

THE IMPLEMENTATION OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD ESPECIALLY FOR CHILDREN OF SEPERATED PARENTS IN GERMANY

Supplementary Report of the NGO "Papa Mama Auch" on the 5th and 6th
State Report of the Federal Republic of Germany to the United Nations

Contributors to this report:

- Almost 1,200 participants
- Almost 900 parents affected
- Nearly 2,000 grandparents affected
- Almost 2,000 children affected



For shared parenting

For reliable contact with both parents

For a happy childhood with separated parents



Adressed to

Committee on the Rights of the Child (CRC)

Office of the United Nations High

Commissioner for Human Rights (OHCHR)

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Preliminary note

The needs and protection of children after separation are still too often exposed to ideologies and arbitrariness, insufficient quality and personal views of professionals in the Federal Republic of Germany. HUDOC jurisprudence is still completely ignored in politics, legislation, courts and authorities.

The 5th and 6th State Report of the Federal Republic of Germany still pays little or no attention to this disastrous situation for children. For decades, serious deficiencies in the German family law and youth welfare system have been continuously complained about. We note that the portrayals of the Federal Republic of Germany are incomplete, often too positive and too often even wrong. The real situation of children of separated parents is not accurately portrayed in the State Report. Unfortunately, the National Coalition has also given this topic only rudimentary space.

This report is based on the experiences of about 1,200 parents and about 2,000 children and shows the real deficits in family law and youth welfare. Authentic, uncensored, comprehensive. The Federal Republic of Germany is far behind the requirements of the UN Convention on the Rights of the Child on the issue of children after separation.

About the authors

As a non-profit association for separated parenting "Papa Mama Auch" we stand for shared parenting, for reliable contact with both parents and for a happy childhood with separated parents. We are in close contact with those affected, professionals and various organizations. We support activities that aim at the well-being of children after separation and divorce. We strive for education and influence on a legal and political level and, if necessary, put our finger on the wound.

Together with our members we are committed to children, mothers, fathers, grandparents and family of children after separation and divorce. And there have been enormous abuses in the Federal Republic of Germany for decades, from which our children in particular, but also entire family systems, have to suffer. Politics in recent years has largely refused to address this issue.





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1st Edition — Nov19-2020

3rd Translation — Jan18-2021

Representative within the meaning of press law: Ulf Hofes





Status report on the situation in family law in Germany

(custody and access rights; parent-child alienation; effects on health and psyche as well as economic performance of affected parents and relatives; quality of family courts and involved professionals as perceived by affected citizens).

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1. Preface

Cornelia Spachtholz



Cornelia Spachtholz, Nuremberg

Chairwoman of the Board of the
Association of Working Mothers e.V.
Co-spokesperson of the alliance [doppelresidenz.org](https://www.doppelresidenz.org)
Initiator Equal Pension Day

Being a parent means taking responsibility for children. A responsibility in which both, mother and father will stand not only during childhood, but throughout their lives. Being a parent - mother or father to a child is a lifelong task - indissoluble and detached from whether or not there is a couple relationship between the parents.

As an association of working mothers, we have always lobbied working mothers and those who would like to become working mothers (again) for a better work-life balance for both women and men from the very beginning and throughout their lives. This also includes the time after a separation of the parents. This makes it even sadder to see that there are children who lose a beloved parent and that other parents are burdened to or beyond their limits - whether as single parents or even as estranged fathers or mothers.

For structural and cultural reasons, despite the increasing employment of mothers and their earlier return to work after parental leave, many families are still based on a traditional family model with a couple relationship between the parents, despite the best-educated generation of women ever. It goes without saying that most of us still assume that after a separation, it is primarily the mother who has to take care of the children and take a back seat to her career. We take it for granted that the other parent, the father, is usually responsible for the financial care of the family and overlook his role as a parent who is also emotionally important and present for children. And the children are then "assigned" to one parent - from residence manifested with applicable registration law to the tax consideration of parenthood, where the child or children are registered; regardless of how the distribution of care between the parents actually takes place and especially without taking into account that children actually need both parents in everyday life and living for a healthy growing up.

In the minds of many people, a shift has already taken place in recent decades toward shared, equal parental responsibility. In 2017, the Allensbach Institute found in a study conducted for the German Federal Ministry for Family Affairs that 77% of people in Germany support equal parenthood with equal responsibility between mother and father. Laws and jurisprudence have not yet adapted to this social change, which has already taken place, and even in 2020 they often still reflect structures that no longer exist as they did in the 1950s of the last century. We urgently need to start breaking down these old role assignments of mothers and fathers, because between these lines those are being ground down for whom parents actually want to and should take responsibility: Our children.

This report provides an important insight into the state of German family law. It shows with depressing clarity, especially in the reports of those affected, what human suffering is caused when families who actually need support end up in crisis situations such as the separation of parents as a couple in a family law system that is obviously not designed for this. We need a contemporary equality-oriented family policy through the overdue change of the relevant laws. This report should therefore also be understood as an urgent appeal for change.



We will only achieve this if we anchor in our consciousness and, above all, in our social, legal and political framework conditions the principle of joint responsibility of both parents for children - from the very beginning and throughout their lives. The model of single parenthood after separation has led to considerable professional disadvantages and overburdening of the single parent, usually the mother, has promoted poverty and psychological stress on children, and has pushed fathers out of responsibility for their children. That is why we, as the Association of Working Mothers, have for years been fully committed to the concept of the alternating model or double residence for post-separation families. We invite a change of perspective and demand, wherever possible, that everything should be done to involve both parents equally in the everyday care of the children and to give our children two homes.

To the point: mothers more career, fathers more family and our children both parents.

