment she described to you the devastating emotional and psychological abuse created by “parental alienation” surrounding divorce; parents and families who become erased from a child’s life because of one parent’s narcissistic desire for revenge on the other spouse for the divorce. Children are not weapons, they’re kids. All children have the fundamental right to love



both parents, and all children have the fundamental right to receive the love of both parents in return. You are an ally of the children.

Your compassion, support, and leadership have been instrumental – and indeed pivotal – in achieving this first step in protecting children – all children, not just in Florida, but across the nation – from the brutal and abusive family pathology of “parental alienation.” For the millions of children who are caught in the middle of their parents’ divorce, who are torn apart by a devastating loyalty conflict imposed on them by one parent who is seeking to use the child as a weapon of revenge against the other spouse for the divorce, I say thank you Representative Antone. Thank you for hearing the children. Thank you for standing up for them.

To the 46<sup>th</sup> District in Florida, I’d also like to say thank you so much for having the wisdom to select Mr. Antone as your Representative. Excellent-excellent choice. It is clear that in Representative Antone you have a staunch ally, an advocate, and a voice for you. As one of your neighbors, Susan Remus, will testify and bear witness, Representative Antone listens to you, and he cares. He cares. Excellent-excellent choice.

House bill HB-1279: Child Psychological Abuse will

have a substantial impact on protecting children and families across Florida and throughout the nation by calling attention to the devastating family pathology of “parental alienation,” and by serving as a model for achieving the protection of children from the severe psychological abuse of “parental alienation” following divorce. For parents to lose a lifetime of love and bonding with their children, and for children to lose loving relationships with dearly beloved parents after divorce because of the cruelty of a narcissistic spouse who is seeking revenge on the other ex-spouse for the divorce, is abhorrent and must end; and because of your efforts Representative Antone, and those of your colleague in the Florida State Senate, the Honorable Victor Torres, the loving relationships of children and parents in Florida, and across the nation, will be protected.

For all the children and families who are suffering, thank you for hearing their cries and thank you for acting to bring their suffering to an end. You listened to their cries and you acted. Much respect and much honor belong to you, Representative Antone. Thank you.

Craig Childress, Psy.D.  
Psychologist, PSY 18857

Published on *The National Law Review*  
(<http://www.natlawreview.com>)

# Parental Alienation

Article By:

Darlene S. Lesser

Parental alienation is a type of abuse by one parent who “programs” the child or children of the marriage to denigrate or “target” the other parent in an effort to undermine and interfere with the child’s relationship with that parent. This syndrome is often a sign of the offending parent’s inability to separate from the couple’s conflict and focus on the child’s needs. Rather, the offending parent uses the children in his or her war against the other parent.

**Parental alienation deprives children of their right to be loved and to show love to both of their parents.** The alienating parent (and often other family members) mentally manipulate or bully children into believing a loving parent is the cause of all of the their or the family’s problems; therefore the other parent must be the enemy, be feared, hated, disrespected and avoided. Hatred is not a normal emotion for children, rather it must be taught.

Signs of parental alienation include:

- Bad-mouthing the other parent to the children
- Limiting contact

Erasing the parent from the children’s lives

Forcing the children to reject the other parent

Forcing the children to choose sides

Creating the impression the other parent is dangerous

Belittling comments to the other parent in front of the children

- Calling the children to testify against the other parent

- Convincing the children the other parent is creating financial hardship on the family

Every child has a fundamental right and need for a loving relationship with both parents and to be denied that right by one parent, without sufficient justification (abuse, serious neglect, etc.), is in itself a form of child abuse, since it is the child who is violated by an alienating parent's behavior. **The children suffer most.** Reunification of the family takes a skilled professional and can be a trying time since the children are often in a continued abusive relationship with the alienating parent, who cannot let go of his or her own conflict with the other parent.

Children deserve better as parental alienation leaves children with deep emotional scars as damaging as abducted children or victims of sexual abuse and extreme conflicts. Children often are left with post-traumatic stress syndrome due to the damage caused by the alienating parent. The severe effects of parental alienation on children are well-documented: low self-esteem and self-hatred, lack of trust, depression and substance abuse are widespread in children who have suffered through parental alienation. Children internalize the hatred that is taught to be targeted to the alienated parent.

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Source URL: <https://www.natlawreview.com/article/parental-alienation>



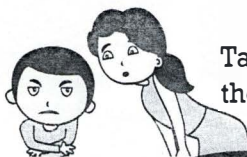
# What is Parental Alienation?

The destruction of a parent-child relationship through psychological warfare.

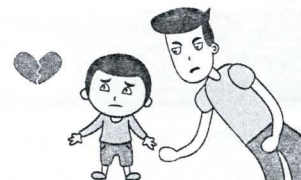
Limiting contact and keeping a child from their other parent



Talking bad about the other parent



Not allowing a child to speak freely or to express their love for the other parent



Not informing the other parent about important information



Making a child choose sides or who to love



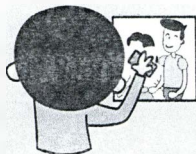
Brainwashing a child



Forcing a child to reject or hate their other parent



Erasing the other parent from a child's life



Making a child fearful of their other parent



Manipulating a child's feelings or bribing them in order to interfere with the other parent's relationship



Making a child feel guilty for loving their parent or wanting to spend time with them



Parental Alienation is emotional, mental, and psychological abuse that has lifelong affects.

