

RRD, PCCP, and PA: What's a Lawyer To Do?

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IMPACT OF HIGH- CONFLICT DIVORCE

- Short-term disruption
- Long-term/permanent effects



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SHORT-TERM DISRUPTION

- Normal effects of divorce are intensified
 - Trust and security issues
 - Power and control issues



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SHORT-TERM DISRUPTION

- For parent and child
 - Anxiety, depression
 - Grief
 - Difficulty with change



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LONG-TERM EFFECTS



- Disruption of trust
- Efforts at control
- Inadequate/ Immature coping mechanisms
 - Denial
 - Avoidance

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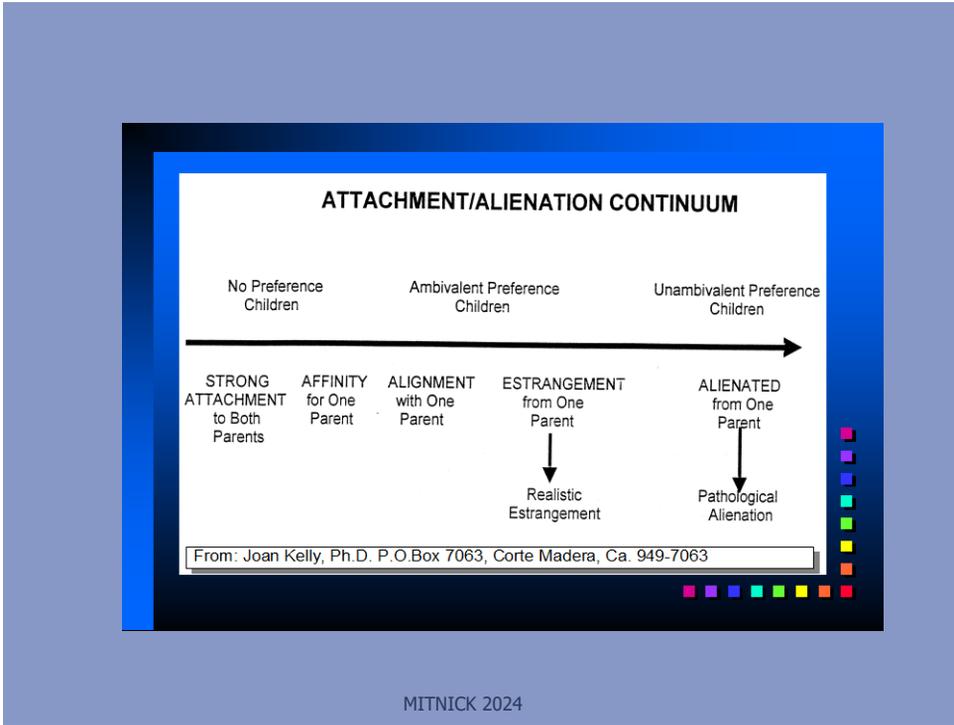
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RESISTANCE/REFUSAL CONTINUUM

Regular/consistent contact	Some contact	Some refusal	No contact
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UNDERSTANDING RESISTANCE/REFUSAL

Children may seek to:

- Align with the more nurturing parent
- Take care of a vulnerable/needy parent
- Avoid the conflict
- Avoid differences in parenting/life style

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UNDERSTANDING RESISTANCE/REFUSAL

- Avoid a non-nurturing relationship
- Avoid disruption of routine
- Avoid dealing with grief about divorce
- Avoid uncomfortable relationship with significant other, stepparent or new siblings

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UNDERSTANDABLE REASONS FOR RESISTANCE

- Healthy and realistic responses to a parent (without abuse)
- Preference for a parent
- Developmentally expectable reactions



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DEVELOPMENTALLY EXPECTABLE REACTIONS

- Separation difficulties
- Gender preference
- Cognitive limits on processing competing loyalties
- Cognitive limits on processing different expectations
- Emotional limits on managing conflict

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AFFINITY FOR A PARENT

- Temperament
- Interests
- Comfort/familiarity with caregiving style

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ALIGNMENT WITH PARENT

- Lack of attunement of other parent – at any age
- Other parent was absent/uninvolved/self-focused
- Other parent “left us”
- Gatekeeping by “in” parent

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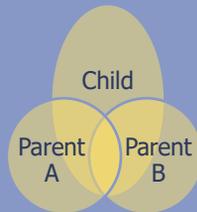


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ASSESSING RESISTANCE/REFUSAL

- Systemic not dyadic analysis
- **Not** Parent A → Child → Parent B



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ASSESSING RESISTANCE/REFUSAL

- Each parent
- The child
- Prior relationships within the family
- Role of extended family
- Professionals' involvement

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THE "IN" PARENT

- Difficulty separating own from child's needs
- Unresolved issues from divorce, e.g. anger
- Unresolved issues from before divorce
- Difficulty sharing child
- Exaggeration of other parent's deficits

