

QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION IN ISRAELI COURT CASES

BY

R. DAVID WEISSKOPF

DISSERTATION

Submitted in partial fulfillment of the requirements  
for the degree of  
Doctor of Psychology in Human Organizational Psychology  
with a concentration in organizational leadership.

Touro University Worldwide, 2022

Doctoral Committee:

Jessica Shoemaker, Psy.D, Chair  
Dawn Campbell, Psy.D, Committee  
Michael Hamlin, Psy.D, Committee  
Yair Maman, Psy.D, Committee

**[SIGNATURE PAGE PLACEHOLDER]**

QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

© 2022  
R. David Weisskopf  
ALL RIGHTS RESERVED

### **Acknowledgments**

Thank you Dr. Robert Kenedy, Pnina Shapira, and Sharon Spira for encouraging me to pursue this doctorate degree. Special thanks to Nevo for allowing this analysis free access to your database. Thank you also to MAXQDA for allowing this analysis free use of your systematic content analysis software. This dissertation was possible thanks to all of you.

# QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

*This dissertation is dedicated to victims of parental alienation.*

הנה אנכי שלח לכם את אליה הנביא לפני בוא יום יי הגדול והנורא והשיב לב אבות על בנים ולב בנים על  
אבותם פן אבוא והכיתי את הארץ חרם (מלאכי ג: כג-כד)

# QUANTITATIVE CASE LAW ANALYSIS

## **Abstract**

This quantitative analysis has 3 research questions.

- What is the relationship between court decisions on parental alienation and frequency or severity of parental alienation?
- In light of the Israeli Supreme Court's order in October 2020, what are the current management needs of parental alienation cases in Israel?
- Should Israel scale Erez Shani's specialized court on parental alienation in Tel Aviv to a nationwide infrastructure?

To answer the questions, there was a case law analysis that started with all of the 430 published Israeli court decisions on parental alienation between 1996-2020 in the Nevo database. The analysis focused on 198 cases in which the court determined there to be parental alienation during the time period. The analysis then sifted through 6,084 published cases with signs of parental alienation but failed to address parental alienation. This sifting was to find decisions to serve as a control group for the analysis. To accomplish this, the analysis used a quantitative systematic content analysis to identify cases that most resembled the 198 cases in the target group. There were 86 cases from lower courts that closely resembled the target group. The target group also contained 86 cases from lower courts. Therefore, the analysis proceeded with a quantitative study of the 86 cases from lower courts in the control group to compare with the 86 cases from lower courts in the target group. While the analysis found statistical significance with time and severity, the most significant finding was a pilot program in Tel Aviv that set up a specialized court in 2019. This specialized court substantially reduced the time, frequency, and severity of parental alienation. Therefore, the analysis recommends scaling the pilot from Tel Aviv into a nationwide infrastructure with recommendations for specific Israeli authorities.

# QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

## Table of Contents

Acknowledgments.....	iv
Abstract.....	vi
List of Figures.....	ix
Chapter 1: Introduction.....	1
Background.....	2
Statement of the Problem.....	4
Conceptual Framework.....	9
Research Questions.....	10
Chapter 2: Literature Review.....	11
International Publications.....	11
Skeptics .....	11
Advocates .....	13
Israeli Publications.....	17
Israeli Case Law .....	20
Summary.....	22
Chapter 3: Methodology.....	23
Population & Sample.....	23
Instrumentation & Procedure .....	25
Data Analysis.....	26
Chapter 4: Results.....	27
Child Litigants.....	27
Supervised Visitation.....	28
Gender.....	29
Court Types & Location.....	30
Rabbinical Courts.....	33
Length of Time.....	33
Severity of Alienation.....	35
Bivariate Analysis.....	37
Multivariate Analysis.....	37
Time by Locality.....	38
Severity by Locality.....	39
National Frequency.....	40
Tel Aviv.....	40
Tel Aviv - Time.....	41
Tel Aviv - Severity.....	41
Tel Aviv - Frequency.....	42
Chapter 5: Discussion.....	43
Interpretation of the Findings.....	43
Case Law .....	43
The Tender Years Presumption .....	44
Child Support .....	46
Litigating Minors.....	48
Supervised Visitation.....	48
Gender.....	49
Lack of Accountability in the FCSS .....	50
Generally Speaking.....	54

QUANTITATIVE CASE LAW ANALYSIS

The Best Interest of the Child Doctrine .....58  
Philip Marcus .....59  
A Milestone in 2017.....61  
Erez Shani .....64  
Halperin-Kaddari et al. (2020) .....70  
Implications.....71  
Future Research .....73  
Conclusions.....74  
Chapter 6: Recommendations.....76  
The Judiciary .....76  
The Ministry of Welfare .....78  
The Ministry of Health .....80  
The Knesset .....81  
Summary .....84  
References.....85  
Appendix A: .....94  
Appendix B: .....96  
Appendix C: .....100



# QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

## List of Figures

Figure 1: Independent & dependent variables.....	10
Figure 2: Litigants by gender.....	30
Figure 3: Number of decisions by location.....	31
Figure 4: Length of time cases were open.....	34
Figure 5: Comparison of severity of parental alienation.....	35
Figure 6: Linear regression charts of severity over time.....	37
Figure 7: Marcus' decisions on a linear regression chart.....	61

## Chapter 1: Introduction

Dr. Richard Gardner (1985) coined the term “parental alienation syndrome” to describe a phenomenon usually in divorce cases whereby a custodial parent turns the children against the non-custodial parent. The children in such cases develop irrational resentment against the targeted parent. Templer et al. (2017) reaffirmed that this phenomenon has 3 levels of severity, with up to 8 symptoms in severe cases. While the term in English is sometimes “parental alienation syndrome” and sometimes is “parental alienation” - in Hebrew the term is ניכור הורי, which translates as “parental alienation”. Therefore, this dissertation uses the term “parental alienation” to be consistent across the two languages.

The diagnosis of parental alienation has sparked international controversy in courts, clinics, and academia for decades. Templer et al. (2017) affirmed there to be a consensus in the legal and academic literature that parental alienation does occur. Critics often argue that recognizing parental alienation violates women's rights. For example, the World Health Organization (2019) recognized parental alienation (without the syndrome) as a psychological disorder in a draft of its *International Classification of Diseases (ICD-11)* publication. Neilson et al. (2019) sent a memo to the World Health Organization opposing the inclusion of parental alienation in the upcoming ICD-11, claiming that its inclusion violates gender equality. Israeli signatories to this memo included Gali Etzion, Daphna Hacker, Ruth Halperin-Kaddari, Dana Eisner-Lavi, and the Rackman Center at Bar Ilan University. All of the Israeli signatories were experts in gender law, not psychology or medicine. The following year, the World Health Organization (2020) removed the term “parental alienation” from the updated draft of the ICD-11. The final version of the ICD-11 is scheduled for publication in 2023 and the exact wording of the section currently entitled “caregiver-child relationship problems” is still up for debate.

## QUANTITATIVE CASE LAW ANALYSIS

In Israel, (2020) בית המשפט העליון (Supreme Court, 2020) issued an order entitled הוראות נוהל של נשיאת בית המשפט העליון (Procedural Provisions of the President of the Supreme Court) to intervene and protect relationships between children and their parents. The order states:

In cases of harm to the relationship between parents and their children and due to the concern for the normal emotional development of the child, time is of the essence and has a decisive influence on effective treatment and intervention in problems with relationships between parents and their minor children<sup>1</sup> (para 1).

There is not yet a peer-reviewed needs assessment of how Israeli leadership should manage cases of parental alienation in accordance with the above-referenced order. Currently, there is one court in Tel Aviv that specializes in parental alienation files, but none of the other jurisdictions have yet followed suit (nor is there a national infrastructure to do so). The purpose of this analysis is to begin the needs assessment process with the research question whether there is a relationship between court decisions on parental alienation and the frequency or severity of parental alienation. Since the context of this management is within a legal system, this dissertation will focus on an analysis of published court decisions on parental alienation. In so doing, the needs assessment process can begin within the emerging environment in the Israeli court system to help determine Israel's starting point in addressing parental alienation.

### **Background**

The modern discussion about parental alienation began with Gardner (1985). He emphasized that contact refusal was not the same as parental alienation (syndrome). Contact refusal was a child's reaction to abuse, neglect, or abandonment; whereas parental alienation (syndrome) was a sudden and irrational rejection of a previously loved parent. He distinguished three levels of severity – mild, moderate, and severe. This analysis is especially interested in the severe level. In severe cases, custodial parents make false allegations of abuse to instill parental

---

1 Translated from Hebrew to English by the author.

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

alienation (syndrome) in the children. Gardner (1985) described eight symptoms of parental alienation syndrome. Baker (2008) listed these symptoms as follows:

- A campaign of denigration – A child refuses contact with a previously loved parent. Furthermore, the child expresses hate, contempt, or fear of the alienated parent whom the child previously loved.
- Weak, frivolous, and absurd rationalizations – When therapists ask the child about the sudden change in relationship, the child either gives a vague answer or frivolous excuses such as the targeted parent is boring or ugly. Alternatively, the child makes false allegations against the targeted parent.
- Lack of ambivalence about the alienating parent – The child expresses as strong of an allegiance for the alienating parent as he or she expresses animosity against the targeted parent.
- The “independent thinker” phenomenon – Both the alienating parent and the child insist that the child reached these conclusions on her or her own.
- Absence of guilt about the treatment of the targeted parent – Neither the alienating parent nor the child expresses any sympathy whatsoever for the targeted parent.
- Reflexive support for the alienating parent in parental conflict – The parental conflict becomes a black-and-white issue for the child whereby the alienating parent is always right and the targeted parent is always wrong.
- Presence of borrowed scenarios – The child makes claims against the targeted parent that the child could not possibly have observed firsthand such as the targeted parent failing to pay child support. Such claims originate from the alienating parent.
- Rejection of extended family – As the child rejects a previously loved parent, he or she may also reject previously loved relatives of the targeted parent.

## QUANTITATIVE CASE LAW ANALYSIS

### **Statement of the Problem**

Since 2019, the Israeli judiciary has launched a pilot program in Tel Aviv to address parental alienation. It is important to note the Israeli family court has adopted a therapeutic jurisprudence model in which judicial and welfare authorities collaborate in family court cases – including parental alienation cases. Judicial and welfare authorities rely on studies to determine their policies. However, most of these studies are not peer-reviewed and contain biased data with spurious results. For example, Bayer-Topilsky et al. (2015) was a study funded by the Ministry of Welfare to show an association between new mandated arbitration within the Family Court Social Services (FCSS) on every petition filed in family court and increased client satisfaction. The positive report resulted in the Ministry of Welfare (which funded the study) receiving a multi-billion shekel increase per year to their annual budget. Bayer-Topilsky et al. (2015) conducted telephone surveys with clients whose conflicts were successfully resolved between November 2012 and July 2013. Intake for the study was conducted by FCSS social workers who themselves had a vested interest in the outcome of the report. Clients were pre-screened by the FCSS social workers to determine who would participate in the surveys. This study seemed to be laden with researcher bias to ensure a significant increase in funding for the Ministry of Welfare. In contrast, an independent evidence-based approach would have been more reliable. Contrary to the report's findings, the months of additional bureaucracy alienated parents had to go through to seek relief from the authorities seemed to exacerbate parental alienation.

As mentioned in the introduction, the Israeli Supreme Court (2020) issued an order entitled “הוראות נוהל של נשיאת בית המשפט העליון” (Procedural Provisions of the President of the Supreme Court) to establish uniform operational procedures for all family courts nationwide that, among other things, consistently ensure contact between parents and children. The pilot program

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

in Tel Aviv seemed successful and could be expanded into a national infrastructure. However, there has not yet been a peer-reviewed needs assessment of how Israeli leadership should manage parental alienation cases in accordance with the above order. Currently, the one court in Tel Aviv that specializes in parental alienation files pursuant to the above order is the only specialized court. None of the other jurisdictions have yet followed suit (nor is there a national infrastructure to do so). Moreover, Israeli scholarship on parental alienation is sparse with no peer-reviewed studies conducted within the past five years.

A month after the Supreme Court order, (2020) הלפרין-קדרי ואחרים (Halperin-Kaddari et al. 2020) wrote a letter criticizing the order and the pilot program in Tel Aviv. Most signatories to this letter were also signatories to Neilson et al. (2019). The letter placed blame on targeted parents for the breakdown in relationships with their children. They claimed “dozens of studies” worldwide proved that parental alienation was unscientific. However, the only peer-reviewed studies they cited were Mercer (2019) and Meier (2020). Lorandos (2020b) refuted these studies as unscientific and detailed how they used biased data and spurious results. Halperin-Kaddari et al. (2020) further claimed that there was not a single peer-reviewed study in the world that scientifically validated the parental alienation diagnosis. This claim was contrary to the literature review that (2019) בר-און & מזאה (Bar-On & Mazeh, 2019) submitted to the Ministry of Welfare. Additionally, the Touro University library contains over 1,600 peer-reviewed publications on parental alienation with over 100 of them published since 2021. Bar-On and Mazeh (2019), Lorandos (2020a), Lee-Maturana (2020), and Miralles et al. (2021) covered many of these peer-reviewed publications in their surveys.

The letter further argued that 8% of Israeli children reported being sexually abused and that 80% of the abusers were men in their families. The letter did not specify how many of these incidents involved parents who sexually abused their own children. When caught, according to

## QUANTITATIVE CASE LAW ANALYSIS

the letter, these men could allegedly claim parental alienation to hide their crimes. Even at face value, the argument was a red herring. That a small segment of the population sexually abused their own relatives does not translate into a large segment of targeted parents from both genders tricking the court system into accepting false claims of parental alienation. Furthermore, Mackenzie et al. (2020) as well as Harman and Lorandos (2021) detail how such incitement creates an atmosphere of paranoia in the family court that causes further trauma to the children in parental alienation cases.

The letter claimed that “in recent years” the court had aggressively transferred custody away from protective mothers due to parental alienation into the hands of abusive fathers only to return custody to the mothers after discovering further abuse to the children in the fathers' homes. The implication was the pilot program in Tel Aviv failed to protect children's safety. Prior to this dissertation, there has not been a peer-reviewed scientific analysis that scrutinized the track record of the pilot program in Tel Aviv. Halperin-Kaddari et al. (2020) distributed this letter to various authorities in the court and welfare systems. While it did not shut down the pilot program in Tel Aviv, it caused reluctance to expand the pilot program from Tel Aviv into a nationwide infrastructure.

Morag (2015) expressed concern that, due to differences between the American and Israeli legal systems, treatment of parental alienation could not be implemented in Israel as it was in the United States; and that parental alienation as expressed in Gardner's teachings does not give sufficient weight to the child's wishes and opinions as required by the United Nations Convention on the Rights of the Child. She pointed out that the United States was not a signatory to this particular convention, while Israel was. Although there has been no factual basis for the above claim against adopting practices from the American judiciary, this mindset

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

nevertheless presented a challenge to the development of a coherent infrastructure to treat parental alienation in Israel based on data from American courts.

Marcus (2019)<sup>2</sup> praised the Israeli FCSS as a leader in therapeutic jurisprudence with continuous improvements based largely on the study by Bayer-Topilsky et al. (2015). He suggested that various professionals in the child's community monitor parents and report abuse to FCSS professionals. His argument that the Israeli court system was on the cutting edge of child welfare contradicted the claim of Morag (2019), who criticized Israel's inadequate implementation of the United Nations Convention on the Rights of the Child. It also contradicted data found in the literature discussed in this analysis. Prior to the pilot program in 2019, there was no established policy for the courts to handle parental alienation; nor did the FCSS offer specialized treatment. The Israeli judiciary has not yet established a consistent and clear national infrastructure to address parental alienation in compliance with the Supreme Court (2020) directive. The main guiding principle was חוק בית המשפט לענייני משפחה (1995) התשנ"ה (the Family Court Law, 1995),<sup>3</sup> which gave family court judges broad and ambiguous powers to make decisions under the guidance of the FCSS that the FCSS deemed to be "in the child's best interest" without any defined parameters. Besides Erez Shani, who will be discussed in chapters 4 and 5, the case law on parental alienation has tended to be mishmash and even contradictory. It is therefore hard to reconcile Marcus' assertion that such a system is more advanced on the issue of parental alienation than any other country in the world. If Israel were to expand Shani's model in Tel Aviv into a nationwide infrastructure, then it could be possible in the future for Israel to lead the world in parental alienation intervention.

---

2 מרכוס (2019)

3 The law is available in Hebrew on the Knesset website:  
[https://www.knesset.gov.il/review/data/heb/law/kns13\\_familycourt.pdf](https://www.knesset.gov.il/review/data/heb/law/kns13_familycourt.pdf)



## QUANTITATIVE CASE LAW ANALYSIS

Israeli lawmakers have mostly ignored parental alienation. A policy handbook about parental alienation was written by (2019) מוניקנדם-גבעון (Monnickendam-Givon, 2019)<sup>4</sup> for the Knesset<sup>5</sup>. The handbook acknowledged that there was no legislation related to parental alienation; which complicated intervention and treatment. A previous attempt to pass such legislation had failed. The handbook proposed measures in hopes that such legislation would pass in the future. These included diagnosis and treatment. While the handbook explained the need for diagnosis and treatment, it did not include specific criteria. Rather, it provided a broad overview of the issue and the need for action. As of 2020 policies related to parental alienation were mostly via piecemeal case law that sometimes contradicted itself.

Bar-On and Mazeh (2019)<sup>6</sup> conducted a literature review for the Ministry of Welfare. Their review included quantitative and qualitative studies on parental alienation. It was an interdisciplinary psychological and legal review designed to help the Ministry of Welfare develop policy on parental alienation – especially in severe cases. This literature review confirmed the findings of international peer-reviewed surveys and reviews. The key finding was long-term effects of parental alienation negatively impacted children of all genders even into adulthood.

It is worth noting that Neilson et al. (2019) sent a memo to the World Health Organization (WHO) opposing the proposed inclusion of parental alienation as a psychological disorder in the ICD-11 publication. While this memo was not itself a peer-reviewed publication, the authors and many of the signatories were academics who publish articles in peer-reviewed journals. Therefore, this memo influenced the WHO in its discussion of parental alienation and

4 The handbook is available online in Hebrew at: [https://fs.knesset.gov.il/globaldocs/MMM/362831bc-ad82-e911-80f1-00155d0a9536/2\\_362831bc-ad82-e911-80f1-00155d0a9536\\_11\\_13679.pdf](https://fs.knesset.gov.il/globaldocs/MMM/362831bc-ad82-e911-80f1-00155d0a9536/2_362831bc-ad82-e911-80f1-00155d0a9536_11_13679.pdf)

5 The Knesset is the Israeli national parliament.

6 The document is available online in Hebrew at: <https://mazeh.co.il/source/Articles/-%D7%94%D7%95%D7%A8%D7%99-%D7%A1%D7%A7%D7%99%D7%A8%D7%AA-%D7%A1%D7%A4%D7%A8%D7%95%D7%AA-%D7%93%D7%A8-%D7%A2%D7%A0%D7%91%D7%9C-%D7%91%D7%A8-%D7%90%D7%95%D7%9F.pdf>

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

the upcoming ICD-11. The memo claimed that the WHO would violate gender equality if it included parental alienation as a psychological disorder in the upcoming ICD-11. Israeli signatories to this memo included Gali Etzion, Daphna Hacker, Ruth Halperin-Kaddari, Dana Eisner-Lavi, and Bar Ilan University's Rackman Center. All of the Israeli signatories were experts in gender law and none of them were experts in psychology or medicine (the only subjects that the ICD-11 addresses). Furthermore, all the Israeli signatories have political influence over Israeli authorities on various issues, including parental alienation.

### **Conceptual Framework**

This analysis used grounded theory with an inductive approach as the theoretical framework so that the data could drive the theory rather than a hypothesis influencing the data. By taking a strictly scientific approach to the data, this analysis serves to introduce evidence-based practice into Israel as a needs assessment without disrupting the burgeoning infrastructure of the Israeli judicial system to manage parental alienation cases. It is critical that leadership engage in an atmosphere of collaboration throughout the process of establishing a clear and consistent national infrastructure. As leadership exemplifies the ongoing issues of managing parental alienation cases – evidence-based practice can also be introduced into the Israeli administrative infrastructure.

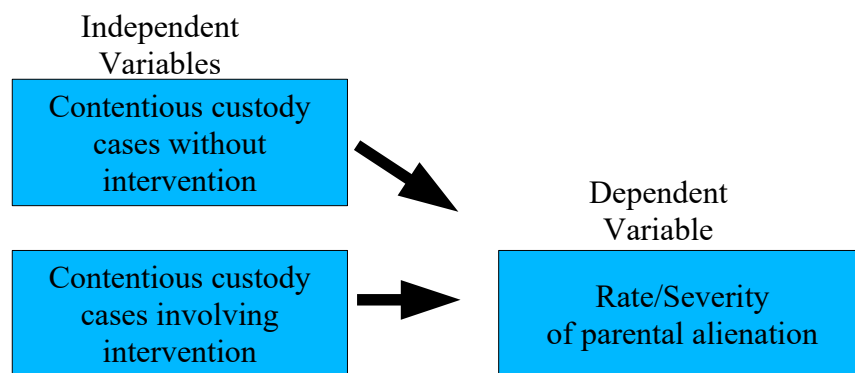
Parental alienation is a controversial issue that Israel has begun to take seriously in recent years. It began in 2019 with a pilot program in Tel Aviv. Israel's Supreme Court ordered in October 2020 that each jurisdiction needs to create infrastructures to “ensure contact between parents and children”. This order could become a catalyst for a collaborative nationwide interdisciplinary infrastructure to address parental alienation. One of the obstacles to effective management of parental alienation in Israel is the lack of scientific research in Israel on the issue. Critics such as Etzion, Hacker, Halperin-Kaddari, Eisner-Lavi, and Bar Ilan University's

## QUANTITATIVE CASE LAW ANALYSIS

Rackman Center resist progress on parental alienation in Israel without evidence-based research to support their claims. Therefore, this analysis employed evidence-based research to provide a basis for a needs assessment based on data from published Israeli court decisions in the Nevo database.

