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The [Parental Alienation Syndrome](#) (PAS) is a [childhood](#) disorder that arises almost exclusively in the context of [child-cu](#)  
[study](#)  
disputes. It results from the combination of brainwashing by one [parent](#)  
against the other parent and the child's own contributions to the disparagement of that parent. Alienating parents fall into three categories according to Douglas Darrell, a psychologist in Youngstown:

1. **The Naive Alienator.** "A naive alienator generally means well and recognizes the importance of children having a [healthy relationship](#) with the other parent," but will occasionally disagree with or have a brief conflict with the other parent. A naive alienator does not usually require continued trips back to [court](#)  
, as he or she is able to communicate with the other parent and work out differences.

2. **The Active Alienator.** Active alienators have a difficult time controlling their frustration, bitterness or hurt. The active alienator usually means well and wants the child to have a healthy relationship with the other parent, but is often unable to make that happen because of the old feelings that they continue to harbor. As a result, the active alienator often finds him or herself returning to court to over problems with parenting time.

3. **The Obsessed Alienator.** The obsessed alienator is a parent whose sole purpose is to align the children to his or her side and destroy the child's relationship with the targeted parent.

Courts in a number of jurisdictions have begun to recognize the Parental Alienation Syndrome. Some courts have even gone so far as to order that custody of the child/children be transferred to the alienated parent. There are no published cases in [New Jersey](#) that specifically discusses the Parental Alienation Syndrome. The court however, does not take interference in the parental relationship lightly. The code of criminal justice provides criminal sanctions for removing a child from the state.

Interference with custody is a crime of the third degree. If the child is taken, detained, enticed, or concealed outside of the United States, interference with custody is a crime of the second degree. A crime of the third degree may lead to imprisonment for three to five years or a fine of \$7,500 or both. A crime of second degree carries a specific term of incarceration from between

five and ten years and a fine of up to \$1,000,000 or both.

In addition to criminal sanctions, the courts may also impose civil sanctions for interference with custody. The injured parent can seek relief for contempt. The remedies and sanctions include: compensatory time with the children for the parent who has been alienated, economic sanctions against the alienating parent, [counseling](#) for the children or parents at the expense of the parent in violation of the order, and or temporary or permanent modification of the custodial arrangement.

Parental Alienation Syndrome is a major problem in child custody cases. One parent must not be allowed to purposely destroy the relationship of their child with the other parent. In order to help prevent this type of interference with the parent/child relationship, a cause of action for parental alienation must be recognized. Parental alienation could be dealt with in the criminal court, in the law division as a tort (meaning a private or civil wrong), or in the family division as part of the divorce.

Recognizing parental alienation as a tort could provide relief for victims of alienation, even though most courts have refused to do so thus far. Courts have recognized causes of action for intentional torts committed by one spouse against another that causes physical injury. The court has even recognized that one spouse may sue the other in a divorce action for intentional infliction of emotional distress. Parental Alienation causes the alienated parent emotional distress, as it prevents the injured parent from having a relationship with their child. A parent who has had a child alienated from them by the acts of the other parent could make out a claim against the alienating parent to establish a cause of action for intentional infliction of emotional distress.

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