This would not only take us a massive step forward socially and in terms of equality. It would also prevent many dramatic cases of parent-child alienation, as can be read here in the reports of those affected. This should be a mission, a motivation and a matter of the heart for all of us.

Cornelia Spachholz
Co-spokesperson of the alliance doppelresidenz.org
Chairwoman of the Board of the Association of Working Mothers e.V.
Initiator Equal Pension Day





1. Introduction

For shared parenting

For reliable contact with both parents

For a happy childhood with separated parents



1. Introduction

As a non-profit association for separated parenting "Papa Mama Auch" we stand for shared parenting, for reliable contact with both parents and for a happy childhood with separated parents. We are in close contact with those affected, professionals and various organizations. We support activities that aim at the well-being of children after separation and divorce. We strive for education and influence on a legal and political level and, if necessary, put our finger in the wound.

It is gratifying that in many countries of the world there is a clear commitment to shared parenthood, even after separation and divorce, and that more and more states are aligning their laws and activities accordingly. It is equally gratifying that the United Nations, with the UN Convention on the Rights of the Child, or the European Parliament, with Resolution 2079, have already taken a clear position and stance in October 2015. An important milestone is also the decision of the European Court of Human Rights (ECtHR) of October 29, 2019 (Application No. 23641/17), in which the ECtHR under sentence 63 with reference to the ECHR (European Convention on Human Rights) emphasizes that it has repeatedly called on the member states - including the Federal Republic of Germany - to do everything possible to effectively counter parent-child alienation.

All of this is happening for good reasons. It is about the well-being of our children and their rights.

UN Convention on the Rights of the Child

As early as 1989, the General Assembly of the United Nations adopted the "Convention on the Rights of the Child" (UN Convention on the Rights of the Child), which was ratified by the Federal Republic of Germany in 1992. According to Article 59 (2) of the Basic Law, they have the status of a federal law. Accordingly, literature and case law today predominantly assume that legal practitioners and those affected can invoke the UN CRC. A central norm of the UNCRC is Article 3 (1), which attaches particular importance to the best interests of the child:

"(1) In all actions affecting children, whether taken by public or private social welfare institutions, courts of law, administrative agencies, or legislative bodies, the best interests of the child shall be a consideration to be given primary weight."

The best interests of the child include, in particular:

Art. 4 (Realization of the rights of the child)

Art. 5 (Respect for parental rights)

Art. 8 (right to identity of the child (parents, siblings, grandparents, relatives))

Art. 9 (separation from parents only in cases of violence, abuse, neglect (cf. § 1666 BGB))

Art. 18 (Responsibility for the child's welfare with BOTH parents.)

European Court of Human Rights (ECtHR)

The ECtHR is equally clear (citation):

"The Court reiterates that (...) positive obligations are linked to actual 'respect' for family life (...). The Court has repeatedly held that, in cases involving parental rights of access, the State is in principle obliged to take measures to reunite parents with their children and is obliged to facilitate such reunions to the extent that the interests of the child require that everything possible be done to preserve personal relations."

Papa Mama Also understands this as an obligation also of the Federal Republic of Germany to have created the legal basic conditions long ago, in order to fulfill these obligations in the sense of our children in all interests in a timely and dutiful manner.

As a result of observing the political activities of the grand coalition of CDU/CSU and SPD, especially in recent years, on the one hand, and the experiences of those affected on the other, we felt it was time to specifically question where we stand today with our family law.

It is not a scientific work. This was and is not our claim. Rather, we wanted and still want to identify fields of action more clearly, "actually give those affected a voice" and create a basis for taking action in these fields of action, supporting or helping to initiate positive changes. However, the response to our call for participation was so enormous that the results reflect a "status report on the situation in family law in Germany 2021".





2. Survey on the state of family law and parent-child alienation.

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2. Survey on the state of family law and parent-child alienation

Originally, it was "only" intended to be a survey. With the support and guidance of experts, 34 questions were formulated that allowed for many answer options in a value-free manner, for a picture that was as fair and balanced as possible. Among other things, we used the following wording to call for participation in social media (Facebook, Twitter, on our Facebook fan page, under the comments of the responsible ministries Family (BMFSFJ) and Justice (BMJV)), on our homepage and in our membership:

Parent-child alienation - big survey - participate now!

What are the consequences of Parental Alienation for those affected? How does it affect psyche, health and life? What is the quality of the institutions? What is the damage to the economy, health care system, taxpayers? Please participate in this survey in large numbers and tell everyone. The survey appeals to parents, grandparents, relatives, life partners. Take part now! Thank you.

This survey ran announced from August 04 to September 30, 2019. 1,177 people participated, including 893 mothers and fathers, as well as numerous grandparents and life partners, even teachers from schools.

Affected are 1967 children here alone

Almost 400 personal messages were left by the participants, of which we can only list a small part in this status report.

It cannot be ruled out that there may also have been multiple participations. Overall, however, there is no reason to believe that the results could have changed significantly as a result.

In Germany still 30-40,000 children lose contact with a parent including grandparents and relatives every year

Depending on the source, between 30,000 and 40,000 children in the Federal Republic of Germany lose one parent under current conditions as a result of separation and divorce, or as a result of parental disputes or a lack of attachment tolerance. The answers and furthermore the reports of those affected give a comprehensive overview of possible causes, but also of deficits in qualification, quality or basic attitude of professionals and institutions.

Interviews with formerly estranged children

A look at the consequences in today's adults, formerly estranged children should contribute to the overall picture more than it has succeeded under the given circumstances and in this very difficult environment. We could not and did not want to put such a survey online "just like that".