The first step was to conduct an analysis of published court decisions related to parental alienation claims and compare them to published decisions in similar cases that did not address parental alienation. The published data enabled this analysis to examine the relationship between court decisions on parental alienation and the frequency or severity of parental alienation.

**Figure 1:** Independent & dependent variables



### Research Questions

1. What is the relationship between court decisions on parental alienation and frequency or severity of parental alienation?
2. In light of the Israeli Supreme Court's order in October 2020, what are the current management needs of parental alienation cases in Israel?
3. Should Israel scale Erez Shani's specialized court on parental alienation in Tel Aviv to nationwide infrastructure?

## Chapter 2: Literature Review

### International Publications

As stated in the introduction, the modern-day discussion about parental alienation began with Gardner (1985). He identified three levels of severity – mild, moderate, and severe. In severe cases, custodial parents raise false allegations of abuse (including sexual abuse) to instill parental alienation in the children. He identified up to eight signs of parental alienation, especially in severe cases, which were detailed by Baker (2008), and reaffirmed by Templer et al. (2017), and Lorandos (2020a).

### *Skeptics*

Lubit (2019) critiqued each of the eight symptoms of parental alienation as defined by Gardner (1985). Of the eight characteristics, Lubit (2019) alleged that all but one were “back door” claims to switch child custody from one parent to the other. The only characteristic that he asserted to be legitimate was “sudden rejection of previously loved parent for no reason”, which corresponded to “a campaign of denigration”. He conducted qualitative interviews with 14 children ages 9-15 in cases where parental alienation was diagnosed, and he confirmed parental alienation in one case. He concluded that there needed to be a quantitative study before advocates of parental alienation could claim the theory to be legitimate science.

Mercer (2019) did a literature review of peer-reviewed publications on parental alienation and included five testimonies of adults who experienced treatments for parental alienation as children. The article asserted that diagnosing parental alienation needed clear criteria. The conclusion was that treatments were harmful to children while also asserting that proponents of parental alienation failed to use evidence-based practice in their approaches. As stated in chapter 1, Lorandos (2020b) refuted this article.

## QUANTITATIVE CASE LAW ANALYSIS

Shaw (2019) likewise claimed that a parental alienation diagnosis was unscientific and failed to protect children from abuse. While the standard for criminal conviction was beyond a reasonable doubt, he asserted that the standard for abuse should be a preponderance of the evidence. The article claimed that “most experts” do not recognize parental alienation – however, the article also failed to quantify or cite sources that would support this claim.

Additional opposition to parental alienation was expressed by Milchman et al. (2020). She portrayed parental alienation as a “misogynistic” reaction to efforts at including child sexual abuse as a psychological disorder. The claim was that fathers were typically the parents who face allegations of sexually abusing their children. When those allegations proved to be true, the trauma that the children experience should be classified as a psychological disorder. Whereas, she claimed that parental alienation as outlined by Gardner (1985) merely provided an excuse for such abusive fathers to sidestep the allegations in court. Mothers who attempted to protect their children from sexual abuse by such fathers could face accusations of parental alienation. She argued that proponents of parental alienation lacked scientific evidence to prove its existence in the first place. Bernet (2020), and Lorandos (2020b) refuted this article.

Rao (2021) argued against allowing parental alienation experts in court. She claimed the origin of parental alienation was “an anti-feminist theory”. Those who opposed the theory were “domestic violence advocates” - seemingly feminists who would advocate against domestic violence. This feminist group opposed the use of parental alienation in court because it may undermine the safety of custodial mothers and their children from domestic violence disguised as parental alienation. Ironically, the example in the introduction to this article involved a case where the father was the custodial parent and the daughter testified against the non-custodial mother with allegations of domestic violence by the mother. The article pointed out that no scientific organization has adopted parental alienation as a formal diagnosis. She claimed there

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

to be a lack of general acceptance of parental alienation in the relevant professional fields. She further claimed there to be a lack of scientifically observable, testable, and measurable quantitative data on a national scale that would prove the parental alienation diagnosis. Therefore, parental alienation does not meet American judicial standards to be admissible in American courts.

### *Advocates*

Those who validated parental alienation as a psychological disorder constitute most of the peer-reviewed literature. Contrary to criticisms that parental alienation lacks scientific study, Lee-Maturana et al. (2020) conducted a literature review of publications in academic databases that related to targeted parents in parental alienation cases. Publications had to be peer-reviewed and were published between 2006 and 2018. Most studies came from the United States and English-speaking countries with one study from Israel. There were quantitative, qualitative, and mixed-method studies in the review. Despite the claim by Milchman et al. (2020) that targeted parents were mostly fathers, the literature showed approximately equal distribution between fathers and mothers as targeted parents. In fact, the Israeli study in the literature review (Finzi-Dottan et al., 2012) was a qualitative study exclusively of alienated mothers. The review concluded there to be a gap in the literature about targeted parents and studies from other cultures outside the USA and that more such studies need to be conducted.

Baker (2005) conducted qualitative interviews with 38 adults who had been victims of parental alienation as children. As for gender, 2/3 of the participants were female, 1/3 were male and none identified as any gender other than male or female. The focus was on the long-term effects of parental alienation on children – none were positive. The severity of the negative psychological impact included self-hatred, alcoholism, and even suicidal tendencies. Aloia and

## QUANTITATIVE CASE LAW ANALYSIS

Strutzenberg (2019), and Bentley and Matthewson (2020) confirmed these findings in more recent studies.

Garber (2011) was a case study that identified three ways in which alienating parents manipulated their children – adultification, parentification, and infantilization. Adultification was when a parent promoted a child to serve a parent or partner against the alienated parent. Parentification was when a parent reversed roles with the child who became the protector. Infantilization was when a parent inhibited a child's natural development. The study framed these behaviors in a context of intervention and treatment of parental alienation. Rowlands (2019) and (2020) updated these concepts in his measurement tools.

Greenberg et al. (2016) proposed an intervention called Child-Centered Conjoint Therapy (CCCT). This model focused on families in contentious court cases in the USA and surrounded the children with support structures. Part of this included requiring both parents to cooperate fully. The hope was that both parents would voluntarily cooperate. However, the model allowed for the family court to limit and even terminate contact between an uncooperative parent and the children. Scharp et al, (2020) revisited this program in their report.

Templer, et al (2017) conducted a study that reviewed international literature on parental alienation. The purpose was to make recommendations for therapists and legal practitioners to collaborate on treating parental alienation. The study asserted that such inter-disciplinary collaboration was essential for the treatment to be effective. Part and parcel of this strategy was shifting parental rights and responsibilities to the targeted parent. This would be in the context of a specialized infrastructure (both legal and therapeutic) for parental alienation. The study recommended a statewide therapeutic jurisprudence infrastructure that employs evidence-based practice in the management of parental alienation cases. The court needs to strictly enforce

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

rulings on non-compliant parents in order for the therapists to effectively treat parental alienation.

Verrocchio et al. (2019) conducted a quantitative study on 491 Italians and found statistical significance between the control group and adults who claimed to have been victims of parental alienation as children. The study found that adults who had been alienated from their parents as children were more likely to suffer depression, low self-esteem, and inadequacy. Of the participants, 60% were female and 40% were male (none identified as any other gender). The article concluded that there needed to be follow-up research on the long-term effects of parental alienation on children.

Lorandos (2020a) conducted a quantitative survey of the evolution of alienating behaviors in American courts. While he primarily focused on the period after 1985 (when Gardner first discussed the phenomenon) his survey referred to prior cases that manifest signs of alienation before there was a term for the phenomenon. The survey focused on cases in which American courts and court-appointed experts found the concept of parental alienation to be relevant and admissible in the proceedings. He additionally documented demographic data including gender, ethnicity, geography, etc. There were 3,555 cases in his survey. He observed parental alienation negatively affected both mothers and fathers despite gender-based claims that only fathers raise claims as victims of parental alienation.

Warshak (2019) published a review of a program called “Family Bridges”. Lorandos (2020c) also reviewed Family Bridges. The purpose of this educational program was to help alienated children develop skills to resist outside pressure that would cause them to hate the alienated parent, and taught alienated parents how to sensitively manage their children's behavior. He also asserted that temporarily excluding the children from the alienating parent was an essential first step to reverse the harm in cases of severe parental alienation. The Family



## QUANTITATIVE CASE LAW ANALYSIS

Bridges program could then effectively educate such children to think critically and independently of pressure from others.

Baker (2020) proposed a four-factor model to accurately diagnose parental alienation.

The 4 factors were as follows.

- A prior positive relationship between the child and rejected parent.
- Absence of maltreatment by the rejected parent.
- Use of alienating behaviors by the alienating parent.
- Presence of behavioral manifestations of alienation in the child.

The study tested the model's reliability and accuracy with vignettes presented to therapists who treat parental alienation cases. The study determined the model to be highly accurate and reliable. The conclusion was two or more of the above factors needed to be present to diagnose a case with parental alienation.

Miralles et al. (2021) did an updated survey of international peer-reviewed studies on the long-term effects of parental alienation. They surveyed qualitative and quantitative studies that measured how parental alienation affected adults who had grown up as children in families that suffered from parental alienation. This survey found that children exposed to parental alienation frequently grew in adulthood with depression, anxiety, a higher risk of psychopathology, lower self-esteem, and self-sufficiency. This population further manifests higher alcohol and drug use rates, parental relationship difficulties, insecure attachment, lower life quality, higher divorce rates, feelings of loss, abandonment, and guilt. These negative effects manifest in both males and females as they grew into adulthood.

Lee-Maturana et al. (2021) conducted a qualitative study on participants who self-described as targeted parents. The researchers conducted semi-structured interviews with 54 participants. The study found two common themes among the participants – a history of family

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

violence before separation and coercion after the separation. These themes manifest in both male and female victims. The study concluded that therapists and court authorities needed to be sensitive to the psychological traumas targeted parents suffered – including the loss of their children.

### **Israeli Publications**

One of the earliest peer-reviewed Hebrew publications on parental alienation was Bergman et al. (1995)<sup>7</sup>. They adopted Gardner's position on parental alienation and argued that the child is subjected to psychological pressure that causes him or her to sever contact with the targeted parent while simultaneously causing the child to develop a dependence on the alienating parent. Such psychological pressure often leads to false complaints by the child about physical or mental harm against the estranged parent.

Rudnicki et al. (2003)<sup>8</sup> proposed a therapeutic model that differed from Gardner's recommendations. Their model operated on the premise that the psychological mechanisms operating in families with parental alienation had multiple sources from several family members and not only with the alienating parent. Their model described children forced to choose one of the two parents, and not presented with other options. In such cases, the split became a survival mechanism for the child. In this way, the child managed to deal with the feeling that he or she betrayed the targeted parent without feeling guilty about his or her alienating behavior.

Gottlieb (2004)<sup>9</sup> claimed targeted parents were mostly fathers and custodial parents were mostly women. He suggested early intervention and treatment of parental alienation were necessary. His model considered intervention and treatment to likely fail when there was a complete disconnection and the family court judge needed to intervene. He cited a study

---

7 (1995) ברגמן ואחרים

8 (2003) רודניקי ואחרים

9 (2004) גוטליב

## QUANTITATIVE CASE LAW ANALYSIS

showing low success rates when the court intervened and transferred custody in parental alienation cases. He also cited studies showing children needed healthy contact with both parents. Denying relationships with both parents was detrimental to the children. He described Gardner as a controversial figure and discussed the controversy surrounding parental alienation in Israel. Having said this, he concluded there to be a need for courts to act quickly and decisively to prevent long-term psychological harm to children in cases of parental alienation.

A publication that influenced Israel's policies on supervised visitation in parental alienation cases was (2005) לסר (Lesser, 2005) She analyzed Israel's struggle with parental alienation. She admitted there was a lack of peer-reviewed quantitative data on the subject in Israel. At that time the only venue to treat parental alienation was through supervised visitation centers run by the Family Court Social Services (FCSS)<sup>10</sup>. She expressed skepticism over Gardner's classification of parental alienation as a syndrome and further alleged the scientific community rejected his approach. According to Lesser, most children in divorce hear negative things from custodial parents about non-custodial parents, yet do not develop parental alienation. She cited Cohen & Finzi (2001)<sup>11</sup> to raise a gender-based argument that targeted parents tended to be non-custodial fathers with weak and fragile egos. Such targeted fathers raised claims of parental alienation when in reality their narcissistic egos as parents were harmed. Instead, she argued some children naturally need one parent more due to age, environment, and other reasons unique to each child. Her model was for the FCSS to provide guidance to targeted fathers in supervised visitation centers to help them improve the relationship with their children without putting undue pressure on the children.

---

10. The FCSS is responsible for providing court-ordered assistance to families, which includes overseeing the treatment of parental alienation.

11 כהן ופינזי (2001)

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

Finzi-Dottan et al. (2012) conducted a qualitative study on targeted mothers in Israel. The study found these mothers experienced abuse, discord, rejection, isolation, and detachment from significant figures in their lives, including parents, husbands, extended families, husbands' families, and their own children. These targeted mothers felt a sense of hopelessness with no therapeutic relief available to them. Lavee (2017) did a broader qualitative study beyond parental alienation on single-parent Israeli mothers who received services from the FCSS. The study found the FCSS services contributed to the women's experience of feeling poor and feelings of exclusion, dis-empowerment, and humiliation. She described numerous hostile interactions between social workers and clients whenever the mothers would seek assistance. These two studies relate to each other because the FCSS is responsible for overseeing court-ordered therapy, including parental alienation. However, there seemed to be a lack of professional accountability and lack of criteria in treating families who turned to the FCSS for help – including therapy for parental alienation.

Toren et al. (2013) was a quantitative study that compared families undergoing group therapy for parental alienation with those that did not and found significant improvement with the families that underwent treatment for parental alienation. In fact, the study found the more severe cases of parental alienation improved beyond mild cases when the participants completed the 16-week regiment of group therapy sessions. The starting point was that the court referred the families for parental alienation therapy and enforced the rulings. The community-based therapists could not effectively treat the families without the family court first intervening and requiring therapy for parental alienation. However, there have not been any citations of this study in Israeli court decisions nor any Hebrew language articles. Despite the study concluding that there needed to be more expansive follow-up on their findings in Israel, there was not any kind of follow-up to their study.

## QUANTITATIVE CASE LAW ANALYSIS

Marcus (2019) wrote an article in Hebrew in which he preferred to use the term “contact refusal” over “parental alienation” because he claimed “contact refusal” did not place blame on anyone. He asserted the judge is powerless to enforce rulings on contact refusal. His proposed solution was the most effective treatment for “contact refusal” was through the FCSS, though he did not offer any studies to support this claim. Marcus (2020) published a peer-reviewed article in English in which he asserted prevention depended on public awareness and the training of professionals to take preventative steps. In his model, the court should intervene only after contact failure has set in to supervise the progress of reconciliation and therapy, and impose sanctions for “parental disobedience”.

### **Israeli Case Law**

Between 1996-2020 there were 6,514 published court decisions from Israeli family courts that had at least 1 sign of parental alienation. Of these, 430 published decisions related to parental alienation in Israel. Ploni v Plonit (1996)<sup>12</sup> was the first Israeli court decision relating to parental alienation. In this case, the father had custody of the children due to the mother's psychiatric issues that included attempted suicide and psychiatric hospitalization for six months. After her release from the hospital, the psychiatrist and welfare authorities determined she improved enough to care for the children. However, both the custodial father and the children resisted unsupervised visits with the mother. Firstly, the court determined that a prior psychological illness should not hinder a parent from receiving custody. Meanwhile, one of the children wrote a letter to the judge stating she did not love her mother and would do anything for her father. She stated that she hoped her letter would change the judge's mind about forcing her to live with her mother. The court interpreted this letter to be a manifestation of parental alienation. Therefore, the court reasoned, the letter did not express the child's true intent. The

---

12 פלוני נ' פלונית (1996) עע"מ (תל אביב-יפו) 33-96

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

decision was to transfer custody of the children from the father to the mother and sever contact between the children and the father during the first stage of treatment for parental alienation.

The first published decision from the Supreme Court on parental alienation was *Plonit v. Ploni* (2002)<sup>13</sup>. In this case, the lower court determined there to be severe parental alienation based on reports from the FCSS. The FCSS requested that the lower court remove the children from the custodial mother for placement into a children's shelter pending a psychological evaluation. On appeal, the Supreme Court had to determine which venue had the authority to remove children from the custody of a parent. In so doing, they validated the use of parental alienation as a justification in such proceedings. The 42-page decision included a detailed analysis of parental alienation, including citations of Gardner (1998), Rand (1997), and Bone and Walsh (1999). The Supreme Court decided children could be removed to a shelter for up to 30 days in emergency situations (including parental alienation). After 30 days there needed to be a hearing to determine a follow-up plan.

However, in 2004 the Supreme Court reversed the above decision<sup>14</sup>. In the second appeal of the same case, the mother raised arguments against the validity of parental alienation and the science behind it. While the Supreme Court did not address the mother's general claim against parental alienation, the court found that parental alienation in her specific case did not constitute an emergency that justified the removal of the children from the mother's custody. The reasoning was that parental rights to raise one's children was a fundamental right. Therefore, the FCSS had a heavy burden of proof to justify emergency removal of children from their parents and transfer to a children's shelter. While the Supreme Court seemed to acknowledge the validity of parental alienation, these two conflicting decisions on the same matter caused uncertainty in family courts on how to manage parental alienation for years until 2019 when the

---

13 פלוגית נ' פלוני (2002) רע"א 3009/02

14 פלוגית נ' פלוני (2002) דנ"א 6041/02

## QUANTITATIVE CASE LAW ANALYSIS

Tel Aviv family court appointed Erez Shani as a specialized judge presiding over parental alienation cases in a fast-track pilot program. Decisions from this pilot program will be discussed in chapter 5.

Two petitions to the Supreme Court challenged Shani's specialized court. Hila Yichzkel et al. v. the Minister of Justice et al. (2019)<sup>15</sup> was an attempted class-action petition to oppose the establishment of a specialized court for parental alienation as a violation of Israel's “one family one judge” policy in family court matters. The second petition was Plonit v. Ploni, 2020<sup>16</sup>. In this case, Shani imposed penalties on a custodial parent whom the court determined to cause severe parental alienation, disobeyed court orders, and was uncooperative with the guardian ad litem as well as the court-appointed therapist. The Supreme Court denied both of these petitions, which enabled Shani to continue to specialize in claims of parental alienation even in cases that were already pending before family court judges.

### Summary

The Israeli controversy surrounding parental alienation is a microcosm of the global debate on the subject. Skeptics portray parental alienation as a gender issue related to the parents that would supplant child welfare that they see as linked to women's rights. However, neither international nor Israeli literature has not supported such claims with evidence-based quantitative studies. There have been no such studies on parental alienation in Israel have been within five years, though there have been several international peer-reviewed studies that proposed evidence-based strategies to address parental alienation. Meanwhile, Israeli case law has started to address parental alienation – especially since 2019. The gaps of knowledge on parental alienation in Israel are so vast as to require a needs assessment as a starting point. This dissertation analyzed case law from 1996 to 2020 as a resource with enough data to conduct an

---

15 הילה יחזקאל נ' שר המשפטים (2019) בג"ץ 6561/19

16 פלונית נ' פלוני (2020) בע"מ 6325/20

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

evidence-based quantitative analysis. The purpose was to ascertain a direction in which the Israeli judiciary is heading on the issue. Such an analysis provides Israeli leadership with a current needs assessment on parental alienation.



## **Chapter 3: Methodology**

This dissertation employed quantitative evidence-based research to analyze parental alienation in published decisions by Israeli courts. The analysis used grounded theory with an inductive approach. Such an analysis was crucial to lay a foundation for a needs assessment for Israeli leadership to create a national infrastructure that manages parental alienation cases. This method allowed scientific data to steer the recommendations in chapter 6 while mitigating biased results or spurious correlations.

### **Population & Sample**

The judiciary has been the main Israeli authority to address parental alienation. Most quantitative data in Israel comes from court cases. The Nevo<sup>17</sup> database contains over 5 million published court decisions in Israel, including all published court decisions on parental alienation. These court decisions show the history and evolution of parental alienation in Israeli case law. They also indicate the trajectory on which Israeli case law is heading in the intervention and treatment of parental alienation. Furthermore, the model of the Israeli judiciary is therapeutic jurisprudence. Therefore, the decisions on parental alienation also include the opinions of psychologists, psychiatrists, and social workers on intervention strategies for each case. Such interdisciplinary opinions are essential in formulating a needs assessment on developing consistent nationwide policies for Israeli leadership to manage cases of parental alienation.

The target group was published court decisions from 1996 to 2020 on parental alienation where the court determined there to be parental alienation. The analysis searched the Nevo database to locate such published court decisions. The search found 430 cases where the courts addressed parental alienation between 1996-2020. Of these, 198 rulings determined there to be

---

17 [www.nevo.co.il](http://www.nevo.co.il)

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

parental alienation - 86 of which were from the lower courts (family and rabbinical). The other 105 decisions were from higher courts (District, High Rabbinical, and Supreme).

The control group needed to be similar decisions in the same period where symptoms of parental alienation were manifest, but the courts did not address parental alienation. There were 6,084 decisions with at least one sign of parental alienation in the Nevo database between 1996-2020. These addressed guardianship, custody, and visitation issues without addressing parental alienation specifically. The analysis needed to identify decisions from this group that closely resembled decisions from the target group.