**TIMETOPUTKIDSFIRST.ORG**





## Gaslighting Abuse

"Gaslighting is a form of brainwashing psychological abuse in which false information is presented to the victim, making them doubt their own memory and perception and attempts to make them believe they are "crazy". This is most often done through the denial of facts, events, or what one did or did not say. It is an increasing frequency of systematically withholding factual information from, and providing false information to, the victim – having the gradual effect of making them anxious, confused, and less able to trust their own memory and perception."

Gaslighting is an insidious form of emotional abuse and manipulation that is difficult to recognize and even harder to break free from.

### Inducing Disorientation

The manipulative abuser causes the victim to lose faith in their ability to manage and to cope with the world and its demands. They no longer trust their senses, their skills, their strengths, their friends, their family, and the predictability and benevolence of their environment. By constantly distorting the truth, (pathological lying), he blurs the line between reality and nightmare.

Have You Felt Crazy?? Maybe it was "Gaslighting"

Posted on December 14, 2013 by secretangel





Edward Kruk Ph.D.  
Co-Parenting After Divorce

# The Impact of Parental Alienation on Children

Undermining loving parent-child relationships as child maltreatment

Posted Apr 25, 2013

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Source: TibnaPong/Shutterstock

What children of divorce most want and need is to maintain healthy and strong relationships with both of their parents, and to be shielded from their parents' conflicts. Some parents, however, in an effort to bolster their parental identity, create an expectation that children choose sides. In more extreme situations, they foster the child's rejection of the other parent. In the most extreme cases, children are manipulated by one parent

to hate the other, despite children's innate desire to love and be loved by both parents.

Parental alienation involves the "programming" of a child by one parent to denigrate the other, "targeted" parent, in an effort to undermine and interfere with the child's relationship with that parent, and is often a sign of a parent's inability to separate from the couple conflict and focus on the needs of the child. Such denigration results in the child's emotional rejection of the targeted parent, and the loss of a capable and loving parent from the child's life. Psychiatrist Richard Gardner developed the concept of "parental alienation syndrome" 20 years ago, defining it as:

"...a disorder that arises primarily in the context of child custody disputes. Its primary manifestation is the child's campaign of denigration against a parent, a campaign that has no justification. It results from the combination of a programming (brainwashing) parent's indoctrinations and the child's own contributions to the vilification of the target parent."

Children's views of the targeted parent are almost exclusively negative, to the point that the parent is demonized and seen as evil.

As Amy Baker writes, parental alienation involves a set of strategies, including bad-mouthing the other parent, limiting contact with that parent, erasing the other parent from the life and mind of the child (forbidding discussion and pictures of the other parent),

+131260  
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Page 15

forcing the child to reject the other parent, creating the impression that the other parent is dangerous, forcing the child to choose between the parents by means of threats of withdrawal of affection, and belittling and limiting contact with the extended family of the targeted parent. In my own research on non-custodial parents who have become disengaged from their children's lives (Kruk, 2011), I found that most lost contact involuntarily, many as a result of parental alienation. Constructive alternatives to adversarial methods of reconnecting with their children were rarely available to these alienated parents.

Parental alienation is more common than is often assumed: Fidler and Bala (2010) report both an increasing incidence and increased judicial findings of parental alienation; they report estimates of parental alienation in 11 to 15 percent of divorces involving children; and Bernet et al. (2010) estimate that about 1 percent of children and adolescents in North America experience parental alienation.

There is now scholarly consensus that severe alienation is abusive to children (Fidler and Bala, 2010), and is a largely overlooked form of child abuse (Bernet et al, 2010), as child welfare and divorce practitioners are often unaware of or minimize its extent. As reported by adult children of divorce, the tactics of alienating parents are tantamount to extreme psychological maltreatment, including spurning, terrorizing, isolating, corrupting or exploiting, and denying emotional responsiveness (Baker, 2010). For the child, parental alienation is a serious mental condition, based on a false belief that the alienated parent is dangerous and unworthy. The severe effects of parental alienation on children are well-documented—low self-esteem and self-hatred, lack of trust, depression, and substance abuse and other forms of addiction are widespread, as children lose the capacity to give and accept love from a parent. Self-hatred is particularly disturbing among affected children, as children internalize the hatred targeted toward the alienated parent, are led to believe that the alienated parent did not love or want them, and experience severe guilt related to betraying the alienated parent. Their depression is rooted in feelings of being unloved by one of their parents, and from separation from that parent, while being denied the opportunity to mourn the loss of the parent or to even talk about them. Alienated children typically have conflicted or distant relationships with the *alienating* parent also, and are at high risk of becoming alienated from their own children: Baker reports that fully half of the respondents in her study of adult children who had experienced alienation as children were alienated from their own children.