We knew from our daily work that it is difficult for formerly alienated children to talk about their childhood experiences throughout their lives and that such conversations must be conducted with great empathy. Due to the traumatic experiences, the filling out of a questionnaire must never be done without the accompaniment of the affected person, because the discussion can very often trigger "inner crises" or a "flashback" (quotes from affected persons). All the more we would like to thank the formerly alienated children who were both willing and actually answered the questionnaire. We know how much overcoming this costs and how much formerly alienated children still suffer from it today.

All evaluations have been processed with the utmost care and conscientiousness. We would like to thank all experts for their expertise and support. Their cooperation and also their monitoring mean that we are able to provide important impulses about the situation in family law in the Federal Republic of Germany with this status report. In particular, we would like to thank almost 1,200 mothers, fathers and relatives, without whose cooperation this impressive and very comprehensive status report would not have been possible. We very much regret that, for reasons of space, we cannot list all of the nearly 400 personal messages.

Now, with regard to the 1,967 children affected in this survey alone, there are important reasons to take this status report seriously and to finally initiate urgently needed reforms in the Federal Republic of Germany in a timely manner with a view to the children.





3. Results, values and affected persons' reports

Included are survey results, values and field reports on the following topics:

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3. Results, values and affected persons' reports

General questions and answers - The parents

Which parent is believed to be affected by parent-child alienation?

Parent:	All participants (<i>n</i> =1,177)	Parents only (<i>n</i> =893)
Mother	30,2%	34%
Father	69,8%	66%

The high percentage of mothers who lose contact with their children shows that it is neither a father problem nor a mother problem, and thus not a gender problem, but a significant and serious social problem.

What arrangement did the parents have prior to the break in contact?

Regulation	All participants (<i>N</i> =1,177)
Joint parenting as a couple, then separation	56,4%
Main caregiver parent in the residential model	11,0%
Contact parent in the residential model	17,4%
Alternating model (care at least 40/60)	5,8%
The children were taken into care	9,3%

For the most part, the principle of "he who has the child has the power" still seems to apply. At the same time, loss of contact can always affect parents in other constellations. There is neither certainty nor a clear base for ensuring that children have both parents first and foremost, even in the event of a dispute. However, the majority of cases show that the greatest risk of loss of contact occurs immediately after separation or for so-called "contact parents". In both cases, children are predominantly in the main care of one parent.

What is your own relationship to the estranged parent?

	All participants (<i>N</i> =1,177)
Am myself a parent with loss of contact	76%
Am myself the alienating father / mother	1%
Am life partner of estranged parent	11%
I am the life partner of the estranger	1%
We are the grandparents	5%
We are relatives	2%
We are friends / acquaintances of the estranged parent	3%
School, kindergarten, other environment of the alienated child	1%

Parents affected by contact termination have predominantly reported. Nevertheless, it can be seen that it also affects the environment of the children and the parents. Among others also some teachers of children.



How many children are affected by parent-child alienation?

1,967 children affected

	Cases	Number of children affected	All participants (<i>n=1,177</i>)
1 child	610	610	52%
2 children	403	806	34%
3 children	105	315	9%
4 children or more	59	min. 236	5%

In this survey alone, there are at least 1,967 children affected by contact termination.

How old were the child/children when the break in contact began?

	Youngest child	Share in %	Oldest child	Share in %	(<i>n=1,175</i>)
0-3 years	421	36%	263	22%	
4-6 years	292	25%	259	22%	
7-12 years	400	34%	476	41%	
13-16 years	57	4%	143	12%	
16-18 years	7	1%	34	3%	

The greatest risk of contact breakdown occurs between birth and age three and between ages 7 and 12. In 95% of cases, the youngest children are between 0 and 12 years old. For the oldest children, the figure is 85%.

What was the estranged parent's relationship with the child prior to the loss of contact?

	All participants (<i>n=1,177</i>)	Mothers	Fathers
Cordial and affectionate	80%	75%	82%
Normal	12%	14%	11%
Tense	7%	10%	6%
Not specified	1%	1%	2%

The majority state that the relationship was cordial and loving. At the same time, 7% admit that the relationship was "strained". Due to the large scope of the survey, we refrained from asking about the reasons.

How long has or has the parent had no contact with the child?

No contact since:	All participants (<i>n=1,177</i>)
0-6 months	37%
6-12 months	18%
1-4 years	30%
5 or more years	15%



3. Results, values and affected persons' reports

Reports from affected persons

Digits: Date & time of receipt for documentation and tracking purposes.

06-08-01-40

I found many of the professionals involved (counselors, family helpers, youth welfare office (German Jugendamt), guardian ad litem) to be very concerned. Basically, everyone in our case had the attitude that it would be better for the children to have contact with both parents. It was also recognized and named that the children were influenced by the father, the father was not cooperative, etc.

Yet no one has been able to help. Effective tools to counteract severe parent-child alienation (i.e. children massively reject one parent) are lacking. Even informed professionals end up looking helpless. Available tools such as parental counseling or mediation are mostly based on voluntary cooperation and are ineffective if one parent is not cooperative. Pressure could be exerted by the court, but apparently the courts are reluctant to do so.

Most experts lack sound knowledge on the subject. For example, there is a widespread belief that children's rejectionist attitudes will dissipate on their own with a little rest.

Parental counseling took place as pure moderation instead of mediation, i.e. we parents were not taken by the hand to find solutions, but we were expected to find solutions together on our own, while the counselor only paid attention to the observance of rules of conversation and stopped the conversation in case of massive non-compliance. In my opinion, good, informed counseling in the phase shortly after the separation, which would have really worked seriously with us to develop solutions, could have prevented the estrangement.

The court works extremely slowly. In the initial phase, when the alienation could still have been prevented, no timely appointment was scheduled; this only took place after the break-off of contact more than three months later. More than a year passed between the decision to have an expert opinion prepared and the start of this expert opinion.