To identify suitable decisions to serve as the control group, the analysis used systematic content analysis to identify unique expressions in decisions where the courts determined there to be parental alienation. This systematic content analysis created unique search terms for the Nevo database to find suitable candidates for the control group. The 198 decisions that determined there to be parental alienation were put into MAXQDA<sup>18</sup> software for systematic content analysis. The analysis found the most frequent expressions in these cases were “alienated from”, “disconnected from”, and “contact renewal”.

There were 437 results that included the term “alienated from” while excluding the term “parental alienation”. However, the analysis excluded these results to avoid potential confusion between the terms “alienated from” and “parental alienation”. The database had 1,828 cases that included the term “disconnected from” while excluding the term “parental alienation”. There were 520 cases that included the term “contact renewal” while excluding the term “parental alienation”. By combining both the term “disconnected from” and the term “contact renewal” while excluding the term “parental alienation”; the search found 328 decisions that fit these parameters.

---

18 [www.maxqda.com](http://www.maxqda.com)

## QUANTITATIVE CASE LAW ANALYSIS

The next step was to sort through these 328 cases and remove cases where the court determined there to be abuse, neglect, or abandonment. There were 53 such cases removed from the list. Of the remaining 275 cases, 86 were from the lower courts (family and rabbinical). There were 189 decisions from the higher courts (District, High Rabbinical, Supreme).

While the content data analysis included decisions from the higher courts that addressed parental alienation; the quantitative data analysis focused on the decisions from the lower courts both in the control group and in the target group. Since there were 86 decisions in each group (N=172), the samples for the quantitative data analysis were restricted to decisions from the lower courts that were published in the Nevo database (n=172). The control sample was 100% of the 86 published decisions from the lower courts that included both search terms “disconnected from” and “contact renewal” while excluding the term “parental alienation” and excluding cases where the court determined there to be abuse, neglect, or abandonment. The target sample was 100% of the 86 published decision from the lower courts that determined there to be parental alienation between 1996-2020. Since n was 100% of N then SE=0.

### **Instrumentation & Procedure**

There were no human subjects in this analysis. Therefore, there were no surveys or interviews to collect data. Quantitative data was gathered directly from the court decisions in the control and target groups and documented in spreadsheets for analysis. The analysis focused mainly on quantitative data readily available in all court decisions included in the study, but also noted data that affected results. The primary quantitative data included the length of time from case opening to a decision, the severity of parental alienation, gender of litigants, locations, court types, judges, and gender of judges. The analysis also gathered data on range, mean, and median of time judges took to make decisions; and range, mean, and median severity level of parental

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

alienation when they issued their decisions. Additional data that came out of the analysis were noted and discussed in chapters 4 and 5.

### **Data Analysis**

First, the analysis presented descriptive statistics on gender, location, type of court, number of child litigants, and supervised visitation rates. This data influenced analysis results. Next, bivariate analyses were carried out to examine the relationship between the number of years in legal proceedings and the severity of parental alienation when the case was closed. Linear multivariate regression models were estimated to explain the variance among localities in the dependent variables. In the regression models, the analysis measured data according to judges who issued decisions in the target group compared to the control group. An ANOVA analysis confirmed results from regression models that there was statistical significance to results from Tel Aviv – especially since 2019.

The regression models and ANOVA found statistical significance linked to a specific pilot program that began in 2019 in Tel Aviv that offered a fast-track specialized treatment of parental alienation. The judge appointed to this specialized court was Erez Shani. Therefore, the study conducted a t-test on Shani's results compared to the rest of the family court in Tel Aviv without Shani and also compared to the national average. The Z scores, Pearson's R, and  $R^2$  were also measured, noted, and discussed in chapters 4 and 5.

## Chapter 4: Results

Data available for both groups include genders of parties, court types, geographic locations, names of family court judges or rabbinical דיינים (pronounced “dayanim”)<sup>19</sup>. The majority of decisions lacked viable data on religion, ethnicity, age, sexual orientation, or socioeconomic status to be accurately quantified in this analysis. Therefore, this analysis did not measure such data. Most names of parties were redacted in the Nevo database and were not included in this analysis. The analysis focused on descriptive statistics that were available in all decisions from both the control group and the target group. These included geographic data, court types, judges, amount of time cases were open, the severity level of parental alienation at the time of decisions, and the genders of parties. Additional data affected results – child litigants and rates of supervised visitation. These are also discussed below.

### Child Litigants

The Israeli court system allows custodial parents to attach their children as co-litigants against non-custodial parents whether or not they have a license to practice law. The legal basis is that they are the “natural guardian” of the children. Though the non-custodial parents are usually natural guardians as well, custodial parents are typically the ones who exploit this legal practice against the non-custodial parents.

The number of cases where children participated as litigants in the control group was 10. Of these, 8 involved cases where parents attached children to themselves against the opposing side. The remaining 2 cases involved children who were stand-alone litigants against a parent. The target group had 2 cases involving child litigants, neither of which involved stand-alone child litigants. There was a correlation with courts addressing parental alienation and a reduction in child litigants  $r = -0.25$ ,  $p < 0.01$ . The greatest factor in the reduction for the target group was

---

<sup>19</sup> A “dayan” serves as a rabbinical judge in rabbinical court.

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

Erez Shani's specific policy to appoint a guardian ad litem in for the children as a third party in each case. Shani's unique practices will be discussed further in chapter 5.

### **Supervised Visitation**

Israeli judges and FCSS have the discretion to place non-custodial parents under supervised visitation without needing evidence indicating the non-custodial parents pose a danger of any kind to their children. Sometimes people familiar with the parties supervise the visits. However, most supervised visitations take place in secure facilities called מרכזי קשר or “contact centers” in English. There are no set parameters that delineate the time or circumstance in which visits are supervised in or out of such locked facilities as will be discussed further in chapter 5.

The analysis included 48 cases where parents were placed under supervised visitations. The control group included 32 cases involving supervised visits, all of which were fathers and none were mothers. The courts ruled in each case that these fathers did not abuse, neglect, or abandon their children. The target group included 16 supervised visits, of which 14 were fathers and 2 were mothers. There were 12 fathers placed under supervised visitation and afterward determined to be targeted parents. There were 2 custodial fathers and 2 custodial mothers who lost custody due to psychological harm they caused their children with parental alienation and were subsequently placed under supervised visitation as a result. In cases where courts placed parents under supervised visitation even though the parents did not endanger their children, there was a strong correlation with gender. However, in cases where the courts placed parents under supervised visitation because they psychologically abused their children, the results failed to reject  $H_0$  based on gender.

The amount of time parents were under supervised visitation in the control group ranged from 1 year to 8 years with a median of 3 years and a mean of 2.35 years. Whereas the range of

## QUANTITATIVE CASE LAW ANALYSIS

time for the target group was >1 year to 4 years with a median of 1.5 years and a mean of 1 year. All of the cases in the control group resulted in severity that ranged from level 3 to level 5 with a median of 3.75 and a mean of 3.34. Supervised visitation in the target group had severity that ranged from level 2 to level 3 with a median of 2.5 and a mean of 2.16. The number of years parents were under supervised visitation correlated to an increased level of severity,  $r(128)=0.89, p<0.01$ .

### **Gender**

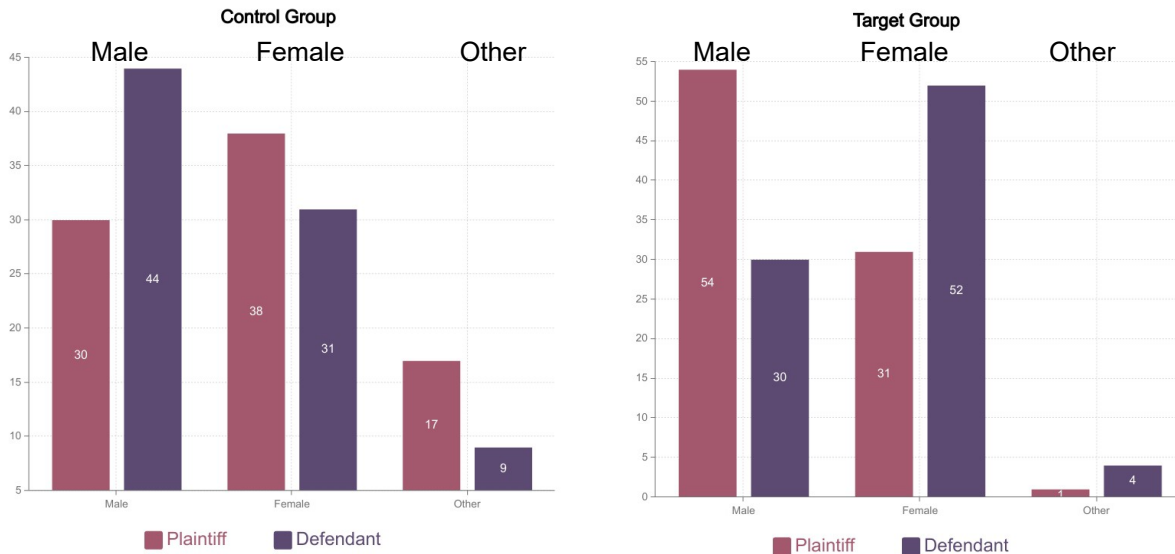
All individuals in the analysis identified as male or female regardless of sexual orientation. There were couples, groups, organizations, and governmental institutions that were parties in the lawsuits. The analysis categorized the gender of such entities as “other”. As for plaintiffs in the target group, 51 were male, 31 were female, and 1 was other. The genders of defendants in the target group were 30 male, 49 female, and 4 other. Genders of plaintiffs in the control group were 28 male, 38 female, and 17 other. As for the genders of defendants in the control group, there were 44 male, 30 female, and 9 other.

While it was straightforward to quantify genders of litigants, categorizing the genders of target parents was convoluted. The courts determined there to be parental alienation in the target group. The genders of targeted parents in this group were 61 male and 25 female. However, the courts did not address parental alienation in the control group. Therefore, there were 0 litigants of either gender in the control group whom the courts determined to be targeted parents. The issue was further complicated in cases from the control group where a governmental entity intervened seeking to remove the children from custodial parents for adoption to third parties. While this did not happen in any of the cases in the target group, it happened in 6 cases from the control group as will be discussed in the severity section. Quantifying the number of targeted parents was difficult to measure in the control group. However, the number of custodial parents

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

was clear for both groups. The results found the genders of custodial parents to be 61 female and 25 male. This data turned out to be the same in both the target group and the control group.

**Figure 2:** Litigants by gender



### Court Types & Location

Israel has two types of courts that decide family matters, the family court system and the religious court system. Within the religious court system; Rabbinical courts, Sharia courts, and Christian courts are the most common. Though the Israeli religious court system includes several religious court systems, Nevo only published decisions from the Rabbinical courts and family courts that were relevant to this analysis. There were no published cases in this analysis that fell into the jurisdiction of other religious court systems. A few cases originated in Sharia, Christian, and Rabbinical courts, but were transferred to the family court system. The analysis included such cases in the family court data. Lower court decisions mostly came from family courts with a total of 16 from rabbinical courts – 13 were included in the target group and 3 were included in the control group.

An ANOVA analysis showed a statistical significance with the rabbinical court's ability to identify parental alienation. The target group included 73 decisions from family courts and 13

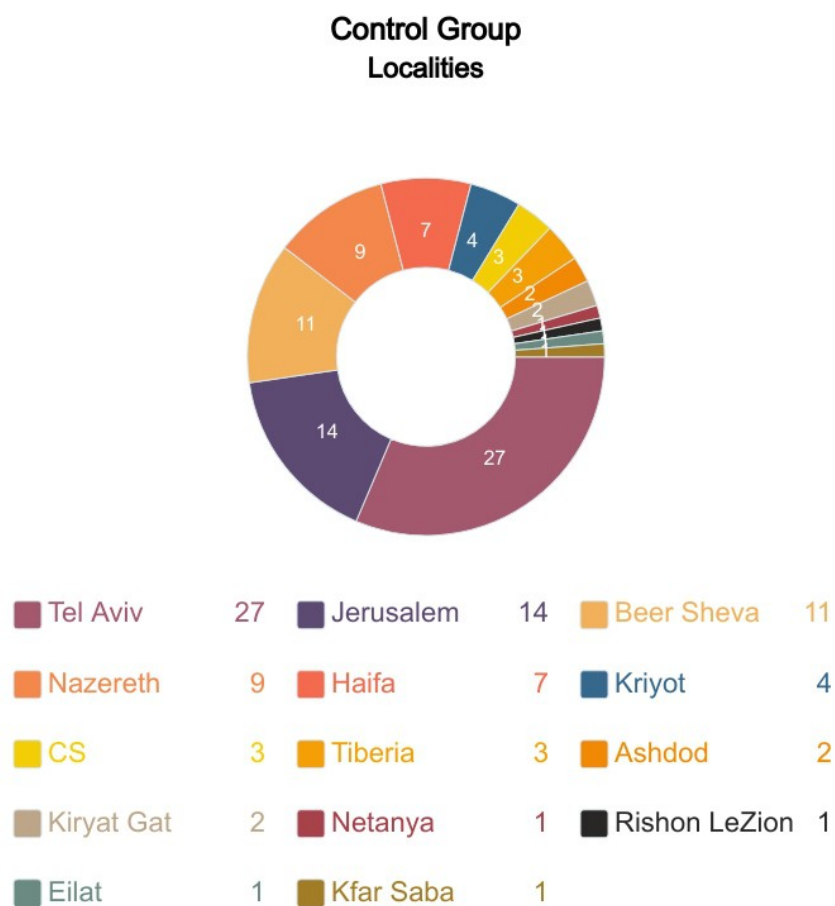


## QUANTITATIVE CASE LAW ANALYSIS

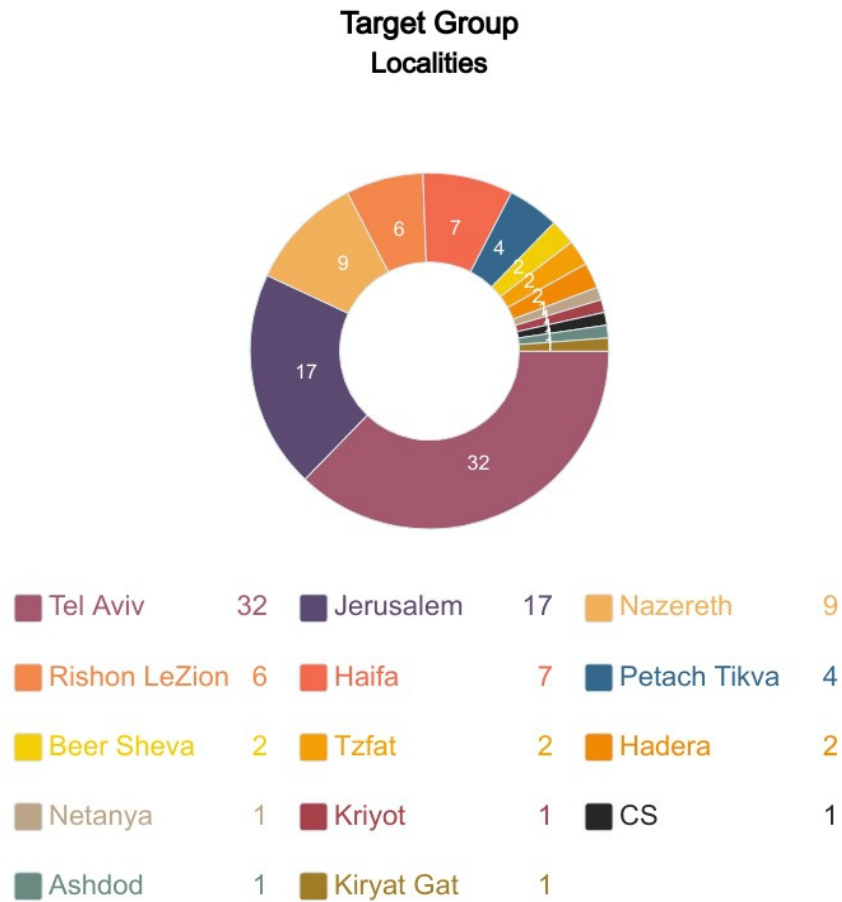
decisions from rabbinical courts. The control group included 83 decisions from family courts and 3 from rabbinical courts. The rabbinical court identified parental alienation 3 times more frequently than the family court and 3 times more frequently than the national average.

However, there was no statistical significance to the length of time or level of severity of parental alienation in rabbinical courts versus the national average.

**Figure 3:** Number of decisions by location



## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION



Findings showed that Tel Aviv had the largest number of decisions in both the target group (32) and the control group (27). Jerusalem had the second largest number of decisions with 17 in the target group and 14 in the control group. While these are the two most populated cities in Israel, population size was not the main correlation with the number of decisions. For example, Jerusalem has a larger population than Tel Aviv and Haifa has a larger population than either Beer Sheva or Nazareth. Furthermore, Beer Sheva ranked third in the control group with 11 decisions while only having 2 decisions in the target group. The correlation seemed to be stronger by geographical region rather than by population sizes of individual cities. The regional distributions were the Galilee (Haifa, Nazareth, Tiberia, CS, Kriyot, Tzfat), North-Central

## QUANTITATIVE CASE LAW ANALYSIS

(Netanya, Rishon LeZion, Petach Tikva, Hadera), the South (Beer Sheva, Ashdod, Kiryat Gat, Kfar Saba, Eilat), Tel Aviv, and Jerusalem. This will be discussed further in chapter 5.

### **Rabbinical Courts**

There was statistical significance in cases from rabbinical courts that identified parental alienation. However, there was no statistical significance to the amount of time or level of severity in cases from rabbinical courts. As mentioned above, all dayanim were male. However, there did not seem to be a link to the gender of the dayanim and statistical significance (or lack thereof). The degree to which there was a link to the identification of parental alienation in rabbinical courts may have correlated to the religious methodology that the rabbinical court system employed to diagnose parental alienation. However, the same religious methodology did not result in a statistically significant difference in the amount of time to treat parental alienation nor the level of severity at the close of files.

### **Length of Time**

The analysis measured the length of time cases were open. The length of time was measured by deducting the year opened from the decision year. The last two digits of all file numbers indicated the year in which the file was opened. For example, file number 99999-18 indicated that the file was opened in 2018. All decisions were dated. Therefore, this analysis would have considered file number 99999-18 with a decision date of 31.12.2018 (within the same year) to be open for 0 years. If the decision of file number 99999-18 was dated the next day on 01.01.2019 then the analysis considered the file to be open 1 year. All decisions had exact dates of the decisions. However, the analysis measured the amount of time strictly based on the number of years because the years files were opened could always be measured whereas the exact dates within those years when files were opened were sometimes unavailable.

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

**Figure 4:** Length of time cases were open

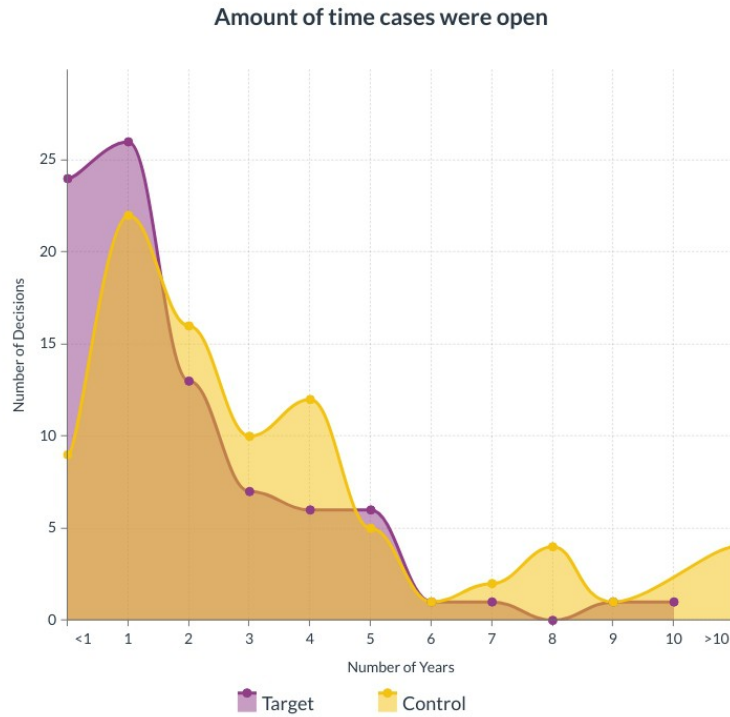
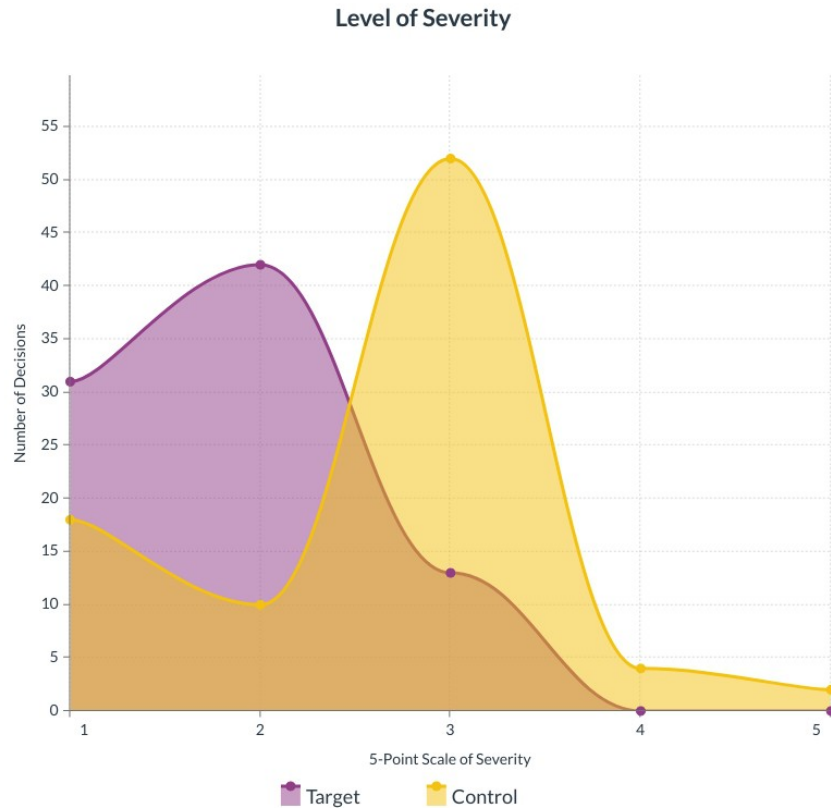


Figure 4 shows that the length of time in the control group ranged from 0 years to 10+ years. The longest case in the control group was 17 years. Whereas the target group ranged from 0 years to 6 years. The longest time of cases in the target group (6 years) was 35.29% of the longest amount of time taken in the longest cases of the control group. The mean of the control group was 3.1395 years and the median was 2 years. The target group had a mean of 1.8488 years and a median of 1 year. The target group reduced the mean by 59% and the median by 50%. There was a strong correlation in the reduction of time the target group needed to manage cases compared to the control group ( $r = -0.41$ ,  $p > 0.01$ ).