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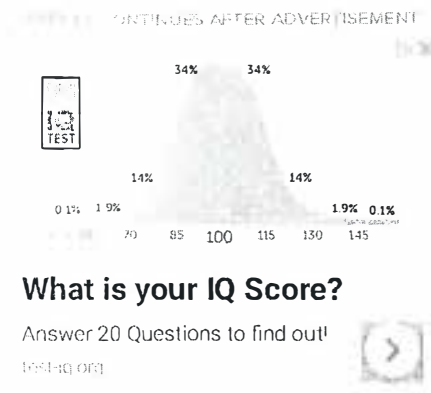


HB 1260  
#2  
1/16/19  
Page 16

Every child has a fundamental right and need for an unthreatened and loving relationship with both parents. To be denied that right by one parent, without sufficient justification such as abuse or neglect, is itself a form of child abuse. Since it is the child who is being violated by a parent's alienating behaviors, it is the child who is being alienated from the other parent. Children who have undergone forced separation from one parent — in the absence of abuse — including cases of parental alienation, are highly subject to post-traumatic stress, and reunification efforts in these cases should proceed carefully and with sensitivity. Research has shown that many alienated children can transform quickly from refusing or staunchly resisting the rejected parent to being able to show and receive love from that parent, followed by an equally swift shift back to the alienated position when back in the orbit of the alienating parent; alienated children seem to have a secret wish for someone to call their bluff, compelling them to reconnect with the parent they claim to hate. While children's stated wishes regarding parental contact in contested custody should be considered, they should not be determinative, especially in suspected cases of alienation.

Hatred is not an emotion that comes naturally to a child; *it has to be taught*. A parent who would teach a child to hate or fear the other parent represents a grave and persistent danger to the mental and emotional health of that child. Alienated children are no less damaged than other child victims of extreme conflict, such as child soldiers and other abducted children, who identify with their tormentors to avoid pain and maintain a relationship with them, however abusive that relationship may be.

Baker, A. (2010). "Adult recall of parental alienation in a community sample: Prevalence and associations with psychological maltreatment." *Journal of Divorce and Remarriage*, 51, 16-35.




Bernet, W. et al (2010). "Parental alienation and the DSM V." *American Journal of Family Therapy*, 38, 76-187.

Fidler, B. and Bala, N. (2010). "Children resisting postseparation contact with a parent: Concepts, controversies, and conundrums." *Family Court Review*, 48 (1), 10-47.

Kruk, E. (2011). *Divorced Fathers: Children's Needs and Parental Responsibilities*, Halifax: Fernwood Publishing.

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**Testimony**  
**House Bill 1260 - Department of Human Services**  
**House Human Services Committee**  
**Representative Robin Weisz, Chairman**

January 16, 2019

Chairman Weisz and members of the Human Services Committee, I am Marlys Baker, Child Protection Services Administrator for the Department of Human Services (Department). I appear today to provide testimony in opposition to House Bill 1260 in its current form and to offer an amendment.

Section 1, page 3, lines 6 through 8 provides a definition of "mental injury". The Department agrees that a definition of "mental injury" is necessary. The current definition of "abused child" (page 1, lines 19 through 24) references section 14-09-22 of the North Dakota Century Code, entitled, "Abuse of child – Penalty". It is this section which contains the words "mental injury" as a form of child abuse. However, the term "mental injury" as used in section 14-09-22 is currently not defined. The department is requesting that the definition of "mental injury" proposed in this Bill be removed from chapter 50-25.1 and placed into chapter 14-09. The Department has no objections to the definition itself.

Section 2 of this Bill modifies the reporting requirement for child abuse and neglect to include mandatory reporting of mental injury, psychological abuse, and parental alienation. Neither psychological abuse nor parental alienation are defined in current statute or in this Bill. The current reporting statute requires that persons who are mandated to make child protection reports shall report if they have "knowledge of or reasonable cause to suspect a child is abused or neglected". Definitions of "abused child", "sexually abused child", and "neglected child" are found in section 50-25.1-02 of the North Dakota Century Code. A specific requirement to report particular, undefined types of child maltreatment is not necessary. Under the current reporting requirements and definitions, the psychological maltreatment of children is reportable under the definition of "neglected child" (page 3, line 11), further defined in section 27-20-02 of the North Dakota Century Code. Within section 27-20-02,

entitled "Definitions", subdivision a of subsection 8 states, "'Deprived child' means a child who:

a. Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health, or morals, and the deprivation is not due primarily to the lack of financial means of the child's parents, guardian, or other custodian;"

Given the specific language of "mental or emotional health" in the definition of "neglected child" and the reporting requirement for "knowledge or reasonable cause to suspect", additional, undefined terms are unnecessary. Additionally, research on the federal Child Welfare Information Gateway summary of child abuse and neglect definitions in all fifty states revealed that no other state includes definitions of parental alienation in child abuse and neglect laws. The Department recommends that page 4, lines 24 through 26, are removed from this Bill.

This concludes my testimony, and I am happy to answer any questions you may have.