

TO: MSSNY's Officers, Councilors and Trustees

FROM: MSSNY Legislative & Physician Advocacy Committee

DATE: November 7, 2019

RE: Resolution 117 – 2019 House of Delegates
Introduced by the Westchester County Medical Society

The following resolution was referred to the Council by the House of Delegates. The resolution was forwarded to the Legislative and Physician Advocacy Committee for further study and recommendation for the Council's consideration.

RESOLVED, that MSSNY support legislation and/or regulation to prohibit the use of Parental Alienation Syndrome in determining custody.

At the House of Delegates, the reference committee heard some testimony both in support and opposition to this resolution. The committee noted that this topic is very complex and contentious and that they could not in good faith come to a valid conclusion either way. Concerns were raised about the validity of defining this as a legitimate medical condition, while some advocated that Parental Alienation Syndrome is a valid medical issue.

According to one report, "Parental alienation syndrome" was a term coined in the 1980s by child psychiatrist Dr. Richard A. Gardner, and occurs when one parent attempts to turn the couple's children against the other parent. A parent who is angry at the spouse or ex-spouse accomplishes this estrangement by painting a negative picture of the other parent via deprecating comments, blame, and false accusations shared with the children. However, according to another report, despite having been introduced 30 years ago, there remains no credible scientific evidence supporting parental alienation syndrome (PAS, also called parental alienation (PA) and parental alienation disorder (PAD)). The concept has not gained general acceptance in the scientific field, and there remains no test, no data, or any experiment to support claims made concerning PAS. Because of this lack of scientific credibility, many organizations—scientific, medical, and legal—continue to reject its use and acceptance.

According to a study published in Children and Youth Services Review, about approximately 20% of children and adolescents live in separated or divorced households, and about one-quarter of their parental separations involved high-conflict situations. It was also noted that approximately 25% of children and adolescents in high-conflict break-ups become alienated, representing about 1% of all children and adolescents. According to this research, approximately 740,000 children and adolescents in the U.S. could be defined to be "victims of parental alienation" (<http://tiny.cc/PASPrevalence>).

However, while some initial data suggests that parental alienation syndrome is claimed in custody cases and can affect judicial decision-making, there was discussion at the September 11 and October 17 meetings of the Legislative & Physician Advocacy Committee that there is little empirical evidence demonstrating that this is, or that this is not, a medical condition that would warrant MSSNY articulating a position in one direction or the other. On the other hand, it was discussed that a definitive MSSNY statement on this issue could have an impact on judicial decisions in custody cases. As such, the Committee believe it was not an appropriate use of MSSNY resources to take a stance regarding legal proceedings effecting important decisions such as custody decisions when there continues to be a divide as to whether PAS is a legitimate medical condition or not.

RECOMMENDATION: That the MSSNY Legislative & Physician Advocacy Committee recommends that the MSSNY Council not adopt this resolution.