30-08-11-02

I always stayed on and kept in touch with my child by all means, even outside of set times. After twelve years, my child then moved in with me when he was 14 years old. That was more than two years ago. Now the mother lives the love withdrawal to her son and has almost no contact. She does not pay alimony either, we do not get signatures etc. from her.

06-08-23-27

The mother wants to remarry soon. The child has been told that her mother's new boyfriend will soon be her new father. When she grows up, she is no longer allowed to go to dad's house, because dad can't take the new baby either and the new baby should not be disadvantaged.

04-08-23-32

My ex-wife secretly moved 600 km away with our daughter (then 11 years old) during the summer vacations after I remarried. Despite shared custody, she had no problems whatsoever to move my daughter on her own. Court, guardian ad litem, youth welfare office (German Jugendamt) - they all believed the mother's statements. The daughter was then completely alienated, so that she refused contact with me for no reason, but voluntarily. Contact was suspended by the court for a certain period of time. Since I did not want to put my marriage and the children further at risk, I gave up my 5-year-old very expensive and unsuccessful fight. But the biggest loser was my daughter. She was my princess and her father was brutally taken away from her. The family law system provided massive support in this.

10-08-07-07

I try everything to be allowed to see my daughter and to fulfill my fatherly duties. The mother refuses and forbids me.



06-08-13-15

Before this relationship with a father with a daughter from his first marriage, I would not have thought it possible what happens in Germany at the family court and what is done to children and families.

My perceptions: It is state-sponsored child abuse; the alienators are not held accountable; primary caregiver parents can do whatever they want - lie and conceal information, manipulate the child, move just like that and enroll the child in another school - joint custody does not exist; judgments are not worth the paper; help is not available anywhere; even judges do not abide by the law; after all, they cannot be prosecuted and the public is excluded and does not get to hear about it; the Jugendamt lacks motivation.

15-09-19-51

My husband is increasingly alienated from his children by the mother influencing the children. The whole thing is now going to the OLG because she does not agree with the agreement, which she also agreed to, from the family court.

19-09-15-45

The father has left the mother. Since then, the children are persuaded that the dad is evil. No matter what, he is always to blame!!! One child speaks very maliciously to dad and spies on dad to report to the mother. The mother wallows in victimhood in front of any institutions. Contact is always proactively thwarted by the mother. At the time of separation, the children were 8 months and 2.5 years old. Now they are 14 and 16. The hatred for the father does not end on the mother's side! WhatsApp messages from the father to the children, for example, are read by the mother and also answered in her name.

04-08-17-19

After I was not allowed to see my child for about five years, I heard that he was treated in the hospital for serious illness. I just went and stayed with my child in the hospital for three months. It was already happy on the first day.

Since then I am allowed to take care of the child as much as I want.

(Note: Here it ended happily. This is not the rule and should be carefully considered and thoroughly weighed with regard to possible consequences!)



3.1 Almost always affected: The grandparents

When children lose grandma and grandpa

Who all is affected by the break off of contact besides you?

Reference person:	All participants (n=1,177)
Grandparents	80%
Friends / extended family	70%
Uncles / aunts	67%
(Half) brothers and sisters	38%



When children lose a parent in Germany, they almost always lose grandma and grandpa, as well as other caregivers, confidants and protectors.

Giving a voice to those affected:

When grandparents are not allowed be grandma & grandpa in Germany

30-09-19-32

I am a grandmother and I am fighting for the right of access to our grandson, whose mother has died. My grandson lives with a friend from the childhood and teenage years of my deceased daughter, who offered to take the little one the day after her death. Until the day of the handover, the little one lived with me for almost a year. In this time the youth welfare department (German Jugendamt) has checked this family. After the handover, the family of origin was boycotted and I as a grandmother half a year later. Since then I have to fight every step with the lawyer.

The guardian and guardian ad litem are taking the path of least resistance without thinking of the child's welfare, even though it came up in court that this is a "power play." They have not even talked to us, the family of origin.

Every child has a right to his or her biological family.

I wish for fair judges who look closely, have the perspective and make wise decisions.

22-09-13-25

We are alienated grandparents, do not see our grandchildren just like the biological father since 29.12.2017 despite two court hearings. The faith in our constitutional state is lost. Contact boycott and parent-child alienation belong in the criminal code



22-08-11-07

Thank you in advance for your activities to help bring attention to child abuse through parent-child alienation!

Grandparents to this day have no regular voice in this tragedy of parent-child alienation. It is bad enough how the biological father - our son - is treated by the institutions. As grandparents, we don't exist at all for the institutions, despite all the grown bonds and relationships with our grandchildren - one boy, one girl. The breakdown of ties and relationships simply goes unnoticed by all those institutionally responsible.

In our case, we had met, cared for and done things with both grandchildren several times a week for most of the years since they were born until we separated (playground, park, sports, romping/playing in the nursery, sometimes homework, plus vacations together with parents and grandchildren, etc.).

Due to the abrupt separation of the mother from our son, the togetherness of the two grandchildren with us as grandparents was also simply erased. Although there were demonstrable ties and relationships between grandparents and grandchildren, these ties played no role whatsoever at the youth welfare office (German Jugendamt) or in court. They were simply ignored - hushed up.

Since the mother had been working full-time in an executive position, she could not afford to take care of the children at all. Nevertheless, she was - tacitly - allowed to have the grandchildren looked after by others rather than by our son as before, or by us as grandparents. Protracted proceedings over several years!

In an expert opinion, the mother had even clearly indicated that she had pursued the radical separation of the children from their father and the paternal grandparents because she had been afraid that she would not have the children with her every day, but that they would ultimately also and more grow up with the father due to the previous care situation (mainly cared for by the father until the separation). In the interest of the children, the father had immediately offered the mother the same care times, i.e. double residence. The mother did not want that. So she kept the children away from the father and us grandparents.