**Figure 5:** Comparison of severity of parental alienation



**Severity of Alienation**

The severity of parental alienation was measured on a 5-point Likert scale. Level 1 indicated a renewal of contact between the child and the targeted parent. Level 2 indicated ongoing treatment as of the date of the decision. Level 3 indicated that the case was closed with contact failure between the child and the targeted parent. Level 4 was for cases that resulted in open adoption of the child to a third party. Level 5 was for cases that resulted in closed adoption of the child to a third party. The difference between open adoption and closed adoption in Israel is that open adoptions allow the former custodial parent to remain in contact with the child despite permanently losing guardianship and custody over the child. Whereas closed adoptions include a complete and permanent severance between the former custodial parent and the child. Levels 3-5 indicate a complete loss of contact between the non-custodial parent and the child.

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

While non-custodial parents may retain guardianship at Level 3, guardianship transfers away from both parents to a third party at Levels 4-5.

The control group ranged from level 1 through level 5 with a median of level 3 and a mean of 2.558. The 18 cases in the control group at level 1 included 7 international child abduction cases where the court ordered the children returned to their usual place of residence. The remaining 11 were cases where the custodial parents attempted to move the children far away from the non-custodial parents. In such cases, the courts intervened and ordered the custodial parents to return the children within a distance with access to the non-custodial parents. None of the level 1 cases from the control group involved children who refused contact with the non-custodial parents. The psychological harm to the children in the control group resulted in 6 adoption cases – 4 were open adoptions and 2 were closed adoptions.

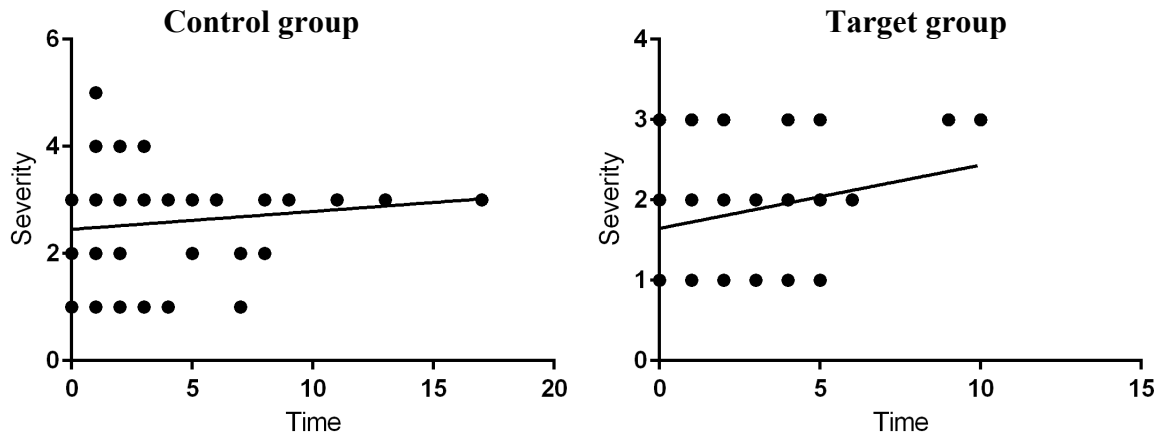
The target group ranged from level 1 to level 3 with a median of level 2 and a mean of 1.79. The median of the target group was 33% lower than the control group and the mean was 23% lower than the control group. The 13 cases from the target group in level 3 included 10 older cases that were transferred from other courts that did not previously address parental alienation to a court that did address parental alienation. The three remaining level 3 cases all came from the same judge - Philip Marcus<sup>20</sup>. Marcus' strategy will be discussed in detail in chapter 5. None of the cases from the target group escalated into adoption cases (level 4 or level 5 severity). The results showed a reduction in severity with the target group versus the control group. The severity was exacerbated by the amount of time cases were open,  $r = -0.1427$ ,  $p < 0.01$ .

---

<sup>20</sup> Disclaimer: Philip Marcus was the judge in charge of the author's divorce case from 2009 to 2012. More details are at the beginning of this dissertation

## QUANTITATIVE CASE LAW ANALYSIS

**Figure 6:** Linear regression charts of severity over time



### Bivariate Analysis

The bivariate analysis measured the amount of time files were open and their level of severity at the time of decisions using a linear regression model. Both groups showed a correlation between the length of time cases were open and the severity of levels 1-3. This was especially evident when cases were open for more than 5 years. However, levels 4-5 in the control group were open for 1-3 years. There were 3 cases in the control group and 1 case in the target group that lasted more than 5 years, yet had severity levels 1-2. Even though the analysis did not treat these as outliers, the results still showed a slight correlation between the number of years cases were open and the increased severity level ( $r= 0.05137$ ,  $p>0.01$ ). Several of the potential outliers came from Philip Marcus and will be discussed further in chapter 5.

### Multivariate Analysis

A multivariate analysis examined the localities, judges/dayanim, their genders, the length of time files were open, and the severity level of parental alienation when decisions were issued. Rabbinical courts commonly used panels of three dayanim who were all males. The analysis measured final decisions and not various opinions within decisions. Therefore, each panel

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

counted as a single male per case to avoid distorting statistical data across the decisions. The multivariate data spreadsheet is in Appendix B.

There were a total of 73 judges/dayan panels nationwide, of which 35 were male and 38 were female. Localities including Tel Aviv, Haifa, Rishon LeZion, Kriyot, and Ashdod had more female judges while localities including Jerusalem, Nazareth, and Tiberia had more male judges. As stated above, the rabbinical courts all had male dayanim. The national average evened out with 3 more cases decided by a female judge. An ANOVA analysis found no statistical significance between the genders of the judges and the length of time cases were open or the level of severity.

Some judges gave decisions in more than one location. These were Esperenza Alon (Haifa, Kriyot), Asaf Zaguri (Nazareth, Tiberia), and Varda Ben Shahar (Beer Sheva, Rishon LeZion). There was no statistical significance when the same judge rendered decisions in different locations. A female judge in Tiberia<sup>21</sup> and in Tel Aviv<sup>22</sup> did not identify herself in two decisions. While the two locations are far apart from each other, there is no way to be certain whether this was the same judge or two different judges. Both cases were open for 1 year. The case from Tel Aviv closed with level 2 severity whereas the case from Tiberia closed with level 1 severity. The analysis classified these two decisions as “Unnamed” and identified the gender as female.

### **Time by Locality**

There was statistical significance with localities and length of time. The national median was 2 years and the national mean was 2.599 years. Eilat (8years) and Kfar Saba (4 years) were each substantially higher than the national median and mean, however the analysis only included

---

21 37732-08-17 (טבי) אפ

22 25146-03-17 (ת"א) תלהמ



## QUANTITATIVE CASE LAW ANALYSIS

one case from each location. Hadera (3 years) and Netanya (5.5 years) each had 2 cases in the analysis. Ashdod, with 3 cases in the analysis, had a median of 6 years and a mean of 7.666 years. The analysis included 18 cases from Nazareth and 14 cases from Haifa. Nazareth's median was 4 years, which was twice the national average. The mean was 3.153 years, which was 20% higher than the national average. Haifa's median was 3 years (50% higher than the national average) and the mean was 2.857 years, which was 15% higher than the national average.

Conversely, Petach Tikvah, Tiberia, Kiryat Gat, and Safed were lower than the national average. Petach Tikvah had 4 cases, all in the target group. The median was 1 year and the mean was 1 year. The median was 50% lower than the national average and the mean was 61% lower than the national average. The analysis included 3 cases each from Tiberia and Kiryat Gat. The median in Tiberia was 1 year and the mean was 2 years. The median was 50% lower than the national average and the mean was 23% lower than the national average. Kiryat Gat had a median of 1.5 years, which was 25% lower than the national average. The mean in Kiryat Gat was also 1.5 years, which was 43% lower than the national average.

### **Severity by Locality**

There was statistical significance with the level of severity and localities. The national median was level 2 and the national mean was 2.239. Jerusalem had a mean of 2.381 and a median of 2.25, which was 11% higher than the national average. Beer Sheva had a mean of 2.535 and a median of level 3, which was 14% higher than the national median and 25% higher than the national mean. There were 5 cases from Kriyot with a median of level 3 and a mean of 2.22. The median was 33% higher than the national average while the mean was 5% lower than the national average. Tiberia and Ashdod each had 3 cases in the analysis. Their median and mean were level 3, which was 33% higher than the national average. Safed had 2 cases with a

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

median of level 3 and a mean of 2.5, which was also 33% higher than the national average. Eilat and Kfar Saba each had 1 case with a median and mean of level 3.

Petach Tikvah and Hadera were the only localities that had a lower median and mean than the national average. All cases in both localities were in the target group. The median in Petach Tikvah was level 1, which was half the national average. The mean was 1.333, which was 41% lower than the national average. Rishon LeZion, CS, Kiryat Gat, and Netanya all had a median of level 2, which was the same as the national average. CS had a mean of 1.8, which was 37% lower than the national average. Rishon LeZion, Kiryat Gat, and Netanya had a mean of level 2, which was 25% lower than the national average.

### **National Frequency**

An ANOVA analysis did not show a reduction in the number of cases opened in the family court during most of the study period. Nationwide during most of the study period, neither the target group nor the control group correlated to a reduction in the frequency of new family court files opened on an annual basis. However, there was a 15% reduction in the number of new family court proceedings opened in Tel Aviv from 2018 to 2020 as will be discussed below.

### **Tel Aviv**

The Supreme Court (2020) issued an order called “הוראות נוהל של נשיאת בית המשפט העליון” (Procedural Provisions of the President of the Supreme Court). This order required each jurisdiction to appoint a שופט מוקד (a specialized judge) within six months of October 18, 2020, whose primary focus would be the renewal of contact with children who were alienated from one of their parents. The Supreme Court issued this order less than 3 months from the end of the period for this analysis; therefore it did not affect the analysis. However, the order was based on

## QUANTITATIVE CASE LAW ANALYSIS

a pilot project in Tel Aviv that began in 2019 whereby Erez Shani was appointed as a judge who specialized in parental alienation cases.

The analysis conducted a multivariate analysis on Tel Aviv without Erez Shani compared to Erez Shani alone. These results were compared to the national average to measure the effect such a specialized judge had on results in Tel Aviv's jurisdiction. A spreadsheet showing the results is in Appendix C. None of the 27 cases from the control group in Tel Aviv came from Shani. Whereas Shani decided 18 cases in the target group compared with 13 cases from the rest of Tel Aviv. Shani's cases were 58% of the target group in Tel Aviv and 21% of the national target group.

### ***Tel Aviv - Time***

The shortest time Shani's cases were open was 0 years, which was the same as the rest of Tel Aviv and national data. However, his longest case was 1 year in contrast to 11 years for the rest of Tel Aviv and 17 years nationally. The national median was 2 years and the national mean was 2.5999 years. Tel Aviv (without Shani) had a median of 1.5 years and a mean of 2.1254 years. Shani's results were 25% lower than the national average. Whereas Shani's median was 0 years and his mean was 0.4 years. This was 300% lower than the national average and 250% lower than the rest of Tel Aviv. An ANOVA analysis showed there to be a statistical significance indicating Shani's model caused a reduction in the length of time cases were open in the target group and in Tel Aviv.

### ***Tel Aviv - Severity***

The national severity of parental alienation ranged from level 1 to level 5. Shani's range was level 1 to level 3. The range for the rest of Tel Aviv was level 1 to level 4. The national median was level 2, which was the same as Shani's median. The rest of Tel Aviv had a median of 2.5, which was 20% higher than the national average. The national mean was 2.2393. Both

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

Shani, with a mean of 1.66, and the rest of Tel Aviv, with a mean of 2.1873, were lower than the national results. Shani's mean was 26% lower than the national mean and 25% lower than the rest of Tel Aviv. Tel Aviv (without Shani) was 5% lower than the national mean. An ANOVA analysis showed there to be substantial statistical significance indicating Shani's model caused a reduction in the level of severity of parental alienation with files in the specialized court in Tel Aviv.

### *Tel Aviv - Frequency*

An ANOVA analysis found showed a statistical significance in the number of cases opened in the family court in Tel Aviv. There was a 15% reduction in the number of new family court proceedings opened in Tel Aviv from 2018 to 2020. This was in contrast to the national average as well as the frequency in Tel Aviv between 1996-2018 – both of which had a steady increase in the number of new cases opened annually.

## Chapter 5: Discussion

### Interpretation of the Findings

#### *Case Law*

Israeli case law currently provides more data on parental alienation than any other source in Israel. In fact, the 430 published decisions between 1996-2020 contained approximately 43% of the volume of international peer-reviewed academic literature during the same period. Furthermore, family courts in Israel were the most relevant venues to address parental alienation during the analysis period. Therefore, data from the case law analysis proved to be the most relevant and comprehensive source to gather scientific data on parental alienation in Israel. This dissertation employed evidence-based grounded theory to gather and analyze demographic information as well as trends in methodology on parental alienation in the Israeli judiciary.

It is worth noting unique characteristics in the Israeli family court system during the analysis period 1996-2020. Firstly, the religious track to adjudicate family matters has existed before the founding of the modern state. The Israeli judiciary has recognized several religious authorities on family matters. The most common are Rabbinical, Sharia, and Christian. The Knesset passed the Family Court Law (1995)<sup>23</sup> that added the family court as a secular track to handle family matters. Since 1995 the family court has also served as a catch-all venue for families that did not conform to one of the available religious tracks. The family court heard cases like P.R. vs T.A.E. (2005)<sup>24</sup>, A.B.Z. vs K.M. (2018)<sup>25</sup>, and Ploni vs Plonit (2019)<sup>26</sup> involving inter-faith couples who did not fit into the religious jurisdiction of Rabbinical, Christian, Sharia, or other religious courts.

---

23 The law is available online in Hebrew at: [https://www.nevo.co.il/law\\_html/law00/98460.htm](https://www.nevo.co.il/law_html/law00/98460.htm)

24 פ.ר. נ"ת.א.ע (2005) תמש (בי"ש) 14830/05

25 א.ב.ז. נ"ק.מ (2017) תמש (תי"א) 14482-12-17

26 פלוני נ"פלוניית (2014) תמש (תי"א) 58854-07-14

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

These two venues, religious and secular, existed throughout the relevant period of the analysis. However, the analysis only had access to published rulings from the family court and the rabbinical court systems during the period in question. This is because Nevo, the largest database of published Israeli rulings, is in Hebrew. Rulings from Sharia and Christian courts were in Arabic: other religious court decisions were not available to Nevo in Hebrew. Decisions from the rabbinical and family court systems together constitute 92% of all decisions on family matters in Israel.

### *The Tender Years Presumption*

This was another unique characteristic of the Israeli judiciary during the analysis period, especially before 2017. According to the tender years doctrine, young children automatically went to the mother's custody. Israel defined “tender years” as being up to age six. Weisberg and Appleton (2003) explain the origin of the tender years presumption was in the 18<sup>th</sup> century British Empire with the first laws formally enacted in Great Britain and the United States in the 1830s. This legal doctrine presumed the role of the mother was in the home raising children and the role of the father was outside the home pursuing higher education and a career. After a divorce the woman was expected to remain in the home without higher education or a career to continue raising children during their “tender years” (and to survive herself) mainly on the alimony money she received from the man. Since she was expected to have no income of her own during the children's tender years, her means of survival was alimony and child support.

When Israel came under the British Mandate in 1917, the Israeli legal system adopted the tender years presumption from British law due to overlap with religious and cultural beliefs that existed locally at the time. As women gained more rights and independence throughout the 20<sup>th</sup> century and could pursue higher education and careers; most international family courts that had previously adopted the tender years presumption from the British Empire dropped this legal

## QUANTITATIVE CASE LAW ANALYSIS

doctrine in favor of the “Best Interest of the Child” legal doctrine. Israel was the only jurisdiction in the world that continued with the tender years presumption into the 21<sup>st</sup> century. During most of the relevant period for this analysis, Israel attempted to adopt both the tender years presumption and the best interest of the child doctrine at the same time. These two doctrines were frequently at odds in parental alienation cases. *Ploni vs Plonit* (2017)<sup>27</sup> was a case in which the Israeli Supreme Court ruled that the best interest of most children in divorce was joint custody. This decision will be detailed later in the discussion. It is worth noting this decision began the process of reducing the number of decisions in Israel based on the tender years presumption and opened the door for a specialized court to address parental alienation seriously.

The gender of custodial parents in both the target and control groups was 65% female. This seemed to be due to the tender years presumption that influenced decisions in most cases up to 2017. Before 2017 courts gave higher priority to the gender of parents over the best interest of the child in cases involving custody of children under age six. Cases involving children over age six were more likely to be decided based on the best interest of the child. The tender years presumption caused 98% of the children under age six in both groups to be placed in the mother's custody. By contrast, 33% of the children over age six were placed into the sole custody of the mother. This caused the overall data to show 65% of custodial parents were female. However, there was a greater correlation between the ages of the children and the likelihood of the courts placing them into the custody of the mother. Furthermore, the ANOVA analysis failed to reject  $H_0$  that gender played a role in a parent's ability to take custodial responsibility whenever the courts applied the same standard to both genders.

---

27 פלוני נ' פלומית (2015) בע"מ 919/15

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

Since Israel only began to shift away from the tender years presumption within the last two years of the analysis, a future study will require several more years of data since 2018 as Israel's practice shifts to shared custody to compare with data before 2017 when the tender years presumption was in place. The results of such a study can measure whether or not other factors besides the tender years presumption may have influenced the courts to focus on the gender of custodial parents.

### *Child Support*

Israeli courts had a unique method to handle child support that affected this analysis. Before 2017, child support was the father's obligation regardless of his economic status. There were limited nuances to this, but by and large, the burden of child support fell on the father's shoulders with rare opportunities to reduce or cancel the debt even when it exceeded 100% of his gross income and assets. The father's child support obligation could extend after the child reached age 18 and even in cases where the child did not live with the mother. *H.R. vs H.N.Sh. (2008)*<sup>28</sup> was an example of this. The mother sued the father for child support of their son who was 18 years old and no longer lived with her. This was because the child lived and studied in a yeshiva (a religious Jewish school). The court awarded her child support even though the 18-year-old child refused any contact with the father. There is an exception called “rebellious child” to a father's child support obligation that the father attempted to invoke. This decision, like most decisions where a parent invoked the “rebellious child” exception, rejected the claim.

The procedure to file requests for reduction or cancellation of child support in circumstances where the children refused contact with non-custodial parents required those parents to accuse the children of being “a rebellious child” and for the court to find that the child was indeed rebellious. This procedure ignored the fact that the alienating parent was the abuser,

---

28 *ה' ר' נ' ה' נ' (2001) תמש (ח'י) 11390/01*



## QUANTITATIVE CASE LAW ANALYSIS

that the targeted parent and his or her children were the victims, and that such a procedure exacerbated severe parental alienation. The court wrestled with this dynamic in *D.P. vs M.B.* (2020)<sup>29</sup>. The father in this case was alienated from his children for 10 years with all attempts at rehabilitation failing. This decision observed the near impossibility of canceling child support under any circumstance due to the system's fear of impoverishing the mother or children. (This concern does not address the government's responsibility in a modern socialized welfare state to provide social services from tax revenue to prevent such poverty.) The court offered an option to evaluate whether the child legitimately refused contact with the father or whether the contact refusal was in the context of parental alienation. In cases of parental alienation, the court prescribed weighing the level of responsibility on each parent while not economically harming the mother or children. The court ordered a gradual reduction in child support over six years if the children continued refusing contact with the father. While this decision shifted the dialogue on child support from the “rebellious child” claim to the more appropriate parental alienation context, Baker (2020) makes clear that targeted parents should not be blamed (much less financially penalized) in cases of severe parental alienation.

Unlike other western societies, Israel does not have a clear and uniform calculation that caps child support based on the financial ability of the parent. Keidar (2021) detailed Israel's unique (and ambiguous) method of calculating child support. There was a clear minimum calculation, but judges had the discretion to set child support amounts that exceeded 100% of the father's income. Furthermore, judges had the discretion to set child support at one level in a case and then at a significantly different amount in another case under similar circumstances. Such ambiguity was in contrast to most western systems that clearly defined child support calculations based on the financial abilities of the parents. Berrick (2021) describes how courts make such

---

29 ד.פ. נ' מ.ב. (2018) תלה"מ 44950-12-18

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

calculations readily available to the public. She adds that the state has a responsibility to ensure a reasonable standard of child welfare in cases where divorced parents lack economic resources to meet financial demands from the court. Though Israel is a developed western country with adequate resources to adopt Berrick's model, the system lacked clarity or economic safety net for needy families in divorce during the analysis period.

