

Responding to Allegations of ‘Parental Alienation’ in the Family Courts, The use and Misuse of Psychologist Expert Witness Evidence and the Impact on Children’s Rights

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Abstract:

For many years, psychological evidence has been pivotal in some of the most life changing decisions made about children in the family courts worldwide. Nowhere has this been more evident, and the evidence more polarised and contentious than in cases which include allegations of ‘parental alienation’ / alienating behaviours. This paper will consider how in these cases evidence from psychologist experts has been utilised to either promote or erode children’s rights, and the voice of the child. Loopholes in the regulation of psychologists in the UK persist and have allowed for the evidence from unregulated / unregistered psychologists to be admitted in these cases. Successive efforts to improve the rigour of psychologist expert evidence and its use in the family courts led to the development of joint Family Justice Council & British Psychological Society guidance for psychologist expert witnesses and in December 2024 new family court guidance for how allegations of parental alienation/alienating behaviours are responded to. This presentation will chart the development of these guidelines, highlight the dangers of admitting unregulated psychological evidence and make a case for greater rigour in the use of psychological expert evidence in making decisions about children and their rights.

Keywords:

Expert witnesses, parental alienation, regulation.