What is sad is that my wife will now probably never see her grandchildren again before she says goodbye to this life. She is now in need of severe care and, due to her severe Alzheimer's dementia, no longer has any knowledge of her own identity or of people close to her. Even most recently at the beginning of this year, however, she still had a memory of the "twos" and asked - visibly moved - about the "twos" in the few light moments, only to sink completely back into dementia.

Due to my age and numerous ailments, I too am looking a little closer to the end of my life. My deepest wish is to be able to see and experience my grandchildren once again before then.

We as grandparents are always struck with multiple sorrows: we see the sorrow of our own child and at the same time the sorrow of our grandchildren who are deprived and alienated from their own father.

Thank you again for your work.

A alienated grandfather



3.2 Family counseling centers and youth welfare offices (German Jugendamt)

Which specialized institutions have been approached to solve the problem?

Institutions addressed:	All participants (<i>n</i> =1,177)	Mothers	Fathers
Daycare center, kindergarten	23%	18%	26%
School	33%	33%	32%
Pediatrician	21%	29%	18%
Family Counseling	64%	61%	65%
Youth Office	90%	88%	91%
Lawyer	85%	83%	85%
Family Court	80%	79%	81%
Other	29%	35%	27%

Although with different weighting, parents literally run "from pillar to post" to get help somehow. It is interesting to note that mothers are more likely to approach the pediatrician, while fathers are more likely to approach the daycare center/kindergarten.

Only if used: What was your experience/impression, if any, with family counseling?

Parents' impression:	All participants	Mothers	Fathers
They're not trained on parent-child alienation	51%	48%	53%
They're trained on parent-child alienation	7%	7%	7%
They want to look	7%	6%	8%
They do not want to look	45%	49%	43%
They take a targeted and successful approach	4%	6%	4%
Chaos and randomness characterize counseling sessions	33%	28%	35%

According to the impression of a good half of the parents, the family counseling centers are apparently not trained in the problem of parent-child alienation or do not want to look. A good third of the parents, with more fathers than mothers, feel that the counseling sessions tend to be characterized by chaos and randomness. Only a single-digit percentage of parents give family counseling centers a positive report card.

What was your experience / impression regarding the coordination between family counseling and youth welfare office (German Jugendamt)?

Impression of participants and parents (<i>n</i> =997)	All participants	Mothers	Fathers
Both entities acted uniformly well	4%	3%	4%
Both agencies acted uniformly unilaterally or poorly	43%	43%	43%
The work of family counseling was not taken over by the youth welfare office	29%	28%	25%
Other	10%	10%	14%

The participants evaluate the work of the family counseling centers rather uniformly. It needs to take a closer look, if 25-30% of the participants determine that the work of the family consultation is not taken over by the youth welfare offices (German Jugendamt), whereby from the previous question with quality and basic attitude more exactly one should look.



What was your experience / impression, if any, with the Youth Welfare Office (German Jugendamt)?

	All participants (n=1,177)	Mothers	Fathers
Very good, were very concerned and helpful	4%	4%	5%
Inconsistent and unpredictable - depending on the case manager	36%	41%	34%
The duties of both parents came up short	19%	14%	21%
Not good, my impression was a one-sided approach in the consultation. I did not feel heard.	64%	59%	66%
They are trained on parent-child alienation	6%	9%	4%
They're not trained on parent-child alienation	55%	51%	56%
Poor, nothing was done to improve the situation	75%	77%	74%

This question was about the personal, subjective impression of the persons concerned, and the answers of all participants were close to each other. **4% of the participants confirmed to the youth welfare offices (German Jugendamt) that the staff members were concerned and helpful.**

What is your overall impression of the Youth Welfare Office's quality development/quality assurance? Youth Office:

	All participants (n=1,177)
Has demonstrated mediation or communication skills	5%
Has not demonstrated mediation or communication skills	59%
I have experienced as a neutral institution	6%
I have experienced as a one-sided biased institution	62%
was successful in terms of family support	1%
Was not successful in terms of family support	74%

This question was about the quality and success of the youth welfare office (German Jugendamt). People almost completely lack mediation or communication skills and neutrality. **1% of the participants confirm the youth welfare offices (German Jugendämter) successful work in terms of family support.**

What has been your experience with reporting from Child Protective Services to Family Court?

Impression of participants and parents (n=1,177)	All participants	Mothers	Fathers
The youth welfare office conscientiously described impressions to the court	11%	10%	12%
The youth welfare office has described wrong contents to the court	49%	59%	45%
The youth welfare office has fostered alienation through its reporting system	68%	72%	66%

About 10% of the participants state that the reporting system to the family court is conscientious. On the other hand, half of the participants say that the reporting system of the youth welfare office favors false descriptions and two thirds say that it favors alienation. A difficult starting position for necessary further steps of separation families in the interest of the children.



Giving a voice to those affected: Experiences involving family counseling and youth welfare office (German Jugendamt)

29-09-23-01

The Youth Welfare Office has proven incapable of ensuring that both parents are equally available to the child. Through their behavior, only the mother was supported and the father fobbed off with contact. The Youth Welfare Office even ignored half siblings. Appropriate recommendations were made to the family court. The suggestion of an alternating model was rejected by the Youth Welfare Office due to allegedly bad experience, although they have no experience with the alternating model, since they have nothing to do with the alternating model families.

In the end, the child in question lost his father, his siblings and his family. The well-being of the child was trampled on in the process.