### *Litigating Minors*

Another unique characteristic in the Israeli family court is the ability of the custodial parent to join the children with them as a side against the non-custodial parent. In fact, custodial parents can do so pro se even if they do not have licenses to practice law. Israel's judiciary lacks a general restriction against such a conflict of interest. This ability of the custodial parent to legally turn the children against the non-custodial parent in court documents and legal proceedings contributes to parental alienation. It communicates to the custodial parent and the children that they can join together and attack the non-custodial parent whether or not such behavior is in the child's best interest. It also communicates to the non-custodial parent that the court accepts such a hostile tactic to turn the children against the targeted parent. The analysis found a correlation in courts that addressed parental alienation and a reduction in child litigants  $r = -0.25, p < 0.01$ . In fact, Erez Shani had an effective policy to protect children from such psychological manipulation as litigants. This policy will be discussed later.

### *Supervised Visitation*

Israel's use of supervised visitation was another factor that affected results. The analysis found the court system used supervised visitation in 28% of the cases. This was consistent with data from the Central Bureau of Statistics (2020) showing the same overall percentage of supervised visitation in Israeli family court cases. The analysis could not find any laws or policies that delineated clear restrictions on circumstances where supervised visitation would be

## QUANTITATIVE CASE LAW ANALYSIS

appropriate. Neither did there seem to be limitations on the number of years visitations could take place in supervised visitation centers nor were there any clear guidelines on how parents under supervision could get out from under supervised visitations. It seems the system adopted the gender-biased model by Lesser (2005). She proposed using supervised visitation centers for the FCSS to provide guidance to targeted fathers in parental alienation cases to help them improve the relationship with their children without putting undue pressure on the children. Indeed, the analysis found a strong correlation with gender in cases where courts placed parents under supervised visitation even though the courts determined these parents did not endanger their children. However, in cases where the courts placed alienating parents under supervised visitation because they psychologically abused their children, the results showed a 50/50 distribution between the genders and failed to reject  $H_0$ . Such excessive use of supervised visitation against fathers even when the courts determined these men were not dangerous to their children correlated strongly to the severity of parental alienation.

### *Gender*

The analysis did not find a significant link between the genders of parents, children, or judges and the rate or severity of parental alienation. There was a statistical link with gender-biased laws and policies. These were the tender years presumption and use of supervised visitation centers in cases lacking any evidence that non-custodial parents (mostly fathers) were a danger to their children. When the preponderance of the evidence indicated such parents were healthy figures for their children, the use of supervised visitation centers increased the risk of parental alienation by 600%. When the Israeli judiciary uses supervised visitation centers in cases where the preponderance of the evidence indicates a parent poses a danger to the child, there was no statistical significance to gender. As the Israeli judiciary moves away from the tender years presumption in favor of policies that focus exclusively on the best interest of the

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

child; statistical significance linked to gender goes down substantially. Eliminating gender-biased policies would further seem to help mothers and daughters (as well as grandmothers, aunts, sisters, female cousins, etc.) who are victims of parental alienation. Their suffering gets swept under the carpet with gender-biased policies based on spurious data. The results of the analysis corroborate with international studies that found parental alienation negatively affected all family members regardless of gender. In fact, gender activists harm the advancement of women for female victims of parental alienation when they obstruct authorities from allocating resources to treat parental alienation seriously.

When Israeli gender activists apply political pressure on Israeli authorities to maintain outdated gender-biased policies in the name of “advancing gender equality” without scientific data to support their claims, they cause unnecessary harm to child welfare. Such political activism incentivizes an unlicensed party to exploit children as litigants for their own monetary gain. Results from the control group show this quickly degenerates into supervised visitation for thousands of children based on the gender of a parent and not based on the safety of the child. Lesser (2005) prescribed this model without scientific data to support it to be in the child's best interest. When courts ignore the warning signs of parental alienation in such cases, they risk degenerating further into cases where children file their own lawsuits against parents of both genders. Results from the control group even indicate a risk of such cases degenerating into open or even closed adoptions. Israeli authorities can avoid such unnecessary trauma to children by implementing evidence-based policies and avoiding political pressure from special interest groups who biased data and spurious results.

### ***Lack of Accountability in the FCSS***

Most decisions in both groups noted a lack of trust between parties and FCSS professionals. This hostile environment affected results. While therapy for parental alienation

## QUANTITATIVE CASE LAW ANALYSIS

uniquely requires judicial intervention and enforcement to be effective; therapists still have an obligation to create an environment based on trust (as much as possible). There did not seem to be a safeguard in place that would prevent FCSS professionals from filing false or biased reports that would break down trust and contribute to parental alienation. For example, the court dismissed the FCSS therapist in *Plonit vs Ploni* (2020)<sup>30</sup> when finding that she aided the mother in alienating the children from the father. The court observed:

כאשר שני ההורים נוטלים חלק בטיפול, אזי חובה על המטפל ליצור יחסי טיפול המבוססים על אמון עם שני ההורים. לא יעלה על הדעת כי המטפלת תסבור כי יש לה יחסי אמון עם מטופל שעה שהיא עצמה לא מצאה ולו דבר אחד חיובי לומר עליו. בין אם התובעת על דעת עצמה ציינה כי המטפלת ייעצה לה לפעול לצמצום הקשר בין הקטינים ובין אביהם ובין אם הדברים אכן התרחשו, הרי שאין ספק כי המטפלת לא מילאה אחר המנדט שניתן לה ע"י ביהמ"ש מתוך ציפייה כי הקונפליקט יצומצם ולא יעמיק ומשכך

This translates to English as:

“When both parents take part in the treatment, then it is incumbent on the therapist to create a trust-based care relationship with both parents. It is inconceivable that the therapist would think that she has a relationship of trust with a client while she herself has not found even one positive thing to say about him. The plaintiff herself stated the therapist advised her to act to reduce the bond between the minors and their father and whether or not these things did in fact occur, there is no doubt the therapist did not fulfill the mandate given to her by the court in the expectation that the conflict would be reduced and would not deepen and continue<sup>31</sup>”.

As stated above, the analysis could not find any laws or policies that held FCSS professionals accountable for their conduct. Quite the contrary, Johns (2006) discussed how courts extend judicial immunity to FCSS professionals and the dangers of such a policy.

Paragraph 288 of תשל"ז (1977) חוק העונשין (the Penal Code, 1977) has civil and criminal penalties

30 פלונית נ' פלוני (2019) תלה"מ 25128-08-19 & פלונית נ' פלוני (2019) תלה"מ 36137-10-19

31 Translated by the author.

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

for “insulting a public worker”<sup>32</sup>. A.G. vs A.G. (2012)<sup>33</sup> described the underlying legal principle that FCSS professionals are an extension of the court. However, there were mechanisms in place to appeal or recuse judges in situations where judges were deemed to be negligent in their duties whereas the analysis could not find any corresponding laws or policies for FCSS professionals.

The analysis could not find any mechanism to remove FCSS professionals from files if they violated laws or basic rights of civilians. Theoretically, an FCSS professional could lie in his or her court testimony against parents

without any consequences even if the testimony was later proven to be false. There would be no recourse for victims of such abuse of power. If parents were to lash out against such false testimony by insulting the FCSS professional, these parents could face both criminal and civil charges for insulting a public worker. Such an unnecessarily hostile environment breaks down trust and destroys the therapeutic environment. It is therefore a



fundamental violation of the Israeli family court's mandate to provide therapeutic jurisprudence in its cases. This raises an additional question of whether such a hostile environment contributed to parental alienation. Several other peer-reviewed literature in Israel found hostile interactions between FCSS professionals and the families they treated. Cases in these studies demonstrated numerous different populations did not trust FCSS professionals. While the studies did not

32 The full text of the Penal Code (1977) is available online in Hebrew at:  
[https://www.nevo.co.il/law\\_html/law01/073\\_002.htm#Seif257](https://www.nevo.co.il/law_html/law01/073_002.htm#Seif257)

33 4745-07-12 תמ"ש (ת"א) 4745-07-12

## QUANTITATIVE CASE LAW ANALYSIS

address parental alienation specifically, some of their findings apply to cases where the FCSS contributed to parental alienation instead of treating it.

Attar-Schwartz et al. (2011) conducted the largest nationwide quantitative study on child welfare in Israel to date. The study examined the relationship between child maltreatment, children registered with social services, and minor offenders on probation – with factors including geography, ethnicity, religion, and the ratio of social services professionals to the local population. The team gathered the data from localities, the Central Bureau of Statistics, the Ministry of Welfare, and the National Council for the Child. The net data they used represented 87% of Israeli children. A surprising result for the researchers was the rate of FCSS professionals in localities correlated with increased child maltreatment and minor offenders.

Kulik & Kasa (2014) conducted an ethnographic study on divorced (or divorcing) Ethiopian fathers. They compared a sample group of 63 Ethiopian immigrants with 48 Israeli-born fathers. The study measured four coping resources – personal resources, interpersonal resources, quality of relationship with ex-wives, the existence of new romantic relationships. Alongside these factors, they also measured the relationships between the fathers and their children. The article claimed that family courts in Israel did not award custody to fathers. Therefore, all participants were non-custodial fathers. The study found that, “participants who received more formal support showed lower self-acceptance of divorce,” (p. 201). This finding clarified that FCSS services negatively affected non-custodial divorced fathers from both the control group and the study group.

Lavee (2017) conducted a qualitative study on Israeli mothers under the poverty level who received assistance from FCSS social workers. She interviewed 50 Israeli Jewish mothers between the ages of 24 and 62 who had at least one child living in the home. 46 of the mothers were single parents and 4 lived with partners. She screened the participants herself based on the

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

criteria that: a) they subjectively felt impoverished, b) they were sole breadwinners in their families, and c) at least one child lived in their households. Her findings were that the mothers who received services from FCSS professionals felt excluded, dis-empowered, and humiliated. The FCSS services contributed to the women's experience of feeling poor. She describes numerous hostile interactions between social workers and clients whenever the mothers would seek assistance. Her conclusion was there seemed to be a lack of professional accountability and lack of criteria in treating families.

Alfandari (2017) conducted a qualitative survey of a reform in Israeli child protection practice whereby the social workers were supposed to involve the children as part of the case management process. She sampled 21 cases from five local municipalities across Israel. Her method was direct observation of committee meetings involving each case, semi-structured interviews with the social workers, and six months later reviewing the case records. Her study indicates a lack of implementation of the reform designed to increase child participation in the process. She observes, “The first striking finding of this study is the negligible contact social workers had with children for whom they were responsible”. The observation that the social workers had negligible contact with the children may shed some light on other peer-reviewed studies that found serious problems with the FCSS. Again, these findings may indicate that the FCSS actually contributes to parental alienation.

### ***Generally Speaking***

The court missed signs of parental alienation in over 99% of the cases. The Nevo database contained 6,514 cases with at least one sign of parental alienation as defined by peer-reviewed academic literature. Of these, the court addressed parental alienation in 430 cases and determined there to be parental alienation in 198 cases. The court missed signs of parental alienation in the other 6,084 cases.



## QUANTITATIVE CASE LAW ANALYSIS

Oftentimes cases in the control group gave up on efforts to renew contact between children and the alienated parents without offering any kind of alternative relief. The *Minors vs Alamuni (2012)*<sup>34</sup> is an example of this. There had been a complete disconnect between the children and the non-custodial father for the previous six years. The court mentioned a possible legal justification to transfer custody to the father, but rejected that solution because the disconnection had already gone on for too long. In essence, the alienation got rewarded with more alienation. The court weighed the option of reducing or canceling child support. This option was also rejected because the custodial mother “technically” cooperated in bringing the children to visitations with the father. However, the court admitted, “for years the mother torpedoed any relationship between the father and the minors and took no real step to bring hearts closer”. The court further observed, “In this state of affairs, despite the dire consequence of the minors' refusal to have contact with their father, there is no room to place the blame on the minors themselves.” The decision did not discuss options for therapy. Quite the opposite, the court did not want to “force” the relationship upon the children. The decision concluded, “All that remains is to hope that in time the relationship will be renewed.” There was no intervention or relief available in this case on any level for the target parent or his children.

*Sh.T. et al. vs Sh.T. (2015)*<sup>35</sup> was a case involving two teenage children, a daughter and a son, who had been alienated from the non-custodial father. In fact, the custodial mother even admitted the alienation to the FCSS professional in paragraph 82 of the decision. This was while undermining efforts to renew contact between the father and children. However, neither the court nor the FCSS professional addressed parental alienation. Instead, there was a suggestion to place the father in a supervised visitation center to rebuild trust. The father opposed this suggestion because it would further strain trust rather than restore it. The court attempted to

---

34 5401-04 תמש (ח"י) (2004) הקטינים נ' אלמוני

35 25370-02-13 תמש (נצ'י) (2013) ש.ט. (קטינה) נ' ש.ט.

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

renew contact between the children and the father without recognizing parental alienation.

Custody and child support for a “rebellious child” were at issue. The decision left custody with the mother and left child support as-is. The court warned the mother that it could sanction her and even arrest her for interfering with the relationship between the father and his children. This seemed to work for the son but not for the daughter.

The control group included 30 cases in which the mother was the non-custodial parent. The court's failure to successfully reunite targeted mothers with their children in the control group was not any better or worse than targeted fathers. *Plonit vs Ploni (2009)*<sup>36</sup> exemplified how little effort the court put into renewing contact between the non-custodial mother and her child. The court did not address parental alienation in this case. Over 80% of the decision focused on the dissolution of assets with only a brief mention of custody (and child support). The FCSS professionals recommended custody with the father due to the child's refusal to be in contact with the mother. The court rubber-stamped this recommendation without any mention of therapy for renewal of contact between the mother and her child. The decision neither held the FCSS professionals nor the custodial father accountable to ensure renewal of contact with the mother by any deadline.

Oftentimes the only potential relief the court offered to targeted parents (without addressing parental alienation) was reduction or cancellation of child support – albeit such relief was itself a long shot. *The (Female) Minors vs Ch.S. (2012)*<sup>37</sup> was a rare instance in which the non-custodial father represented his daughters against the custodial mother. The court avoided using the term “parental alienation” and instead used the term “contact refusal” to describe the situation in this case. Normally, the literature reserves contact refusal for situations in which children refuse contact with a parent for a justifiable reason such as abuse, neglect, or

---

36 9881/07 תמש (קריות) (2007) פלוני נ' פלוני

37 35358-07-11 תמש (חי') (2011) ח.ס. נ' ח.ס.

## QUANTITATIVE CASE LAW ANALYSIS

abandonment. The “contact refusal” in this case resulted from the custodial mother's incitement against the non-custodial father. Therapeutic efforts through the FCSS had failed to renew contact between the father and at least one of his daughters. The very use of this term placed blame on the targeted parent who was actually a victim of psychological abuse by the alienating parent. The father proposed circumventing the mother by setting up a savings account for the daughter who refused contact with him. The father would deposit monthly child support payments into this savings account. The funds would be released directly to the daughter upon renewing contact with her father. If she failed to renew contact before reaching adulthood, the funds would be returned to the father. The court accepted this proposal.

While such an effort was creative in satisfying child support obligations without resorting to a psychologically harmful “rebellious child” label, there were still substantial flaws in this approach. First and foremost, it failed to treat parental alienation. The decision even avoided using the term and instead glossed over the custodial parent's incitement against the non-custodial parent with the term “contact refusal” and even placed blame on the targeted parent. Secondly, it failed to sanction the custodial parent in any way beyond delaying receipt of child support payments. This was a mere delay because, thirdly, the daughter only needed to agree to meet with her father one time in the last month before becoming an adult and all the child support would be released to her in a lump sum payment. Lastly, and related, it would have been unwise to release a large sum of money directly to a minor – especially one suffering from psychological trauma. In the case of severe parental alienation, the custodial parent can demand and receive the money from the child even if such a demand violates a court order. Garber (2011) detailed the extreme psychological control alienating parents exercise over the children. One way or another, such a tactic would still financially reward the alienating parent while being ineffective at treating parental alienation.

### *The Best Interest of the Child Doctrine*

The judicial system lacked clear and consistent guidelines for family court judges to render decisions in the child's best interest. Numerous decisions observed the vagueness of the best interest of the child standard of the Family Court Law (1995). In *Ploni vs Plonit* (2009)<sup>38</sup> the court pointed out the “best interest of the child” to be arbitrary. Therefore, the court reasoned that reports from the FCSS professionals needed to play a central role in court decisions. This effectively shifted judicial responsibility away from the judge in his or her rulings and placed those responsibilities on the FCSS – without holding the FCSS accountable. This lacks a safety net for the child's best interest in cases where the FCSS reports might harm the child, specifically in the context of parental alienation, and the judge has absolved his or her responsibility to ensure the child's best interest in every decision. As mentioned previously, the analysis found no infrastructure whereby a party could seek to appeal or to recuse FCSS professionals in such cases. This mindset whereby the judge would shift his or her judicial responsibilities onto the FCSS professionals while noting the lack of concrete guidelines to ensure the best interest of the child permeated many cases in the analysis. Meanwhile, the relationship between the parties and FCSS was hostile in numerous cases. Shifting ambiguous responsibility from the judge to the FCSS without any real safety net for the families not only violated the court's therapeutic jurisprudence mandate, but it also fostered parental alienation.

### *Philip Marcus*

Philip Marcus is a retired judge who offers himself as an expert on parental alienation based on his track record as a family court judge in Jerusalem. He is an apologist for the above-described approach in the Israeli family courts as an infrastructure for his proposed methodology. Marcus (2017) argued the starting point in family court was to strip divorcing parents of their

---

38 פלוני נ' פלונית (2007) תמש (קריות) 9822/07

## QUANTITATIVE CASE LAW ANALYSIS

rights and only impose responsibilities on them. Those parental rights would shift to the family court judge as a “father of the fatherless” (page 101). However, Marcus' model absolves the judge of responsibility associated with parental rights that were stripped from the parents. This is especially problematic in the prevention, intervention, or treatment of parental alienation.

Marcus (2020) published a peer-reviewed article in English in which he asserted that prevention of parental alienation depended on public awareness and training of professionals to take preventative steps in the community. In his model, the court should intervene only after contact failure has set in to supervise the progress of reconciliation and therapy, and impose sanctions for “parental disobedience”.

His proposed model further watered down accountability for parties that cause parental alienation. Marcus (2019) wrote an article in Hebrew in which he preferred to use the term “contact refusal” over “parental alienation” because he claimed that “contact refusal” did not place blame on anyone. However, the academic literature since Gardner (1985) reserves “contact refusal” for situations where the child has a legitimate reason to refuse contact with a parent – namely abuse, neglect, or abandonment. Therefore Marcus (2019) would blame alienated parents in all situations by eliminating “parental alienation” in favor of exclusively using the term “contact refusal”. His terminology merely blurs the lines between children who legitimately refuse contact with an abusive or negligent parent and children who are being psychologically abused by the alienating parent. He further claimed that the judge is powerless to enforce rulings on contact refusal (parental alienation). His proposed solution was the most effective treatment for “contact refusal” would be through the FCSS, though he did not offer any studies to support this claim.

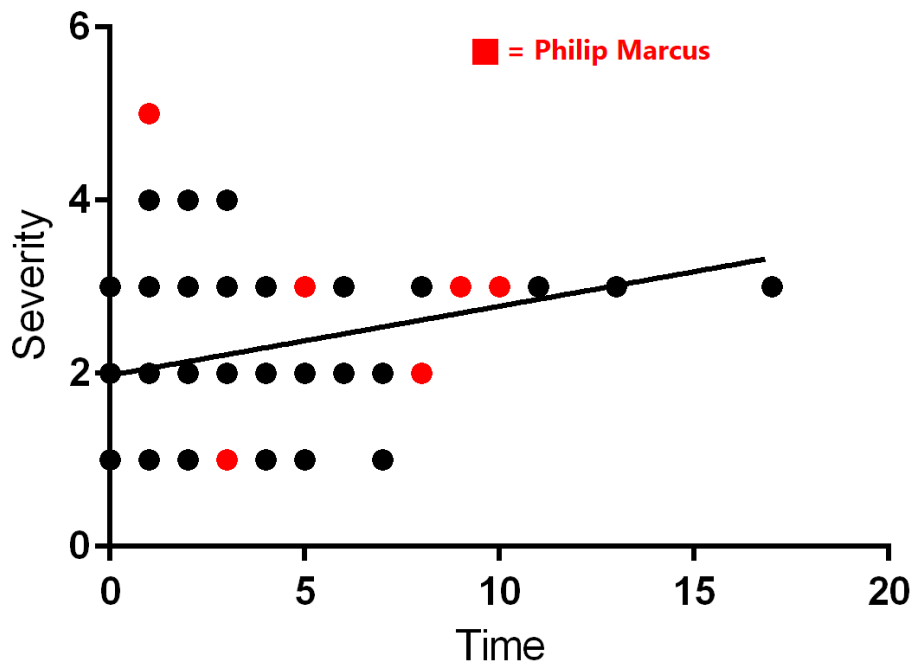
Marcus (2019) applauded the Israeli FCSS as being on the cutting edge of family courts based largely on the study by Bayer-Topilsky et al. (2015). He suggested that various

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

professionals in the child's community monitor the parents and report abuse to FCSS professionals. It would seem the judge's role as “father of the fatherless” who stripped the biological parents of their rights – was to rubber-stamp FCSS reports without taking judicial responsibility for his or her own decisions.

The above publications reflect Marcus' mindset in his rulings on parental alienation. Of his 256 published decisions from 1995 to 2012, 5 related to parental alienation. Of these, 3 were included in the target group because Marcus determined there to be parental alienation in those 3 cases. The analysis included these 3 cases. Marcus had a total of 3 decisions in the target group and 4 decisions in the control group. The time it took for him to manage files in both groups ranged from 1 year to 10 years with an overall median of 7 years and a mean of 6.025 years. The level of severity at the close of his cases ranged from level 1 to level 5 with a median of 3 and a mean of 3.4. Only 1 out of 7 from Marcus' decisions in the analysis resulted in a renewal of contact between an alienated parent and the children. One of the other 6 cases 1 resulted in closed adoption proceedings. Marcus failed to address parental alienation in 99 of the cases in front of him with signs of parental alienation and failed to successfully reunite alienated families in any cases in the target group where he addressed parental alienation. The scientific data shows that Marcus' model would be woefully inadequate to improve Israel's track record on parental alienation. Furthermore, the Israeli judiciary has started moving away from this model – especially since 2017.

