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Protocol in the family law procedures in response to malpractice resulting from the application of false parental alienation syndrome

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In the eighties, Psychiatrist Richard Gardner, under the name of Parental Alienation Syndrome (hereinafter PAS), launched an axiomatic system of ideas that seek to explain and solve the minor rejection manifests communicate with one parent when family breakdown occur. The PAS explains this negative as a result of the manipulation that the other parent has on the child. The PAS has not been scientifically proven because of an invalid theoretical model inspired by psychoanalysis. However, the application of coercive treatment that it imposes therapy threat is a reality in many countries. It is necessary to make a reformulation of the practices used by evaluators in family proceedings. A protocol that guarantees the physical and mental integrity of children and the legal certainty of all parties involved is proposed. The protocol covers various areas such as the provision of adequate procedural guarantees (compulsory for all interventions with minors are recorded and the test results provided to the parties, etc.), the establishment of scientific guarantees in determining the test (exclusive use of scientifically backed instruments, such techniques), redefining the concept of children in the justice system and a plan for continuous training for all evaluable legal agents involved in family proceedings in accordance with the concept of minor than proposed.

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Obey the judges or defend the children? Ethical dilemmas of mothers and judicial decisions

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One problem occurs when used in the Courts PAS ideology created by Gardner, is that there is a helplessness by mothers who are referred to as obstructionists. Thus, any actions carried out to try to defend their children; it is considered a way to manipulate the children to avoid contact with their parents and a manifestation of a disturbed mental state. It is understood that mothers who are aware that their children are abused but they cannot prove legal manner, act differently to mothers who could be called "normal" way and therefore oppose the justice system and impeding the provisions of the judges. This research attempts to verify if the "normal" mothers opt for similar reactions to a case where a child is being abused by her father, but legally abuse cannot be demonstrated. Obey the justice system allowing a child maintains contact with his father knowing that is being abused, or avoid such contact disobeying the justice system: A questionnaire of nine dilemmas faced two alternatives is created. In addition, the SCL-90-R personality questionnaire applies. We interviewed 400 mothers. The results indicate how so mostly mothers choose to defend their children and therefore disobey judges. In addition, the results indicated that mothers have normal mental health. It is concluded that the reactions of mothers who are alienating Gardner says they are not, but are normal reactions to any mother and also they have a normal personality, i.e., Gardner's ideas are not appropriate.

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