05-08-06-34

The child (16) has been so conditioned by the father over the last 10 years that he does not dare to speak his own mind. The youth welfare office sees a very "well-behaved" child. When I then go there with the other very "self-confident" siblings and we complain about the father's behavior and the alienation, I am told that I have "cheeky brats". Without the Youth Welfare Office worker taking the trouble to even talk to a single child alone for a short conversation, without the father or me. The children are 13, 26 and 32 and just like me they want the child who lives with the father to see another way of life and have contact with our whole family. However, I can only pick him up for a few hours. When asked, he then says he would also like to stay overnight. If I then bring this up in the presence of his father, he becomes meek and says "I'd rather not". The only thing I wanted was for the youth welfare office employee to explain to the father that he is obligated to promote contact with the other parent, we have joint custody. The employee has not done this to date. I see this person as incompetent. I have complained to the supervisor and received the answer that the Youth Welfare Office has "more important things" to do than to take care of my dissatisfaction.

27-09-20-46

The situation would never have escalated like this if the youth welfare office had taken a clearer stance when we separated. The mother and I as the father both took parental leave. The mother 6 months, I as father 9 months. After that, we both had part-time as parents. Upon separation, I wanted to continue the alternating care of the child that had been practiced until then. The youth welfare office employee at the time thought this made sense for the child (alternating model), the mother refused. The Youth Welfare Office said that I would have to sue and that the prospects were not good and suggested that I should not do so. Lawyers also saw this as courts would decide in favor of the mother. Thus with the youth welfare office with the mother around each day and/or hour of the contact haggled.

Over the years, the rule was observed less and less by mother. Pick up later, bring earlier. Vacations shortened because of this and that. "Important" dates deliberately set for days with the father. More and more restrictions, exceptions and reasons. The behavior more and more aggressive...

20-09-10-07

The will and the psychological consequences for the child did not interest any Jugendamt and also no court. The child was systematically lied to so that it can accept the situation.



05-08-12-28

The experiences both with the responsible youth welfare office and later in the judicial conciliation proceedings were very bad. Characterized by great passivity; actually, all those responsible just wanted to drop the case quickly and sought the path of least resistance. Unfortunately, this was to the detriment of the children. Unfortunately, the responsible persons obviously do not have these children in mind.

25-08-18-30

Both the youth welfare office and the counseling center seem very powerless. The consensus is that if the mother doesn't want to, she just doesn't want to. There is nothing you can do. Money can be demanded at any time. Contact cannot be established. At some point you reach the end of your money and your strength.

19-09-16-37

As a father, the youth welfare office is happy to send you back home and smile at you. The cooperating Caritas has too young, inexperienced employees. One fights against windmills.

21-09-17-24

The court proceedings have so far all been unilaterally initiated by the alienating parent. The court and the guardian ad litem do not even begin to understand what parent-child alienation is. The youth welfare office has been neutral, but has indirectly supported the alienation through this attitude. The expert recognized the alienation, but was "powerless" due to the age of the children and the refusal of the alienating parent.

12-09-00-12

Unfortunately, the Youth Welfare Office in particular was not in a position to recognize that the mother was only interested in disturbing and preventing contact. Also statements like: "...they have another father now...), were not a sufficient sign for a clear intervention. For the children this must have been a difficult time, I myself almost broke physically and emotionally and saw only the abandonment of contact with my children as a way out. While the mother had attacked me constantly (in court, etc.) before that, she has never again made an effort for a meeting between us since then. Since that time, I only see my kids from a distance once in a while when they have soccer games on fields that can be seen. It hurts to see them and not be able to see them. But it's still good to see them.

20-09-23-42

In the youth welfare offices, care should be taken to make family-oriented recommendations - after the birth of my child, we had three appointments at the youth welfare office to explain joint custody. Each time, the youth welfare office worker showed the mother horror scenarios that could happen if the mother opted for joint custody, which led to the father being denied joint custody.

12-09-16-18

The legislator wants exactly these conditions in the family law, otherwise the family law would have been reformed beautifully long ago. Parents are not to be able to defend themselves at all before the family court against the youth welfare department. In the alleged child protection over 50 billion euro are distributed in the year. At the youth welfare offices very many earn. No family can say no to the youth welfare department. If the Jugendamt says you have a problem, then you have a problem. If the parents say they don't have a problem, then the parents have a problem all the more.



3.3 German Family courts

According to German Law FamFG, a maximum of one month may elapse between the filing of an application and the court hearing in proceedings relating to the law of parent and child. How long did your proceedings last on average from the filing of the application to the court hearing?

	All participants (n=1,177)
4-8 weeks from application to deadline	17,0%
Up to 3 months from application to deadline	25,5%
Up to 6 months from application to deadline or longer	57,5%

Contrary to the legal obligations and the recommendations of experts, in 17% percent of the cases court hearings are held within the legal time limits. In 83% of cases it takes significantly longer, in 58% of cases even up to half a year or more. This period is particularly dramatic when there is a break in contact between parents and children anyway, which is thus further prolonged by the judiciary. A condition that harms children .

What was your experience/impression, if any, with the family court? (Multiple answers possible)

	All participants (n=1,177)
The court worked well in principle	12%
They're trained on parent-child alienation	4%
They're not trained on parent-child alienation	64%
The court did not seek its own clarification	70%

That the court worked well in principle is confirmed by 12% of the participants. At the same time, more than two-thirds complain that the court did not make any effort to clarify the situation itself. In connection with the experiences with family counseling centers and youth welfare offices, proceedings under the law of parent and child are thus increasingly becoming a difficult field for parents and children to which they are at the mercy.

Have (court) agreements been broken by the estranging parent?

	All participants (n=1,177)
Yes	21%
Yes, several times	62%
No	17%

It is enormously important for children that a reliable framework is in place. Breaking agreements contributes significantly to the insecurity of children and parents and accelerates conflicts of loyalty. Professionals and institutions know this. In 83% of our participants, agreements have been broken at least once, and in most cases several times.