Figure 7: Marcus' decisions on a linear regression chart



*A Milestone in 2017*

Ploni vs Plonit (2017)<sup>39</sup> was a case where the Supreme Court had to address recommendations from (2013) ועדת שניט (Schnitt Committee, 2013)<sup>40</sup>. The Schnitt Committee was a special legislative appointment of experts that advised the Knesset to amend Israeli law on child support and child custody. Normally the Knesset passes three readings of such recommendations to be formally codified into law. However, the Knesset has failed to put the Schnitt Committee's recommendation to the floor since 2011. This negligence on the Knesset's part forced the Supreme Court to discuss the Schnitt Committee's recommendation in a judicial application. The Supreme Court adopted the Schnitt Committee's recommendation that most children need both parents to take responsibility in raising them both economically and in

39 פלוני נ' פלוני (2015) בע"מ 919/15

40 The full report is available in Hebrew online at: <https://www.gov.il/he/Departments/publications/reports/the-public-committee>

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

parenting time. While this decision did not remove the tender years presumption from the books, it significantly shifted the family court's focus on the equal importance of both parents in the lives of most children. Since 2017 this shift in the Israeli judiciary also revealed a need for a model to address parental alienation seriously. This new trajectory moves away from the older model endorsed by Philip Marcus into a new direction.

The Tel Aviv district was the first jurisdiction to develop a new model to seriously address parental alienation. *L.N. vs E.Ch. (2018)*<sup>41</sup> could serve as a blueprint for the underlying mindset of the decision in Tel Aviv to appoint a judge who specializes in parental alienation.

The court emphasized:

"סירוב קטינים לקשר סביר עם אחד ההורים הינה מן הבעיות הקשות יותר אתה מתמודד ביהמ"ש לענייני משפחה, אם לא הקשה שבהן."

This translates into English as:

"Refusal of minors to have a reasonable relationship with one of the parents is one of the more difficult problems faced in family court, if not the most difficult."<sup>42</sup>

The decision laid out a procedure for courts to evaluate whether parental alienation was present in specific cases. It also adopted from peer-reviewed literature and court precedence that there should be an evaluation whether the child's refusal to have contact with one parent had a reasonable explanation. This was because, the court reasoned, the natural inclination of children is to bond with both parents. Therefore, a child's refusal to bond with a parent needed a reasonable explanation for the court to consider it to be the child's true intent (and best interest). Absent a reasonable explanation for contact refusal, the court reasoned it to result from psychological trauma caused by parental alienation.

41 46294-09-17 (ת"א) תלהמ (2017) ל.נ.ני ע.ח

42 Translation by the author



## QUANTITATIVE CASE LAW ANALYSIS

If there was no reasonable explanation for the child's contact refusal, then the court considered the child's "preferred parent" to be at fault either explicitly or implicitly. Either the "preferred parent" was explicitly brainwashing the child against the other parent, or the "preferred parent" (alienating parent) neglected to correct the child's unjustified hostility against the other parent and to encourage a positive bond with her or him. Either way, the burden of proof would need to shift to the alienating parent to demonstrate that he or she actively encouraged the child to bond with the other parent and was fully cooperative in therapy to renew a healthy relationship between the child and the other parent.

The court emphasized that failure to act quickly would only contribute to the psychological abuse that the alienating parent was exacting on the child. According to the decision, the longer it took for a court to determine whether to intervene, the harder it would be to undo the psychological harm the alienating parent was causing the child "until it is too late". The court observed that such cases result from inadequate tools being implemented in court. Whereas, there are adequate tools for a court to effectively treat parental alienation and renew contact between the child and alienated parent. While this decision did not explicitly discuss appointing a judge who specializes in parental alienation, one sees the next logical step after this decision in Tel Aviv was to appoint a specialized judge in Tel Aviv for parental alienation cases.

A.B.Z. vs K.M. (2018)<sup>43</sup> could serve as a companion case whereby the Tel Aviv court realized the flaws in relying on reports from court-appointed therapists who were not adequately trained in the complexities of treating parental alienation. In this case, the father asked the court to cancel a previous court order that allowed the mother to emigrate to New Zealand with the children. The court-appointed expert recommended allowing the mother to emigrate with the children to New Zealand out of concern over "budding parental alienation". This was based on

---

43 14482-12-17 (ת"א) תמ"ש (2017) מ.ק.מ. א.ב.ז. נ' ק.מ.

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

interviews with the parents. The court criticized the report for neglecting to conduct any psychological testing or address important psychological considerations like the children's ability to integrate into a completely different society. In addition to the court's explicit criticism, the elephant in the room would have been that allowing such emigration would have only exacerbated parental alienation in the children. This decision was an important turning point where the court realized it could not simply rubber-stamp every report from FCSS professionals in parental alienation cases. While professional reports should carry weight, the court reasoned, it was the judge who needed to take responsibility for every decision in the court. While this decision did not explicitly discuss the need for a specialized judge to appoint FCSS professionals with specialized training in parental alienation, one sees that the next logical step in Tel Aviv was to ensure the specialized judge would also have specialized therapists at his or her disposal as part of Tel Aviv's strategy to treat parental alienation.

### *Erez Shani*

Erez Shani was appointed the specialized judge to manage parental alienation cases in the Tel Aviv family court. D.C. vs. B.D. 2018<sup>44</sup> was a precursor to his appointment as a specialized judge in 2019. In this case, the non-custodial mother alleged to Shani that the child refused all contact with her due to parental alienation. Shani set a standard that, “parental alienation is not only an act that is a civil tort, but also falls within the scope of a criminal offense”. He further determined parental alienation to be a reasonable grounds for terminating guardianship of the alienating parent. His reasoning was an alienating parent does not act in the best interest of the child. Furthermore, he stated that referring such cases to the FCSS for treatment that could take months was tantamount to inaction. Therefore, he appointed a guardian ad litem to begin immediate intervention. Alongside this, he appointed a social worker who specialized in

---

44 11686-08-18 (ת"א) תלהמ (2018) ד.כ.נ' ב.ד.

## QUANTITATIVE CASE LAW ANALYSIS

parental alienation to begin treatment at the father's expense within 15 days and ordered one overnight visit per week with the mother. Shani imposed a fine on the father for each incident where the child refused to visit the mother.

The Tel Aviv district introduced a pilot program in 2019 whereby they appointed Erez Shani to serve as a specialized judge to manage parental alienation cases within the Tel Aviv jurisdiction. Both the judge and the court-appointed professionals had specialized training in parental alienation. The pilot program successfully reduced the time cases were open by 650% and the level of severity in parental alienation cases by 135% compared to the national average. Additionally, the specialized judge reduced the time by 625% and the severity of parental alienation by 132% compared to other cases within Tel Aviv. The specialized judge successfully renewed contact between alienated children and parents in 39% of the cases. Only 1 case resulted in failed contact and none escalated to adoption. The rest of the cases from the specialized court were in ongoing treatment on the date of the decisions. None of the cases in ongoing treatment were older than a year.

Shani has been a family court judge in Tel Aviv since 2011. As stated above, he established a court that specializes in parental alienation cases within the Tel Aviv family court that has been operating since 2019. Of his 150 published decisions from 2011 to 2020, 65 related to parental alienation. This analysis included 18 of these in the target group as cases where Shani determined there to be parental alienation. The following are decisions from Shani during his tenure as a specialized judge presiding over parental alienation cases in the family court of Tel Aviv in 2019-2020. The discussion includes them because they contributed to Shani's methodology in parental alienation cases as a specialized judge in Tel Aviv from 2019 onward.

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

It was common for Erez Shani to appoint a guardian ad litem for children. While each case had unique circumstances, this policy reduced manipulative tactics of alienating parents who joined children in litigation against targeted parents. For example, L.P. vs N.B.P. (2019)<sup>45</sup> was a case Shani referred for treatment of parental alienation after the daughter refused contact with her mother. The father was passive-aggressive in resisting therapy for contact renewal between the mother and daughter. Shani put sanctions on the table and threatened the possibility of removing the daughter from the father's custody. Additionally, Shani appointed a guardian ad litem at the end of this decision. Since the appointment was at the end of the decision, the guardian ad litem did not appear in the case heading, where Shani normally listed the guardian ad litem who was appointed for the children.

Shani's model emphasized the importance of the court acting quickly and decisively to treat parental alienation. In L.Ch. vs K.G. (2019)<sup>46</sup>, the custodial mother petitioned Shani to delay therapy for parental alienation to avoid causing trauma to the child. Shani rejected the request stating that treatment should not get bogged down in litigation. He expressed confidence in the expertise of the therapists he appointed to know how to treat the family without causing psychological trauma in the process. He emphasized the court's duty to renew contact between children and alienated parents without wasting time. He did not believe that minors, who have not reached the age of majority, had enough psychological maturity to properly weigh the consequences of refusing court-mandated therapy. His model did not allow room for the children or the alienating parent to use the court to drag out parental alienation nor delay in its treatment.

---

45 ל. פ. נ. ב. פ. (2019) תלהמ (תי"א) 49688-02-19

46 ל. ח. נ. ק. ג. (2010) תמש (תי"א) 23911-02-10

## QUANTITATIVE CASE LAW ANALYSIS

N.A. vs Y.A. (2019)<sup>47</sup> further demonstrated that Shani's model did not waste time in intervention. The father requested arbitration within a month after signs of parental alienation began to manifest. The mother objected on grounds that the father's demand for a relationship with his daughter interfered with other priorities in her life such as school and social events. Shani accepted the father's request and rejected the mother's response, stating:

"זכותו של הורה לפגוש ביוצא חלציו הוגדרה על-ידי ביהמ"ש העליון כזכות טבעית הורית, בסיסית והאם אינה יכולה לבטל זכות זאת באמירה שמדובר בדמיון משפטי; הדין הישראלי, מחייב הורה משמורן כחלק בלתי נפרד מחובותיו וכהורה עיקרי לוודא קיום קשר בין קטין לבין ההורה האחר שאם לא כן יאבד הוא את זכותו להיות משמורן, בחוטאו לאחד מחובותיו העיקריות."

This translates to English:

"The right of a parent to meet his offspring was defined by the Supreme Court as a natural, basic parental right and the mother cannot revoke this right by stating that it is a legal technicality. Israeli law requires a custodial parent to fulfill his duties and primary parent - otherwise he will lose his right to be a custodian, in his violation of one of his primary duties."

This entire file was open less than a month before Shani referred the family to arbitration and successfully prevented escalation in the severity of parental alienation.

A similar request for "fast track" arbitration was M.Y.P vs N.G.P. (2019)<sup>48</sup>. Like the above case, the father requested arbitration to renew contact with his son. However, the son in this case was diagnosed on the autistic spectrum. This condition seemed to be a contributing factor to parental alienation. On the one hand, parental alienation refers to cases where there is no reasonable justification for contact refusal. On the other hand, the court had to address whether the child's autism would disqualify the parental alienation claim. Prior to Shani's fast

47 נ.א.ני.א (2019) יס (ת"א) 5046-10-19

48 מ.י.פ.ני.ג.פ (2019) יס (ת"א) 40394-02-19

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

track model, the only possible relief available to the alienated parent would have been to claim the son was a “rebellious child” under the exception to the child support law. However, there would have been an argument that the son was not fully aware of the consequences to his “rebellion” due to his autism. Prior to Shani's model, this family would have been trapped in a catch-22 with neither therapy options nor legal remedies. Shani ordered arbitration and began a therapeutic process to evaluate where the family was on the spectrum of parental alienation with specialists who could factor the autistic spectrum into the evaluation and treatment plan. Shani further ordered Legal Aid to appoint a guardian ad litem for the minor. This “fast track” process took Shani one month from the opening of the case to his decision to refer the case for specialized arbitration and specialized therapy with an order to appoint a guardian ad litem for the minor.

There were cases in which Shani transferred custody due to parental alienation. One example was M.D. vs. S.S. (2019)<sup>49</sup> in which the parents had joint custody. The mother petitioned for a reduction in the father's custody due to her concern that he was depressed and possibly suicidal. The court-appointed expert reported that the mother was causing parental alienation. Shani ordered full custody with the father for 90 days at which time he would re-evaluate the situation. He further ordered the mother to pay the father 20,000 shekels<sup>50</sup> for the father's legal expenses. Another example was N.T. vs. E.T. (2019)<sup>51</sup> in which the mother had full custody. Shani determined that she was causing parental alienation. He appointed a social worker at the mother's expense to treat parental alienation. He ordered the FCSS to prepare to transfer full custody to the father if treatment were to fail.

---

49 22078-03-18 (ת"א) תמש (2018) מ.ד.נ.ס.ס.

50 In 2019 the exchange rate was approximately 3.5 shekels to 1 US dollar.

51 1503-02-18 (ת"א) תלהמ (2018) נ.ט.נ.ע.ט.

## QUANTITATIVE CASE LAW ANALYSIS

In *A.M. vs D.M.* (2020)<sup>52</sup> Shani proposed using 51782-01-20 (ת"א) עמ"ש from the Tel Aviv district court as a future guide for practitioners in the field of parental alienation. He distinguished parental alienation in a legal context from its context in psychological studies. He explained:

"כאשר מדברים בניכור הורי בעולם המשפט, אנו מדברים לא סתם בניתוק קשר שאין בו הצדקה ממשית, אלא אנחנו מדברים במעשה במזיד שמטרתו לגרום להמשכו של ניתוק הקשר. ארגון הבריאות העולמי ושפע מוסדות אקדמאיים נוספים ראו ניכור הורי כהתעללות והתעמרות בקטין. ניכור הורי פעיל יכול גם יכול והוא נכנס לתחומי העבירה הפלילית ויכול הנוקט בו גם למצוא עצמו עומד לדין בשל הפרת הוראה חוקית."

This translates to English:

"When talking about parental alienation in the legal world, we are not just talking about severing a connection that has no real justification, but we are talking about an intentional act that aims to cause the continuation of the severance. The World Health Organization and many other academic institutions saw parental alienation as abuse and mistreatment of a minor. Active parental alienation can also enter the realm of a criminal offense and it could be that whoever does so also finds himself prosecuted for violating a legal order."

Here Shani challenges the legal system to take on an additional responsibility beyond the academic literature to prosecute criminal aspects of parental alienation in addition to therapy for parental alienation as psychological abuse. He further described the psychologically abusive environment as an outcome of "pathological parenting". This pathological environment can even deteriorate beyond the intent of the alienating parent who created such an abusive environment in the first place.

He clarified that parental alienation is different from contact refusal and the two issues should not be confused. His explanation was consistent with peer-reviewed literature from

---

52 א.מ. מ'ד.מ. (2019) תלהמ (ת"א) 46095-10-19

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

Gardner (1985) through Lorandos (2020c). Shani's model emphasized that contact refusal happens in situations where children have a legitimate reason to refuse contact with at least one parent. Parental alienation is unique to situations where children have no legitimate justification for severing contact with targeted parents. Shani's model explained the real cause for a child's severance of contact in the context of parental alienation would be the “pathological” environment that the alienating parent created for the children. While psychologists need to treat the “pathogen” in a therapeutic context, Shani's model added responsibility for the family court to additionally provide legal intervention for the accompanying psychological abuse.

### *Halperin-Kaddari et al. (2020)*

This was a letter written in November 2020 that obstructed the court system from expanding the pilot program in Tel Aviv into a national infrastructure. The letter made two unscientific and baseless implications about the pilot program in Tel Aviv. First, it failed to accurately identify false claims of parent alienation that covered up domestic violence by the targeted parents. Second, it frequently transferred custody into the hands of the abusive parent - only to reverse its decisions after discovering the targeted parent abused the children after receiving full custody.

Nearly two years of scientific data from the pilot program in this analysis completely refute these allegations. Of the 65 published claims for parental alienation that Shani heard, he rejected 47 of them and only accepted 18. He sided with women in approximately half his published decisions. Shani's specialized court was the only model in Israel that accurately weeded out 100% of false claims for parental alienation and accurately identified parental alienation 100% of the time. Not a single one of the published decisions in which he transferred custody was later reversed due to abuse by the targeted parents. Quite the opposite, scientific data shows that Shani's model substantially reduced trauma to the children and prevented child



## QUANTITATIVE CASE LAW ANALYSIS

abuse to escalate from deteriorating into forced adoptions. The higher courts upheld Shani's decisions in every appeal. The letter by Halperin-Kaddari et al. (2020) highlights the importance of evidence-based policy. A policy decision based on scientific data instead of political activism will enable the Israeli judiciary to proceed in expanding the pilot program nationwide with confidence that such a policy is scientifically proven to be in the children's best interest.

### Implications

Nearly two years of quantitative data from the pilot program in Tel Aviv demonstrated a substantial reduction in both time and severity of parental alienation cases. The specialized court had a clear and substantial impact on parental alienation both compared to the national average and compared to courts within the same jurisdiction in Tel Aviv. This even correlated to a 15% reduction in the overall number of files opened in Tel Aviv. There were no other models that had such a substantial effect on parental alienation cases.

In October 2020, the Supreme Court (2020) issued an order called “הוראות נוהל של נשיאת” (Procedural Provisions of the President of the Supreme Court) that sought to establish uniform working procedures for all family courts throughout the country to protect children and ensure contact between parents and their children. The purpose of the procedure was to set a time frame for proceedings to be a prompt and effective response to requests for relief in urgent cases. Fast track procedures from the specialized court in Tel Aviv served as a template for this order. The order explained its rationale as:

”זכות הילד לקשר עם שני הוריו היא זכות יסוד המעוגנת באמנה לזכויות הילד אשר מתיישבת עם עיקרון העל של טובת הילד. הזכות הוכרה זה מכבר בפסיקת בתי המשפט כמקימה הגנה וסעד משפטי. מנגד ובמקרים של חשש לפגיעה בילד על ידי מי מההורים או אלימות ביניהם שהוא עד לה ומכוח אותו עיקרון, זכות הילד היא גם למוגנות בקשר. בכל מקרה של פגיעה בקשר בין הורים לילדיהם ובשל החשש להתפתחותו הרגשית התקינה של הילד, לממד הזמן חשיבות והשפעה מכרעת על התמודדות והתערבות יעילים בבעיות בקשר שבין הורים לילדיהם הקטינים.”

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

This translates to English as:

“The child's right to contact with both parents is a fundamental right enshrined in the Convention on the Rights of the Child which is consistent with the overriding principle of the best interests of the child. The right has long been recognized in court rulings as establishing legal protection and relief. On the other hand and in cases of fear of harm to the child by any of the parents or violence between them that he witnesses and by virtue of the same principle, the child's right is also protected in the relationship. In cases of harm to the relationship between parents and their children and due to the concern for the normal emotional development of the child, time is of crucial importance and influence on effective treatment and intervention in problems with relationships between parents and their minor children.”<sup>53</sup> (para 1).

This Supreme Court order intended to expand Tel Aviv's pilot program to every jurisdiction in Israel. Once implemented, each jurisdiction could offer a fast-track court to address parental alienation. The first hearing would be set within 14 days after the opening of each case and a treatment plan would be in place within 30 days.

The Supreme Court issued this order in October 2020 and the analysis period ended in December 2020. Therefore, implementation of the Supreme Court order did not occur before the end of the analysis period. As stated in chapter 4, there was not an even distribution of parental alienation cases in every municipality, however, there was sufficient distribution of parental alienation cases among regions to justify a specialized court in each geographic region. This would allow citizens in every geographic region of Israel similar access to a specialized judge as the citizens in the Tel Aviv jurisdiction currently have.

There has not yet been a peer-reviewed needs assessment on how Israeli leadership should manage parental alienation cases in accordance with the above-mentioned order. Once

---

<sup>53</sup> Translated from Hebrew to English by the author.

## QUANTITATIVE CASE LAW ANALYSIS

the court system builds a national infrastructure to comply with the Supreme Court (2020) order, there can be a study on how the specialized court will have scaled from Tel Aviv to a national infrastructure. Meanwhile, the data currently available for a specialized fast-track court is from the pilot program in Tel Aviv.

### **Future Research**

Psychologists are most commonly responsible for diagnosing and treating parental alienation. However, psychiatrists also diagnose and treat complex cases of parental alienation. Social workers provide follow-up therapy prescribed by psychologists and psychiatrists. There should be inter-disciplinary studies that follow up on the recommendations by Toren et al. (2013). Follow-up quantitative and qualitative studies help teams of psychologists, psychiatrists, and social workers formulate inter-disciplinary treatment plans for parental alienation. Such treatment plans would be useful for healthcare institutions under the Ministry of Health as well as FCSS professionals who collaborate with disciplines under the Ministry of Justice, the Ministry of Welfare, and the Ministry of Health.

Qualitative studies should follow up on the findings from this analysis. These studies will provide insight into the various types of experiences with parental alienation from the perspective of the families. Such insight will enable management to offer treatment plans for the most frequent types of cases while also being adaptable to unique cases. It will also allow management to formulate community-based educational programs and intervention plans. Lastly, it will provide essential data for judicial, welfare, and health authorities to adapt to the needs of families suffering from parental alienation.

Mixed method studies can expand upon qualitative studies. There can be semi-structured interviews with a target group and a control group who also answer surveys with 5-point questions based on the Likert scale. The purpose is similar to the qualitative studies, with the

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

additional component of comparing results with a control group. This allows management to monitor ongoing progress and adapt policies as the needs of stakeholders change. The findings can be shared and implemented across the collaboration network.

### **Conclusions**

Data from the pilot program in Tel Aviv shows this to be the most effective model to improve the management of parental alienation cases in the Israeli judiciary. While the analysis found statistical significance in other factors such as geography, models, and court types, none was enough to overcome the overall 99% failure rate to intervene or effectively treat parental alienation. This applied to both the target group and the control group.

