I said to my friend Suz Remus that if what we are all working on is getting too much resistance to go to a plan "B". She said, and I realize rightly so, "THERE IS NO PLAN B."

And so… I'd like to introduce you to plan "P".

Before I go into what I am doing here I want to address the concerns and objections of what I am going talk about beforehand. And I am hoping by doing so I can convey the intent being that this is a marathon not a sprint. Regardless of how fast we are going it still needs to be in a direction that is going to get us where we want.

Things that I think will *not* get us there include:

- Calling judges and lawyers stupid or corrupt.
- Calling "the legal system" stupid or corrupt.
- Calling mental health stupid or corrupt

Things I think *will* get us there include:

- Not assuming ill intent from mental health and the legal system. (Assuming a desire to help).
- Knowing that systems have rules and we should know the rules. For example, trying to play football using the rules of baseball wouldn't work very well.
- There can be multiple ways of approaching change, often done in simultaneity.

I am **not** discounting or glossing over the fact that *some* people are corrupt. I just don't think it helps to assume that is the norm.

So, I will start with the objections, then the story leading up to, then the approach I am currently taking. I think it important to do it this way to have the context and the reasoning why first.

Possible Objections to This Approach

1. It doesn't go far enough.
   A: It's a start.
2. It doesn't directly approach alienation.
   A: It is solely meant to help determine what is happening.
3. It doesn't provide a clear remedy.

A: It lets the judge use his or her discretion based on available resources in their county or area.

4. It's already being done to some degree.
   A: This makes it easier to think of without limiting other ideas.
5. It still allows for ignorance in the legal system.
   A: Further education needs to continue.
6. It still allows for ignorance in the mental health system.
   A: Further education needs to continue.

The Reasoning for This Approach

1. There is financial incentive for mental health to support this as it means more referrals. There is professional incentive for mental health as it means being able to get to potentially problematic situations faster and help reduce harm to the child.
2. It provides a way for a closer look to take place in a high conflict situation initiated by the court rather than either a plaintiff or defendant.
3. It has clear standards that can be identified without interpretation—the "bright line" approach:
    1. Pleadings
    2. Two or three judicially determined violations of custody related court orders

The Story Leading Up to This Approach

For about the last year, I have been talking to legislators, their assistants and other people connected with changing and amending laws in my state presenting the idea of pathogenic parenting as a form of child abuse, based on the three diagnostic indicators from the DSM V that Dr. Childress describes in his book, "Foundations".

In mid March, there was a meeting with Dr. Childress from CA, three members of the state psychology board, a state representative phoning in on a conference call, the representative who arranged the meeting, and myself. I was not having a good feeling as there were only supposed to be two people from the board on the call. I was not under the impression that a third person meant they were embracing Dr. Childress's approach. Unfortunately, this is one of those times I really wish I was wrong, but I wasn't. Very quickly, it was apparent that the board members were there to shoot down the idea and the discussion was not terribly productive.

And so… here is where the story might have ended, but it continues.

I was able to help bring the tone of the conversation down and the representative on the call suggested this be turned into a study bill. What I learned in my state is that a bill can either be moved to the next phase of drafting and discussion, become a study bill to collect more information or it goes nowhere. Presently there is a research assistant figuring out the best category for this so it can go to the next phase.

I spoke to the representative who arranged the meeting about other possible ways of looking and approaching this at the same time we were gathering information for this bill. He said that doing things in parallel (several things at once) was often the way things got done. And, that it was sometimes a marathon, not a sprint.

Dr. Childress contacted me shortly after I got out of the meeting. I admired his attitude. He realized the psychologists didn't have information about what he was referring to and made it clear he would remain in contact so he could keep the dialogue open and further educate them. He is presently in an ongoing conversation with one of them now.

Meanwhile, I was left with thinking "what could we do right now?" What could someone else in another state do if the idea wasn't greeted like it has been so far in Florida?

https://www.flsenate.gov/Session/Bill/2017/01342 (Senate version)
https://www.flsenate.gov/Session/Bill/2017/01279 (Companion House version)

I spoke with a long time friend of mine who is an attorney and she pointed out that it is much easier to tighten up a procedure than introduce a new idea, that's when the idea began to form. I am presenting this so far after many conversations with family law attorneys, some of who hold prominent positions in dealing with abuse and child welfare in my state. They sometimes gently, sometimes with the force of artillery shells, punched holes in the idea where it didn't work—but the idea remains. I had a very productive conversation with a district court judge last week who helped me further refine this.

And Mark Redman, esq. has generously offered to help craft this into legal language. Once that is done I will be making it available to anyone and everyone one who wants it—especially those who have contacted me regarding the information packets I've been giving to legislators.

[UPDATE: The legal language has been crafted for this, as it could be integrated into my state's statute. It is available for anyone who would like a copy. You would need to integrate it into your state's statute, but it will give you something substantial to go on.]

Plan P: A Procedural Approach to Identifying Abuse and Alienation

The Approach

Having a discretionary mechanism in place to more quickly get those who are qualified in determining the underlying dynamics involved a high conflict custody situation.

The Purpose

- This is in keeping with the best interest of the child standard.
- The expedient reduction in the amount of exposure a child has to custody conflict whenever possible to reduce the harm that child suffers as a result.
- A way to initiate the gathering of more information. NOTHING IS ASSUMED.

Behavioral Criteria
1. Parent one wants split custody or custody where both parents remain actively involved in a child's life and parent two wants primary / sole / exclusive custody.

2. Parent one follows custody related court orders while parent two does not. A standard to consider here is "pattern in practice'— a multiple number (such as two or three) judicially determined violations.

If these criteria are met, it serves as a guide for the judge to get someone qualified in determining the underlying dynamics involved to find out what is going on.

There is already wide latitude a judge has in what that means. Based on locale and income, it could be anything from a full custody evaluation to a trained GAL.

For example: Rule 17 of the rules of civil procedure, which includes the appointing of a Guardian Ad Litum to help determine the best interests of child.

An overview can be found here:
http://www.nccourts.org/Citizens/CPrograms/Improvement/Documents/Galrule17-0909.pdf

It might also mean nothing can be offered if the parties are indigent and there is no funding to provide something. But that is the case right now anyway. A longer-term goal of this being in place would be to initiate and promote discussion on how to provide better alternatives throughout the states.

Notes:

1. Phrased as “including but not limited to” to make sure it’s not narrowing options a judge might want to use.
2. By being spelled out, it is easier to think of for those too busy to make the inference themselves from the current guidelines.
3. It can bring those who are biased against the idea that PA even exists right along side those that know it does. Since this simply looks for a closer examination it can give the opportunity to uncover what is going on.

I look forward to feedback and support. If we could get many voices calling for this it would at least get the ball moving down the field further…

07/30/2018 UPDATE: We have a draft bill!! Read more here and download the PDF. We need your help.

Photo by geralt (Pixabay)