What were the legal consequences?

	All participants (n=1,177)
It had no consequences	85%
Court-ordered remedies were ordered but not enforced	10%
Court orders were issued, which were also enforced	2%
Other	3%

If alienating parents do not follow rules, this has basically no consequences. Thus, parent-child alienation is actually favored by family courts; as well as mostly the insecurities / loyalty conflicts of the children.



What do experts say?

From the hearing held in the Committee on Legal Affairs on 25.09.2019.

On 25.09.2019, there was a public hearing in the Committee on Legal Affairs and Consumer Protection of the German Bundestag, which dealt with the "Qualification and further training of family judges and guardians ad litem". You can find the quotes we have taken in the corresponding verbatim record*:

"We are dealing with a complex depth of processing in psychosocial and fundamental rights terms, the need for a highly professional and timely design of the procedure. That is why I strongly advocate the introduction of the six-eyes-and-ears principle even in the first instance. This six-eyes-and-ears principle exists in our legal system in many places, in the labor court, in the administrative court, in the criminal court system and also in the regional court, in the first instance. This should be designed in the same way when it comes to minor children. However, I am in favor of three professional judges and not lay judges. (.)"

The problem in the child cases is the official investigation. It does not say in §26 FamFG, the family court lets investigate, but it investigates itself."

Prof. Dr. Rüdiger Ernst, Presiding Judge at the Berlin Appellate Court, 3rd Civil Senate - Senate for Family Matters

"Misjudgments by family courts, such as in the tragic case of the boy in Staufen who suffered multiple abuse, rightly receive wide - nationwide - attention. And for the first time, this was a case in which the family judiciary and the quality of its training have also become part of the media attention. There is an urgent need to minimize the risks of faulty proceedings and incorrect judicial decisions in the area of the law of parent and child - and by this I mean not only child protection, but all areas of custody and access law. In my view, society owes this to children and parents. At present, it is still possible that after working for a year in the public prosecutor's office, there is a transfer to a family court department with its highly complex proceedings, with its highly emotional hearings, and also with the need to hear traumatized children, which makes high demands. From my point of view, it is questionable to the highest degree that it is possible to work in this field without any previous training. Ministries, state judicial administrations and court presidents often see no problem in this. The field of family law is often treated with arrogance and overestimation, both internally and externally. (.)"

In my view, a family court judge who is not sufficiently qualified or trained cannot exercise the judicial independence granted to him or her under the constitution in the required manner. Why is this so? The concept of the best interests of the child is a general clause. The law of parent and child requires - as a gateway - that non-legal findings be taken into account. If the judges are not aware of the problem, there is a risk that other parties - experts, guardians ad litem, youth welfare offices - will present supposedly convincing non-legal arguments that are then followed. But there are ideological tendencies in these areas as well, and that's a big danger."

Prof. Dr. Stefan Heilmann, Presiding Judge at the Higher Regional Court of Frankfurt am Main, 1st Senate for Family Matters

"But as is often the case, those who need training the most are not taking it. And there is currently no way to support this in any way. (.) I've been in the personnel business in the judiciary for 25 years and I can tell you, I've seen it all. Presidencies that are very forward thinking. Colleagues of judges who very much want to do family cases, conscientiously train themselves, wait to get in there and do quite a lot beforehand - and also the exact opposite: Presidiums that coldly smile and assign family cases to the youngest trial judge, simply because none of the older judges wanted to do it, and also judges who then had to do family cases, who did not care at all about what else there is to know, and who do not react at all to being approached or to the request to perhaps learn this or that. So there is everything. The problem is that we don't have a system behind this, that we can't build on anything that we can assume in terms of competence. In no other area would that be tolerated."

Carsten Löbber, Federal Spokesman of the New Association of Judges - Association of Judges, Public Prosecutors e. V., Berlin, Spokesman of the Family Law Section, President of Lübeck Local Court

*Source Wortprotokoll Rechtsausschuss Deutscher Bundestag:

<https://www.bundestag.de/resource/blob/677388/b33d1d3691f6e4f9cdf7fadc98e21027/wortprotokoll-data.pdf>



"In many cases, the family court judge has, in effect, already lost his or her judicial independence. Judicial independence is lost when the judge is dependent on external evaluations. External evaluations surge into the proceedings in a tsunami-like manner: Father, mother, youth welfare office, experts and legal advisors - everyone brings their evaluations, assessments and private opinions into these proceedings. (.) And because this mountain of facts is so high, there is a danger and, unfortunately, a tendency for family court judges to leave themselves to the assessments of people who are not involved in the proceedings or who are far removed from the proceedings - namely the youth welfare office, experts and, unfortunately, also procedural counsel. The family court must therefore regain its independence and safeguard it against attacks - in my view in the following directions: Towards the youth welfare office: reports and additional work must be critically examined and, if necessary, rejected. Towards expert opinions: Expert opinions must be critically examined, the expert must be given the facts of the case - it cannot be that the expert determines the facts of the case in the first place. Toward procedural counsel: This is an essential part of this reform. I'm fed up with procedural assistants playing the mini-expert and bringing their personal assessments into the proceedings instead of doing what they are paid to do, which is to investigate the will of the child and become active from a child rights perspective - both in relation to the state and the family court and in relation to the parents, so that they can be put back in a position to take on their parenting responsibilities. That would be the job of guardians ad litem."

Johannes Hildebrandt Attorney at Law, Schwabach, Specialist in Family Law

"The response options we have, they are legal. But it is often the case that these cases cannot be solved legally; they are cases that require psychological solutions. That's where I would rather see therapies being allowed to be ordered."

Dr. Jürgen Schmid Judge at the Munich Local Court

"Currently, full-lawyers who have not acquired any knowledge of family law during their entire training and career are employed in the family court up to the second and third instances."