By contrast, the fast-track pilot program in Tel Aviv successfully identified parental alienation in 100% of the cases where there were signs of parental alienation and even successfully weeded out 100% of the claims filed as parental alienation that were not actually parental alienation. The pilot program in Tel Aviv successfully reduced the time needed for decisions to less than 1 year - with a rate of failure to renew contact that was less than 5%. This would seem to indicate a substantial reduction in the social, emotional, and economic burden on families in the system. The data warrants scaling the Tel Aviv program to a national infrastructure in compliance with the Supreme Court order (2020). While a specialized fast-track court may not be feasible in every municipality, there can be a specialized fast-track court in each geographic region allowing every citizen nationwide to have the same access to a specialized court.

Legislation has failed thus far and none of the healthcare providers have treatment plans for parental alienation. Despite Monnickendam-Givon (2019) recommending educational programs to prevent parental alienation, no Israeli authority has invested in such programs on a national scale. Quite the opposite, Israeli academic signatories joined Neilson et al. (2019) to

## QUANTITATIVE CASE LAW ANALYSIS

oppose the inclusion of the parental alienation diagnosis in the ICD-11 publication - much less spend money on educational programs that highlight parental alienation as a psychological disorder that needs intervention or treatment.

Results of the analysis corroborated both international studies and the prior Israeli study by Toren et al. (2013) that found a correlation between quick intervention and a substantial reduction in the severity of parental alienation. In fact, the pilot fast-track program in Tel Aviv's family court caused a 650% reduction in time cases were open and a 132% reduction in the severity of parental alienation cases. This resulted in a 95.55% success rate for the treatment of parental alienation in the specialized court in Tel Aviv. There was also a 15% drop in new cases in Tel Aviv after the pilot program opened to residents in their jurisdiction. The analysis recommends scaling this pilot program into the court system nationwide. Chapter 6 details recommendations for Israeli authorities to successfully scale the pilot program into a nationwide infrastructure.

## Chapter 6: Recommendations

There are 4 national authorities in Israel with the power to affect nationwide policies on the prevention, diagnosis, intervention, and treatment of parental alienation. These are the Knesset (Israeli parliament), the Ministry of Welfare, the Ministry of Health, and the judiciary. During the analysis period, the judiciary did the most to intervene and treat parental alienation. Moving forward, all 4 authorities could contribute substantially to the prevention, intervention, and treatment of parental alienation within the trajectory currently being spearheaded by the judiciary. All 4 authorities would do well to publish resources, policies, and procedures for treating parental alienation within their jurisdictions. Such publications should be easy for the average citizen to access and understand. All authorities should adopt evidence-based policies to maximize the accuracy of data they use to implement policies while minimizing spurious or biased data. This evidence-based policy can easily fit into a nationwide collaborative network. Below are additional recommendations for each of the 4 above-mentioned authorities.

### The Judiciary

Israel's court system has made substantial progress within the Tel Aviv jurisdiction to intervene in parental alienation cases since 2019. The Israeli judiciary should expand this fast-track program in Tel Aviv to a national scale. While there does not need to be a specialized court in every municipality, there should at least be regional specialized courts available to every citizen in every jurisdiction. In so doing, the court system should adopt current policies from the specialized court in Tel Aviv that proved to be successful. These are as follows.



- The first hearing should be within 14 days of filing a parental alienation claim.
- Specialized diagnostic treatment should begin within 30 days after the hearing.

## QUANTITATIVE CASE LAW ANALYSIS

- There should be a court hearing at least every six months.
- Diagnosed cases of parental alienation should not require more than a year for treatment.
- The court should automatically appoint a guardian ad litem for the children at the opening of every parental alienation file.
- The judge should employ every sanction, penalty, and punishment against the offending party as in any case that alleges domestic violence.

The judiciary can adopt Erez Shani's recommendation in A.M. vs D.M. (2020)<sup>54</sup> to use עמ"ש 51782-01-20 (א"ת) as a guideline for uniform implementation of the above policies in all specialized courts.

The court system should avoid blaming targeted parents for parental alienation in severe cases. It is never appropriate to blame victims of severe domestic abuse – including victims of severe parental alienation. Since parental alienation is a type of domestic abuse, courts should treat victims of parental alienation the same as any other victims of domestic abuse.

Numerous decisions in the analysis complained how the “best interest of the child” policy in the Family Court Law (1995) lacked clarity. Such ambiguity has led to arbitrary and contradictory decisions that exacerbated parental alienation. A specific example from the analysis was the use of supervised visitation centers that lacked any limitation on time or circumstances. It seems this resulted from Lesser (2005) who prescribed such misuse of supervised visitation. However, parents who never endangered their children could find themselves locked in supervised visitation centers for years to see their children without any clarification on how to get out from under such supervision. The court system should set clear parameters for judges to carry out the best interest of the child in every kind of situation that

---

54 א.מ. נ' ד.מ. (2019) תלהמ (ת"א) 46095-10-19

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

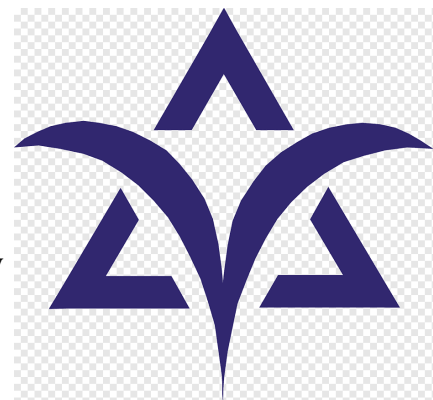
comes up in family court – including parental alienation. These parameters should all come from evidence-based research and should be updated regularly as the needs of the system change.

Attorneys and judges alike should be able to clearly understand the definitions, expectations, and limitations on every policy in the family court system.

Lastly, the court system should place the full child support burden upon alienating parents in diagnosed cases of parental alienation – especially in severe cases. This child support burden should be retroactive from the time signs of parental alienation first manifest until healthy contact gets fully restored between the alienated parent and the child. This policy would lift the economic and psychological burden off the victims and place them on the abusers. The analysis found too many cases in which the child support burden exacerbated parental alienation because the only theoretical relief available to the targeted parent was to blame the child as a “rebellious child”. In essence, this forces one victim of parental alienation to attack another victim in litigation. The trauma for both victims gets further exacerbated when the courts denied such requests – which happened in most cases. This recommendation to shift the child support burden to alienating parents would not only serve to mitigate the psychological abuse – it would also act as an economic deterrent against the abuser from causing further psychological trauma to the children.

### **The Ministry of Welfare**

Israel's Ministry of Welfare is responsible for all licensed social workers in Israel, including all FCSS professionals. The FCSS professionals have a mandate to carry out the court's therapeutic jurisprudence. In other words, the FCSS professionals must create a therapeutic environment within the family court. Every therapist understands a therapeutic environment can only exist





## QUANTITATIVE CASE LAW ANALYSIS

where clients trust the therapists. While this is a difficult task to accomplish in divorce cases, Israel already has resources in the existing system to carry out a therapeutic jurisprudence mandate successfully.

The FCSS management can appoint one of their social workers as a caseworker to manage each case on behalf of the court. In addition, each party (stakeholder) should have a right to bring in a licensed therapist of his or her choice to help the court-appointed caseworker manage the file. This licensed therapist can be another FCSS professional, or from a public clinic, or from the health insurance provider, or somebody whom the party hires privately. The court-appointed caseworker chairs the committee of licensed therapists to provide therapy for each family in family court. In parental alienation cases, all members of the committee need to have qualifications from the Ministry of Welfare or Ministry of Health to treat parental alienation. The committee should meet every 3 months and submit quarterly reports to the court that are signed by the court-appointed caseworker as chair along with the other members of the committee. The FCSS already submits committee reports to the court. Currently, managers from the FCSS appoint all members to such committees from within the FCSS. The difference in this recommendation is the FCSS management would appoint the chairperson of the committee and the parties (stakeholders) would have a say in the licensed therapists to include as members of the committee that provides court-mandated therapy to the families.

Such a policy could even reduce the economic hardship on divorcing families. Every citizen already has free access to licensed therapists either through public clinics or through their health insurance providers. By allowing parties to integrate free licensed therapists into the procedures through their existing channels, the system can reduce the number of instances where the court orders parental fitness evaluations through private institutions that frequently cost over 30,000 shekels (over \$10,000). These costly evaluations are beyond the financial

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

means of most Israelis. Whereas the proposed solution would provide financial relief for most citizens in addition to creating a therapeutic environment based on trust between clients and professionals.

The Ministry of Welfare can also improve public trust in the FCSS by creating a policy that holds FCSS professionals accountable for their conduct. There should be a procedure for the public to file complaints against FCSS professionals without fear of backlash. These procedures and complaint forms should be published in a manner that the average citizen can easily find and understand. The accountability standard can be similar to other licensed professionals such as teachers licensed through the Ministry of Education or doctors licensed through the Ministry of Health. The complaint process should be free of undue influence from the subject of the complaint. An essential part of building therapeutic trust is for vulnerable clients to feel that the system is ready, willing, and able to protect them from any abuse of power.

Lastly, the Ministry of Welfare should adopt the recommendations of Bar-On and Mazeh (2019) that are specific to parental alienation. Their recommendations were inter-disciplinary psychological and legal and intended to help the Ministry of Welfare develop a policy on parental alienation – especially in severe cases. Their main finding was long-term effects of parental alienation negatively affected children of all genders even into adulthood. Data from the current analysis confirms their findings and suggests their recommendations would improve the Ministry of Welfare's ability to treat parental alienation.

### **The Ministry of Health**

The Ministry of Health oversees all licensed psychologists, psychiatrists, medical institutions, and health insurance providers in Israel. Currently, none of the health insurance providers offer therapy for parental



## QUANTITATIVE CASE LAW ANALYSIS

alienation. The current infrastructure allows all citizens free access to psychologists, psychiatrists, and social workers through their health insurance or through public clinics. Citizens even have free access to specialized therapists in a variety of disciplines that affect families in high-conflict divorce. However, none of these psychologists, psychiatrists, or social workers specialize in parental alienation nor even offer therapy for parental alienation. The Ministry of Health should offer training for professionals to offer therapy for parental alienation. Goldin and Salani (2020) provide an infrastructure that helps healthcare professionals identify, diagnose, and treat parental alienation. The Ministry of Health can adapt their report to serve as a training manual for Israeli healthcare professionals.

### **The Knesset**

Israel's parliament is called The Knesset and is responsible for delegating national budgets and enacting legislation that comports with Jewish democratic principles in Israel's Declaration of Independence and Basic Laws. Both documents forbid laws or policies that discriminate against any gender. Both documents highlight the democratic value



of protecting each citizen's right to raise his or her children without interference. The Knesset should abolish gender-based laws that fuel parental alienation and exacerbate psychological traumas to victims of both genders who suffer all kinds of domestic abuse – including parental alienation.

Currently, there are no laws against parental alienation. The Knesset should legislate criminal and civil laws against parental alienation. Existing Israeli laws against domestic violence and defamation could serve as templates for laws against parental alienation. All

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

citizens regardless of gender should have equal protection against parental alienation under such laws.

The Knesset should legislate a statute that holds relevant Israeli authorities accountable to preserve the most natural and least restrictive environment when treating children at risk – including in cases of parental alienation. Israel can use the Children & Family Services Act (1980)<sup>55</sup> as a template for such a policy in Israel. The Children & Family Services Act is in section 20, paragraph 505 of the Illinois Compiled Statutes. The act holds authorities accountable to treat at-risk children in the most natural and least restrictive environment possible for each child's unique case. This includes required case reviews every 3 months and court reviews every 6 months that hold authorities accountable to justify the current treatment plan for each child and timelines to move children to less restrictive treatment plans in a timely manner.

While such a law primarily safeguards children from being locked in institutions whenever less restrictive alternatives are more appropriate in specific cases – it also protects children from actions by authorities that would cause or exacerbate parental alienation. For example, such a law would prevent authorities from imposing supervised visitation centers on children without demonstrating such an imposition is the most natural and least restrictive treatment option for that child. This law would further hold authorities accountable to move such children to more natural and less restrictive environments to see their parents as soon as there is sufficient evidence that such an alternative is available and in the child's best interest. Lastly, this type of law holds the judge responsible with the final say in every case. While reports FCSS professionals play an important role in providing a clear picture to the judge, the FCSS cannot usurp judicial authority from the judge in the process.

---

55 The full text of this law is available online in English at: <https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=242&ChapterID=5>

## QUANTITATIVE CASE LAW ANALYSIS

The Knesset should adopt recommendations by Monnickendam-Givon (2019), who wrote a policy handbook for treatment of parental alienation for the Knesset. The handbook pointed out the lack of current legislation related to parental alienation; which makes intervention and treatment difficult. The handbook suggested policies in hopes that legislation against parental alienation would pass in the future. This would include legislation that sets parameters for diagnosis and treatment.

The Knesset should also adopt recommendations by the Schnitt Committee (2013). They can use the model by Berrick (2021) to implement these recommendations. She suggests the state has a responsibility to ensure a reasonable standard of child welfare in cases where divorced parents lack economic resources to meet financial demands from the courts. Israel is a developed western democracy with adequate resources to use Berrick's model. This model provides an economic safety net for disadvantaged families who cannot keep up with financial burdens beyond their means that come out of family court. It would prevent situations where the court sets up families for failure with child support obligations above 100% of the non-custodial parent's gross income. During the analysis period, the courts set such high child support out of fear that the child would otherwise “starve”<sup>56</sup>. This was despite there already being a program during the entire analysis period to subsidize child support through ביטוח לאומי (National Insurance). However, that program caps payments at 80% of the minimum standard for up to 3 children, does not cover expenses for specialized needs or housing; and treats payments as a loan. Under the model by Berrick (2021), the Knesset would enact legislation and a sufficient budget to require the courts to set child support obligations based on the parents' ability to pay expenses for their children. This legislation would bring Israel in line with other developed western democracies. The existing child support program through ביטוח לאומי could be modified

---

<sup>56</sup> Numerous cases in the analysis expressed concern over “starving” the children as the underlying rationale for their decisions.

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

to cover the child's needs that are above and beyond child support set by the court. This modification to the existing program would factor both parents' financial abilities without requiring either parent to repay a debt to *ביטוח לאומי* in cases where there is economic poverty.

Lastly, the Knesset should allocate funding to educational and therapeutic programs that address parental alienation. This includes programs that raise public awareness about the psychological harm parental alienation causes to children. This could even be part of existing funding to combat domestic violence. Additionally, the Knesset should allocate educational funding for professionals to receive training that allows them to offer specialized therapy for parental alienation. There should be sufficient funding for the Ministry of Welfare and the Ministry of Health to offer easy access to therapy and support groups for parental alienation.

### **Summary**

Israeli authorities strive to be on the cutting edge of therapeutic jurisprudence and have the resources to do so – especially when it comes to prevention, intervention, and treatment of parental alienation. National authorities can accomplish this by creating a nationwide evidence-based collaboration both with each other and with local authorities to address parental alienation. There should be an open environment for all stakeholders to collaborate. Community-based authorities should contribute resources to programs that address parental alienation. Such local authorities include municipalities, schools, community centers, and places of worship. These programs raise awareness in the community about the harm of parental alienation and community-based methods to prevent it within the community. Communities should also host parental alienation support groups and educational programs. Local programs should offer a context for extracurricular activities that allow victims of parental alienation to renew contact with their loved ones. If the Ministry of Justice, Ministry of Welfare, Ministry of Health, and the Knesset invest in a national infrastructure for such collaboration; local and national authorities,

## QUANTITATIVE CASE LAW ANALYSIS

as well as the private sector, could join the network to address parental alienation. Leadership needs to foster an environment of trust as much as possible in a collaborative network that effectively addresses parental alienation.

**References**

- Alfandari, R. (2017). Evaluation of a national reform in the Israeli child protection practice designed to improve children’s participation in decision-making. *Child & Family Social Work*, 22, 54–62. <https://doi.org/10.1111/cfs.12261>
- Aloia, L. S., & Strutzenberg, C. (2019). Parent-child communication apprehension: The role of parental alienation and self-esteem. *Communication Reports*, 32(1), 1–14. <https://doi.org/10.1080/08934215.2018.1514641>
- Attar-Schwartz, S., *et al* (2011). The Geography of Children’s Welfare in Israel: The Role of Nationality, Religion, Socio-Economic Factors and Social Worker Availability. *British Journal of Social Work*; 41, 1122-1139. London, UK. Retrieved from EBSCO.
- Baker, A. J. L, (2005). The long-term effects of parental alienation on adult children: A qualitative research study. *The American Journal of Family Therapy*. 33. 289-302.
- Baker, A. J. L, (2008). Parental alienation syndrome – the parent/child disconnect. *Social Work Today*, 8(6), p. 26.
- Baker, A. J. L, (2020). Reliability and validity of the four-factor model of parental alienation. *Journal of Family Therapy*, 42(1), 100–118. <https://doi.org/10.1111/1467-6427.12253>
- Baker, A. J. L, Murray, C., & Adkins, K. (2020). Parameters of reunification therapy and predictors of treatment success in high conflict divorce cases: A survey of mental health professionals. *Journal of Divorce & Remarriage*, 61(8), 593–614. <https://doi.org/10.1080/10502556.2020.1824206>
- Bayer-Topilsky, T. ,*et al* (2015). Family court social services – national evaluation study. Myers-JDC-Brookdale Institute. Jerusalem, Israel. [https://brookdale.jdc.org.il/wp-content/uploads/2018/01/702-15\\_Summary-eng.pdf](https://brookdale.jdc.org.il/wp-content/uploads/2018/01/702-15_Summary-eng.pdf)
- Bentley, C., & Matthewson, M. (2020). The not-forgotten child: Alienated adult children’s experience of parental alienation. *American Journal of Family Therapy*, 48(5), 509–529. <https://doi.org/10.1080/01926187.2020.1775531>
- Bernet, W. (2020). Response to “Ideology and rhetoric replace science and reason in some parental alienation literature and advocacy: A Critique,” by Milchman, Geffner, and Meier. *Family Court Review*, 58(2), 362–367. <https://doi.org/10.1111/fcre.12489>
- Berrick, J.D. (2021). Imagining a new future: elimination of child support obligations for child welfare-involved families, *Journal of Public Child Welfare*, DOI: [10.1080/15548732.2021.1999362](https://doi.org/10.1080/15548732.2021.1999362)
- Bone, J. M. & Walsh, M.R. (1999). Parental Alienation Syndrome: How to Detect It and What to Do About It: *Florida B.J.*, 44.



## QUANTITATIVE CASE LAW ANALYSIS

Children & Family Services Act (1980). 20 ILCS 505

<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=242&ChapterID=5>

Finzi-Dottan, R., Goldblatt, H., & Cohen-Masica, O. (2012). The experience of motherhood for alienated mothers. *Child and Family Social Work*, 17, 316–325.

<https://doi.org/10.1111/j.1365-2206.2011.00782.x>

Garber, B.D. (2011). Parental alienation and the dynamics of the emeshed parent-child dyad: Adultification, parentification, and infatilization. *Family Courts Review* 322, 49 (2)

Gardner, R. A. (1985). Recent trends in divorce and custody litigation. *Academy Forum*, 29(2), 3-7. <http://fact.on.ca/Info/pas/gardnr85.pdf>

Gardner, R. A. (1998). *The Parental Alienation Syndrome*. Cresskill, 2<sup>nd</sup> ed.

Goldin, D. S., & Salani, D. (2020). Parental alienation syndrome: What health care providers need to know. *The Journal for Nurse Practitioners*, 16(5), 344-348.

Greenberg, L. R., Doi Fick, L., & Schnider, H. R. A. (2016). Catching them before too much damage is done: Early intervention with resistance-refusal dynamics. *Family Court Review*, 54(4), 548–563. <https://doi.org/10.1111/fcre.12242>

Harman, J. J., & Lorandos, D. (2021). Allegations of family violence in court: How parental alienation c judicial outcomes. *Psychology, Public Policy, and Law*, 27(2), 184-208. <https://doi.org/10.1037/law0000301>

Johns, M. Z. (2006). A Black Robe Is Not a Big Tent: The Improper Expansion of Absolute Judicial Immunity to Non-Judges in Civil-Rights Cases. *SMUL Rev.*, 59, 265.

Keidar, G. G. (2021). *Practical Judicial-Therapeutic Model (JTM) For Resolving Disputes in Divorce Proceedings Long Abstract* (Doctoral dissertation, Alexandru Ioan Cuza University of Iasi).

Kulik, Liat; Kasa, Yael-Avero (2014). *Journal of Community Psychology*. Mar2014, Vol. 42 Issue 2, p191-208. 18p. DOI: 10.1002/jcop.21604. Retrieved from EBSCO.

Lavee, E. (2017). Low-income women's encounters with social services: Negotiation over power, knowledge and respectability. *British Journal of Social Work*, 47(5): 554-571.