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THE "IN" PARENT

- Rigid moralistic attitude
- High level of anxiety
- Sense of superior parenting skills
- Copes through avoidance
- Genuine concern expressed histrionically

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THE "OUT" PARENT

- Difficulty separating own from child's needs
- Insistence on parent's "rights"
- Insensitivity re impact of divorce
- Lack of insight & self-reflection
- Involvement of new partner prematurely

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THE "OUT" PARENT

- Often the parent "wanting" the divorce
- Developmentally inappropriate expectations of the child
- Rigid moralistic attitude
- Inappropriate reactions to rejection

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THE CHILD

- Pre-existing problems
- Weak self-concept/self-esteem
- Unmet dependency needs
- Sense of entitlement
- Feels unheard about concerns



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THE CHILD

- Sense of abandonment
- Triangulated in parental conflict
- Unable to separate self from rejecting parent



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AGE MATTERS

- Can a four-year be “alienated?”
- Why or why not?

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"IN" PARENT & CHILD

- Often enmeshed
- Child as confidante
- Undermining child's confidence in/attachment to rejected parent
- May communicate high level of anxiety and anger to child

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"OUT" PARENT & CHILD

- May or may not have been close before separation
- Rejected parent disparages "in" parent
- Developmentally inappropriate expectations for adjustment to divorce
- Tries to convince child of "wrongness" of other their and parent's views

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"OUT" PARENT & CHILD

- Either too passive or too aggressive in establishing parenting time
- Difficulty separating child's feelings from other parent's

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EXTENDED FAMILY

- Make negative comments about rejected/rejecting parent
- Financially support parent(s)
- Enmeshed with grown child
- Manipulate conflict for own purposes

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THE PROFESSIONAL "FAMILY"

- Parents shop for those who will align with them
- Professional colludes with one parent
- Lack of family system view
- Competition for biggest victim
- Overzealous legal representation
- Lack of cooperation with neutral professionals

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ALIENATION VS. RESISTANCE

The alienated child will:

- Freely express intense dislike or hatred
- Cite trivial or false reasons
- Talk openly about rejected parent's shortcomings
- See the rejecting parent as "all good"
- "Borrow" stories from others
- Reject extended family/pets

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10R's – Deutsch after Gardner

- Reactions unjustified or disproportionate to experience
- Reasons trivial, frivolous, unelaborated or false
- Rigid- opinion of each parent rigid and one sided and refusal to consider alternative explanations
- Repeat same story

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- Rehearsed (sound that way): brittle, affect does not match words
- Radical (extreme, unrelenting)
- Revision of history to eliminate positive memories, experiences
- Relatives become part of rejection
- Remorse is absent
- Reconciliation is rejected

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PARENTAL ALIENATING BEHAVIORS

The alienating parent will:

- Induce anxiety in child
- Control access to other parent
- Blur boundaries
- Interpret events negatively
- Intrude in parent's time
- Use child as spy

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ALIENATION VS. RESISTANCE

- Seduce child away from visits
- Attribute all problems to other parent
- Remove all reminders of parent
- Withhold presents/letters
- Impede phone contact
- Find excuses to cancel contact

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ALIENATION VS. RESISTANCE

- Question child extensively upon return
- Reject child after visits
- Allege abuse of child (flimsy “evidence”)
- View attempts at contact with child as harassment
- Openly denigrate parent to child

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ESTRANGEMENT



- Witnessing violence/verbal abuse
- Experiencing/witnessing child abuse/neglect
- Parent’s mental health problems
- Parent’s substance use issues

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ABUSE VS. ALIENATION

- Is it one or the other?
- Can they co-occur?
- How do you sort it out?

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INTERVENTION PLANNING

- Early is best
 - Use systemic plan
 - Avoid delays

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EARLY INTERVENTIONS

- Order for immediate contact
- Immediate assessment of abuse allegations
- Appointment of decision-maker
- Detailed plan for contact, transportation, phone calls, enforcement methods

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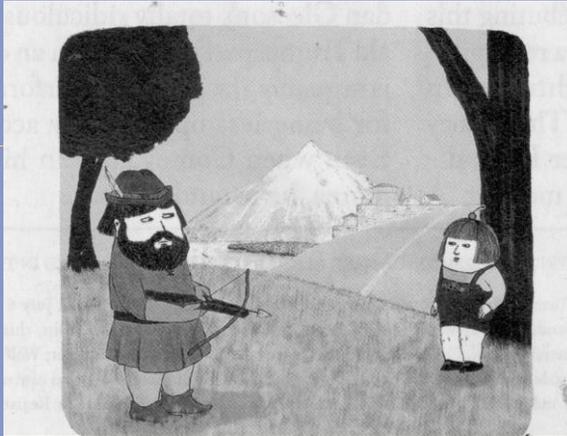
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LONG-TERM INTERVENTIONS

- Individual therapy if needed
- Systemic family therapy
- Monitoring for compliance
- Adjustment of schedule as needed

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Now I see why you only get me every other weekend.

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