Lee-Maturana, S., Matthewson, M. L., & Dwan, C. (2020). Targeted parents surviving parental alienation: Consequences of the alienation and coping strategies. *Journal of Child & Family Studies*, 29(8), 2268–2280. <https://doi.org/10.1007/s10826-020-01725-1>

Lee-Maturana, S., Matthewson, M., & Dwan, C. (2021). Understanding Targeted Parents' Experience of Parental Alienation: A Qualitative Description from Their Own Perspective. *American Journal of Family Therapy*, 49(5), 499–516. <https://doi.org/10.1080/01926187.2020.1837035>

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

- Lorandos, D. (2020a). Parental alienation in U.S. courts, 1985 to 2018. *Family Court Review*, 58(2), 322–339. <https://doi.org/10.1111/fcre.12475>
- Lorandos, D. (2020b). Response to Milchman, Geffner, and Meier ideology and rhetoric replace science and reason in some parental alienation literature and advocacy: A Critique. *Family Court Review*, 58(2), 371–372. <https://doi.org/10.1111/fcre.12493>
- Lorandos, D. (2020c). Parental alienation, traditional therapy, and Family Bridges: What works, what doesn't, and why: Part II of II. *American Journal of Family Law*, 34(1), 9–17.
- Lubit, R. (2019). Valid and invalid ways to assess the reason a child rejects a parent: The continued malignant role of “parental alienation syndrome.” *Journal of Child Custody*, 16(1), 42–66. <https://doi.org/10.1080/15379418.2019.1590284>
- Mackenzie, D., Herbert, R., & Robertson, N. (2020). 'It's Not OK', but “It” never happened: Parental alienation accusations undermine children's safety in the New Zealand Family Court. *Journal of Social Welfare & Family Law*, 42(1), 106–117. <https://doi.org/10.1080/09649069.2020.1701942>
- Marcus P. (2017) *Parental Responsibilities: Reformulating the Paradigm for Parent–Child Relationships* *Journal of Child Custody*, October 2017
- Marcus, P. (2019) The Israel Family Court – Therapeutic jurisprudence and jurisprudential therapy from the start. *International Journal of Law and Psychiatry*.
- Marcus, P. (2020). Innovative programs in Israel for prevention & responding to parental alienation: Education, early identification and timely, effective intervention. *Family Court Review*, 58(2), 544–559. <https://doi.org/10.1111/fcre.12486>
- Meier, J. S. (2020). U.S. child custody outcomes in cases involving parental alienation and abuse allegations: What do the data show? *Journal of Social Welfare & Family Law*, 42(1), 92–105. <https://doi.org/10.1080/09649069.2020.1701941>
- Mercer, J. (2019). Are intensive parental alienation treatments effective and safe for children and adolescents? *Journal of Child Custody*, 16(4), 408. <https://doi.org/10.1080/15379418.2019.1662224>
- Milchman, M. S., Geffner, R., & Meier, J. S. (2020). Ideology and rhetoric replace science and reason in some parental alienation literature and advocacy: A Critique. *Family Court Review*, 58(2), 340–361. <https://doi.org/10.1111/fcre.12476>
- Milchman, M. S., Geffner, R., & Meier, J. S. (2020). Putting science and reasoning back into the “parental alienation” discussion: Reply to Bernet, Robb, Lorandos, and Garber. *Family Court Review*, 58(2), 375–385. <https://doi.org/10.1111/fcre.12477>
- Miralles, P., Godoy, C., & Hidalgo, M. D. (2021). Long-term emotional consequences of parental alienation exposure in children of divorced parents: A systematic

## QUANTITATIVE CASE LAW ANALYSIS

- review. *Current Psychology: A Journal for Diverse Perspectives on Diverse Psychological Issues*. <https://doi.org/10.1007/s12144-021-02537-2>
- Morag, T. (2015). *Conference on Parental Alienation*. Tel Aviv University. <https://shalem-ins.co.il/%D7%A0%D7%99%D7%9B%D7%95%D7%A8-%D7%94%D7%95%D7%A8%D7%99-%D7%93%D7%A8-%D7%9E%D7%A8%D7%93%D7%9B%D7%99-%D7%A9%D7%A8%D7%99/>
- Morag, T. (2019). *Children's rights and interests: International Society of Family Law Regional Conference*. Haruv Institute. Hod HaSharon, Israel. [https://www.youtube.com/watch?v=P1Uq\\_c691SA](https://www.youtube.com/watch?v=P1Uq_c691SA)
- Neilson, L. et al (2019). *Collective memo of concern to: World Health Organization*. <http://www.learningtoendabuse.ca/docs/WHO-September-24-2019.pdf>
- Rand, D. C. (1997). The spectrum of parental alienation syndrome. *American Journal of Forensic Psychology* 15(3), 23-39.
- Rao, A. G. (2021). Rejecting “Unjustified” Rejection: Why Family Courts Should Exclude Parental Alienation Experts. *Boston College Law Review*, 62(5), 1759–1796.
- Rowlands, G. A. (2019). Parental alienation: A measurement tool. *Journal of Divorce & Remarriage*, 60(4), 316–331. <https://doi.org/10.1080/10502556.2018.1546031>
- Rowlands, G. A. (2020). Parental Alienation: A measurement tool confirmatory factor analysis validation study. *Journal of Divorce & Remarriage*, 61(2), 127–147. <https://doi.org/10.1080/10502556.2019.1627162>
- Scharp, K. M., Kubler, K. F., & Wang, T. R. (2020). Individual and community practices for constructing communicative resilience: Exploring the communicative processes of coping with parental alienation. *Journal of Applied Communication Research*, 48(2), 207–226. <https://doi.org/10.1080/00909882.2020.1734225>
- Shaw, M. (2019). Misperceptions and misapplications of research in family law cases: Myths of “parental alienation syndrome” and implanted false memories. *Journal of Child Custody*, 16(1), 1–6. <https://doi.org/10.1080/15379418.2019.1609384>
- Templer, K., Matthewson, M., Haines, J. and Cox, G. (2017), Recommendations for best practice in response to parental alienation: findings from a systematic review. *Journal of Family Therapy*, 39: 103-122. <https://doi.org/10.1111/1467-6427.12137>
- Toren, P., Bregman, B. L., Zohar-Reich, E., Ben-Amitay, G., Wolmer, L., & Laor, N. (2013). Sixteen-session group treatment for children and adolescents with parental alienation and their parents. *American Journal of Family Therapy*, 41(3), 187–197. <https://doi.org/10.1080/01926187.2012.677651>
- Verrocchio, M. C., Marchetti, D., Carrozzino, D., Compare, A., & Fulcheri, M. (2019). Depression and quality of life in adults perceiving exposure to parental alienation

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

- behaviors. *Health and Quality of Life Outcomes*, 17(1), 14.  
<https://doi.org/10.1186/s12955-019-1080-6>
- Warshak, R. A. (2019). Reclaiming parent–child relationships: Outcomes of Family Bridges with alienated children. *Journal of Divorce & Remarriage*, 60(8), 645–667.  
<https://doi.org/10.1080/10502556.2018.1529505>
- Warshak, R. A. (2020). Risks and realities of working with alienated children. *Family Court Review*, 58(2), 432–455. <https://doi.org/10.1111/fcre.12481>
- Weisberg, D. Kelly; Appleton, Susan Frelich (2003). *Modern Family Law: Cases & Materials* (9780735524002). p727-845. 119p. , Database: Academic Search Complete
- World Health Organization. (2019). *International statistical classification of diseases and related health problems* (11th ed.). <https://icd.who.int>
- World Health Organization. (2020). *International statistical classification of diseases and related health problems* (11th ed.). <https://icd.who.int/>
- א.ב.ז. נ' ק.מ (2017) תמש (ת"א) 14482-12-17
- א. ג. נ' א. ג (2012) תמש (ת"א) 4745-07-12
- א. מ. נ' ד. מ (2019) תלהמ (ת"א) 46095-10-19
- בית המשפט העליון (2020). הוראות נוהל של נשיאת בית המשפט העליון, <https://www.nevo.co.il>
- בר-און, ענבל, מזאה, יואב (2019). ניכור הורי : סקירת ספרות. משרד העבודה הרווחה והשירותים החברתיים. <https://mazeh.co.il/source/Articles/-/%D7%94%D7%95%D7%A8%D7%99-%D7%A1%D7%A7%D7%99%D7%A8%D7%AA-%D7%A1%D7%A4%D7%A8%D7%95%D7%AA-%D7%93%D7%A8-%D7%A2%D7%A0%D7%91%D7%9C-%D7%91%D7%A8-%D7%90%D7%95%D7%9F.pdf>
- ברגמן, זאב, ויצטום, אליעזר, אורון, ישראל (1995). חטיפת ילד בידי הורה והתיסמונת של התנכרות להורה : [כולל תגובת ד"ר ישראל אורון ותשובה]. שיחות : כתב-עת ישראלי לפסיכותרפיה, 9 (2) : 115-130, 1995 ; 10 (2) : 170-171, 1996.
- גוטליב, דניאל (2004). תסמונת הניכור ההורי רפואה ומשפט, 31 : 106-116, 2004
- ד.פ.נ' מ.ב. (2018) תלה"מ 44950-12-18
- ד.כ.נ' ב.ד. (2018) תלהמ (ת"א) 11686-08-18
- הילה יחזקאל נ' שר המשפטים (2019) בג"ץ 6561/19
- הלפרין-קדרי, רות, ואחרים (2020). פניה דחופה והתייחסות לנוהל "טיפול בתי המשפט לענייני משפחה בהליכים דחופים שעניינם חשש לפגיעה במוגנותם של ילדים והבטחת הקשר בין הורים לילדיהם (הוראת שעה)". מרכז רקמן, אוניברסיטת בר-אילן.
- ה' ר' נ' ה' נ (2001) תמש (חי) 11390/01
- הקטינות נ' ח.ס (2011) תמש (חי) 35358-07-11

- הקטינים נ' אלמוני (2004) תמש (ח"י) 5401-04
- ועדת שניט (2013). דווח הוועדה הציבורית לבחינת ההיבטים המשפטיים של האחריות ההורית בגירושין.  
<https://www.gov.il/BlobFolder/reports/the-public-committee/he/final-report.pdf>
- חוק בית המשפט לענייני משפחה (1995) התשנ"ה  
[https://www.knesset.gov.il/review/data/heb/law/kns13\\_familycourt.pdf](https://www.knesset.gov.il/review/data/heb/law/kns13_familycourt.pdf)
- חוק העונשין (1977) תשל"ז 1977:10  
[https://www.nevo.co.il/law\\_html/law01/073\\_002.htm#Seif257](https://www.nevo.co.il/law_html/law01/073_002.htm#Seif257)
- כהן, א. ופינצי, ר. (2001). נרקיסיום אבהי – קשיי האב שאינו משמורן לאחר גירושין. שיחות, ט"ז, 64-73
- ל. ח נ' ק.ג (2010) תמש (ת"א) 23911-02-10
- ל.ג נ' ע.ח (2017) תלהמ (ת"א) 46294-09-17
- לסר, יעל (2005). מחשבה נוספת: תסמונת הניכור ההורי מנקודת המבט של התפתחות הילד חברה ורווחה: רבעון לעבודה סוציאלית, 25 (3): 341-356, 2005.
- ל. פ נ' נ. ב. פ (2019) תלהמ (ת"א) 49688-02-19
- מ.ד נ' ס.ס (2018) תמש (ת"א) 22078-03-18
- מוניקנדס-גבעון, יסכה (2019). מדיניות לטיפול במצבי ניכור הורי. מרכי המחקר והמידע הכנסת.  
[https://fs.knesset.gov.il/globaldocs/MMM/362831bc-ad82-e911-80f1-00155d0a9536/2\\_362831bc-ad82-e911-80f1-00155d0a9536\\_11\\_13679.pdf](https://fs.knesset.gov.il/globaldocs/MMM/362831bc-ad82-e911-80f1-00155d0a9536/2_362831bc-ad82-e911-80f1-00155d0a9536_11_13679.pdf)
- מ.י. פ נ' נ. ג. פ (2019) יס (ת"א) 40394-02-19
- מרכוס, פיליפ (2019). ניכור הורי וסרבנות קשר: כיצד למנוע כישלון קשר בין ילד להורה רפואה ומשפט, 51 (יולי 2019), עמ' 154-174.
- קסלר, עינת, & טטר, משה (2007). תפיסות תלמידים את המורים המשמעותיים עבורם: השפעותיהן של איכות הקשר עם ההורים ותחושת ניכור מבית הספר היעוץ החינוכי, 14: 76-104, 2007.
- נ. א נ' י. א (2019) יס (ת"א) 5046-10-19
- נ.ט נ' ע.ט (2018) תלהמ (ת"א) 1503-02-18
- עמ"ש (ת"א) 51782-01-20
- פלוני נ' פלומית (2015) בע"מ 919/15
- פלוני נ' פלונית (1996) עע"מ (תל אביב-יפו) 33-96
- פלוני נ' פלונית (2007) תמש (קריות) 9822/07
- פלוני נ' פלונית (2014) תמש (ת"א) 58854-07-14
- פלונית נ' פלוני (2020) בע"מ 6325/20
- פלונית נ' פלוני (2002a) דנ"א 6041/02
- פלונית נ' פלוני (2002b) רע"א 3009/02
- פלונית נ' פלוני (2019a) תלה"מ 25128-08-19

## QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

פלונית נ' פלוני (2019b) תלה"מ 36137-10-19

פלונית נ' פלוני (2007) תמש (קריות) 9881/07

פ.ר נ' ת.א.ע (2005) תמש (בי"ש) 14830/05

רודניקי, יואב, גולדברג, ימימה, רז, שרה (2003). מודל לטיפול בתסמונת ההתנכרות להורה: ניתוח מקרה שיחות: כתב-עת ישראלי לפסיכותרפיה, 17 (2): 158-165, 2003.

ש.ט. (קטינה) נ' ש.ט (2013) תמש (נצ'י) 25370-02-13

**Appendix A:**  
**IRB APPROVAL LETTER**

**Approval Letter**



**TOURO UNIVERSITY**  
WORLDWIDE

**Institutional Review Board**  
**Approval Letter**

For the Protection of Human Subjects

Date of letter:

**Approval Letter**

Principal Investigator:

Title of Dissertation/Research Study:

Student ID#:

Date:

**Your application to IRB to collect data for your research has been reviewed and it appears to meet the requirements for protection of human subjects. Based on this, the TUW Institutional Review Board has determined to approve your application.**

**This approval is valid for one year from the date of this letter. In case any need for modification, complete the modification form and submit to IRB for review.**

Sincerely,

**Aldwin Domingo, Ph.D. Chair, TUW IRB**

Digital Signature  Digitally signed by Aldwin Domingo  
Date: 2021.07.25 12:08:12 -07'00'



**Appendix B:**  
**MULTIVARIATE DATA SPREADSHEET**

QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

Location	Name	Gender	Decisions Control		Decisions Target		Total	# of Years	Low	High	Median	Mean	Severity	Low	High	Median	Mean	
1) Tel Aviv	Arbel Asal, Iris	Female	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Tel Aviv	Bar Yoseph, Shmuel	Male	1	1	1	2	2	1	1	1	1	1	1	2	3	2.5	2.5	2.5
Tel Aviv	Gill, Kerem	Female	1	0	1	1	1	1	1	1	1	1	1	3	3	3	3	3
Tel Aviv	Glick, Shifra	Female	2	3	5	5	1	0	4	4	2	1.8	1	1	3	1	1.6	1.6
Tel Aviv	Grant Yehudah	Male	0	1	1	1	1	3	3	3	3	3	2	2	2	2	2	2
Tel Aviv	Ilotovitch Segal, Iris	Female	3	0	3	3	3	0	3	3	1.333	1	1	1	1	1	1	1
Tel Aviv	Levi, Mordechi	Male	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Tel Aviv	Miller, Alisa	Female	4	1	5	5	1	1	11	4	4.8	1	1	3	3	3	3	2.6
Tel Aviv	Plaut, Varda	Female	1	0	1	1	1	4	4	4	4	4	3	3	3	3	3	3
Tel Aviv	Rish Rothchild, Chana	Female	1	1	2	2	2	4	4	4	4	4	2	2	3	2.5	2.5	2.5
Tel Aviv	Samara, Naser	Male	1	0	1	1	1	0	0	0	0	0	1	1	1	1	1	1
Tel Aviv	Senonit Ford, Tamar	Female	5	0	5	5	5	0	2	2	1.2	1	1	1	4	4	3.2	3.2
Tel Aviv	Shabit Finkelstein, Vered	Female	2	0	2	2	2	1	3	3	1.5	1.5	1	1	3	3	1.5	1.5
Tel Aviv	Shani, Erez	Male	0	18	18	18	18	0	1	1	0.4	0.4	1	1	3	2	1.66	1.66
Tel Aviv	Shilo, Natfali	Male	1	2	3	3	2	1	2	2	1.75	1.75	2	2	3	3	2.66	2.66
Tel Aviv	Shochat, Shaul	Male	1	0	1	1	1	4	4	4	4	4	3	3	3	3	3	3
Tel Aviv	Sivian, Tova	Female	1	0	1	1	1	4	4	4	4	4	3	3	3	3	3	3
Tel Aviv	Zhitnitski Rackover, Ester	Female	2	0	2	2	2	3	4	4	3.5	3.5	3	3	4	4	3.5	3.5
Tel Aviv	UNNAMED	Female	0	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2
Tel Aviv	Rabbinical	Male	0	2	2	2	2	0	1	1	0.5	0.5	1	1	2	2	1.5	1.5
2) Jerusalem	Ben-David Leibei, Orit	Female	0	2	2	2	2	2	2	2	2	2	2	2	3	2.5	2.5	2.5
Jerusalem	Elbaz, Shlomo	Male	2	2	4	4	4	3	5	5	3	3.5	2	1	2	1	1.25	1.25
Jerusalem	Flax, Nimrod	Male	0	3	3	3	3	1	6	6	2	3	3	2	3	2	2.33	2.33
Jerusalem	Gorodtzki, Felix	Male	2	0	2	2	2	2	4	4	3	3	2	2	3	2.5	2.5	2.5
Jerusalem	Greenberger, Ben Zion	Male	0	1	1	1	1	0	0	0	0	0	2	2	2	2	2	2
Jerusalem	Katz, Itai	Male	1	0	1	1	1	1	1	1	1	1	3	3	3	3	3	3
Jerusalem	Marcus, Phillip	Male	4	3	7	7	7	1	10	10	7	6.025	1	3	5	3	3.4	3.4
Jerusalem	Milmon, Nili	Female	2	1	3	3	3	1	11	11	2	4.666	3	3	3	3	3	3
Jerusalem	Tepperberg, Daniel	Male	2	0	2	2	2	1	2	2	1.5	1.5	1	1	3	2	2	2
Jerusalem	Rabbinical	Male	1	5	6	6	6	0	17	17	0	3.833	1	1	3	2	1.83	1.83
3) Nazareth	Gorbitz, Ronit	Female	2	1	3	3	3	2	5	5	5	4	4	1	3	2	2	2
Nazareth	Jayyousi, Sari	Male	2	0	2	2	2	0	8	8	4	4	4	3	3	3	3	3
Nazareth	Zaguri, Asaf	Male	5	8	13	13	13	0	5	5	1	1.46	1	1	3	2	2.9	2.9
4) Haifa	Alon, Esperenza	Female	1	1	2	2	2	1	1	1	1	1	1	2	3	2.5	2.5	2.5
Haifa	Berger, Ben Zion	Male	1	0	1	1	1	1	1	1	1	1	1	2	2	2	2	2
Haifa	Berger, Shoshana	Female	2	1	3	3	3	1	8	8	5	4.666	1	1	3	2	2	2

Sheet1





**Appendix C:**

**NATIONAL RESULTS COMPARED TO TEL AVIV & EREZ SHANI**

QUANTITATIVE ANALYSIS OF PARENTAL ALIENATION

Location	Name	Gender	Decisions		Total	Years	Low	High	Median	Mean	Severity	Low	High	Median	Mean
			Control	Target											
1) Tel Aviv															
Tel Aviv	Arbel Asal, Iris	Female	0	1	1	1	1	1	1	1	1	1	1	1	1
Tel Aviv	Bar Yoseph, Shmuel	Male	1	1	2	1	1	1	1	1	1	2	3	2.5	2.5
Tel Aviv	Gill, Keren	Female	1	0	1	1	1	1	1	1	1	3	3	3	3
Tel Aviv	Glick, Shifra	Female	2	3	5	0	4	2	1.8	1	1	1	3	1	1.6
Tel Aviv	Granit Yehudah	Male	0	1	1	3	3	3	3	3	2	2	2	2	2
Tel Aviv	Ilotovich Segal, Iris	Female	3	0	3	0	3	1	1.333	1	1	1	1	1	1
Tel Aviv	Levi, Mordechi	Male	1	0	1	1	1	1	1	1	1	1	1	1	1
Tel Aviv	Miller, Alisa	Female	4	1	5	1	11	4	4.8	1	1	1	3	3	2.6
Tel Aviv	Plaut, Varda	Female	1	0	1	4	4	4	4	4	3	3	3	3	3
Tel Aviv	Rish Rothchild, Chana	Female	1	1	2	4	4	4	4	4	2	2	3	2.5	2.5
Tel Aviv	Samara, Naser	Male	1	0	1	0	0	0	0	0	1	1	1	1	1
Tel Aviv	Senonit Ford, Tamar	Female	5	0	5	0	2	1.2	1.2	1	1	4	4	4	3.2
Tel Aviv	Shabit Finkelstein, Vered	Female	2	0	2	1	3	1.5	1.5	1	1	3	3	1.5	1.5
Tel Aviv	Shilo, Natfali	Male	1	2	3	1	2	1.75	1.75	2	2	3	3	3	2.66
Tel Aviv	Shochat, Shaul	Male	1	0	1	4	4	4	4	4	3	3	3	3	3
Tel Aviv	Sivan, Tova	Female	1	0	1	4	4	4	4	4	3	3	3	3	3
Tel Aviv	Zhitnitski Rackover, Ester	Female	2	0	2	3	4	3.5	3.5	3	3	4	4	3.5	3.5
Tel Aviv	UNNAMED	Female	0	1	1	1	1	1	1	1	2	2	2	2	2
Tel Aviv	Rabbinical	Male	0	2	2	0	1	0.5	0.5	1	1	2	2	1.5	1.5
<b>NATIONAL</b>															
Tel Aviv			86	86	172	0	17	2	2.5999	1	1	5	5	2.23934	2.23934
Tel Aviv			27	13	40	0	11	1.5	2.1254	1	1	4	4	2.52	1.8737
Erez Shani			0	18	18	0	1	0	0.4	1	1	3	3	2	1.66

Sheet1