Dr. Gudrun Lies-Benachib, Presiding Judge at the Higher Regional Court of Frankfurt am Main, 2nd Senate for Family Matters

In summary, it can be said that politicians are more than aware of the problems, not only through this hearing, but also through numerous hearings and working groups. It is incomprehensible that the Ministries of Family Affairs (BMFSFJ) and Justice (BMJV) have not long since initiated a fundamental reform of custody and access rights. It is even less comprehensible that, according to the BMJV, "there was not enough time".



Giving a voice to those affected:

Case presentation

We, my partner and I, are in an existentially important and very stressful situation: since the contact arrangement regarding his daughter (7) was unsatisfactory from both our and his point of view, we had applied for an extension of the contact, but above all for a continuous vacation arrangement. Both have been rejected.

At the same time, the child's mother had demanded that contact with the father be excluded because, in her opinion, contact with the girl would endanger the welfare of the child; this, in turn, was also rejected by the family court.

In the associated three hearing dates and in the reasons for the order, the court discussed only the question of a possible risk to the welfare of the child by the father, but did not deal with the father's application and its reasons.

On the situation of the past years:

The parents, who were not married, had separated at the mother's request immediately after the birth of their daughter; at the same time, the mother had brought about a spatial separation of 600 km. An agreement on how both parents could now take good care of their daughter - this was the wish of the father, who incidentally lives in Germany but has a different, Western European citizenship - could not be brought about. The father subsequently took a small apartment near the mother's new apartment in order to be able to see his daughter regularly. After about two years, he was also granted custody upon application. At the same time, a contact arrangement based on the residence model was established by the court, initially for a period of about one year, including holidays. However, the parents then increasingly lived a block model according to individual agreement, so that the girl could be with the father for about one third of each month; in addition to bonding, this also allowed continuous contact with the father's family. After a further three years, the mother had the court enforce that the father's contact with his daughter should again take place in the residential model.

This family court order is still valid today and means that every second weekend is contact for father and daughter. The vacation regulation allows the father to spend some of the vacations with his daughter, but several vacations are completely excluded. In addition, the regulation leads to the fact that every second school year between the summer vacation times (under-half!) Exclusively three vacation days during the Christmas vacations were decided. Holidays, if they do not fall on contact weekends, were not taken into account.

On the current situation:

Before the district court, we recently had no success on a more continuous vacation arrangement or an extension of contact (the weekends should be extended to five days each). By the way I say - although formally of course the father alone draws - here consciously we, because the loads of the court procedures, also economically, hardly by a humans alone to be carried can and because, the impression forces itself to me meanwhile, a father, a man alone before a family court hardly seriously is taken. Both, vacation times and contact extension, the family court considers not particularly significant for the child welfare. And that is the criterion cited by the court for any kind of modification of the decision.

Thus, our only legal option would be to file a complaint with the competent Higher Regional Court (OLG) regarding the decision by the local court. Efforts to talk directly with the child's mother in order to discuss the child's needs are rejected by her or, as described above, answered with the demand for a complete break-off of contact.



This means that we theoretically have a chance to obtain an extension of the existing contact arrangement. However, since there seems to be a high risk that in such proceedings a Higher Regional Court would not only not change the current situation, but would even restrict or even suspend contact on its own initiative, this puts us in an unbearable ethical and emotional quandary: Shouldn't a father make an effort to maintain the bond with his child, to care for it from his side, to support and encourage it? This takes time, even in everyday life. And above all, more than two weekends a month. Surely our modern understanding of "being a father or mother" cannot be met with a "visiting father" model? After all, society demands that men and fathers should be involved in all aspects of the lives of children and their children, that they should participate equally and take on responsibility.

How should we decide now?

To leave the situation as it is, which we see as insufficient in terms of father and daughter spending time together? Out of fear of having this time further restricted by a court, which we ourselves call upon for support in clarifying this question? Out of fear of losing the child completely and possibly not being able to see her at all?

We were told, and unfortunately we have heard of such situations several times, that even if the court should find, even if a psychologist should find that the bond between a father and his child is stable, that the child loves and needs his father, it could still be that the court's decision would be that if the parents, because they are separated as a couple, cannot agree on their parental duty, it would be better for a child to then grow up with only one parent.

I, by the way, myself a graduate psychologist and also a mother, cannot believe that in the year 2020 we can socially want a child to lose a parent, and that by the fact that parents have different opinions, which, by the way, may have led to the separation. No father and mother should be allowed to have this fear!

I am a humanist through and through and feel European, represent the corresponding values and goals and align my actions with these values. I cannot ethically understand at all that someone can decide to separate a child from a parent, to take a child from a father or a mother.

In the current decision-making situation, I feel absolutely helpless and exposed to a certain arbitrariness.



Giving a voice to those affected: Experiences with family court and justice

11-09-17-34

There was an expert opinion, which clearly shows that the mother and her partner commit violence against the children. But no consequences were drawn from the expert opinion. My ex-wife moved several times without notice. I had to have the police look for the children. When the judge wanted to reprimand this, her lawyer said: "It was not known that the mother needs permission from the father" and that was the end of the matter.

29-09-23-04

Our son was raised almost equally by the two of us until he was 5 months old. The mother then moved out of the shared apartment overnight, to her parents in a rural area. Six weeks later, she demanded that the sole residence be transferred to her and threatened to take legal action to revoke my right to determine the place of residence. At first, she only allowed sporadic contact with my son. When the proceedings were underway, she allowed more regular contact, but by then it was already too late and my son was estranged from me. Despite my concerns, the judges saw no problem in the great geographical distance to my son. I think a baby needs extra support and gentle transitions when building relationships! The mother allowed the visits, but did not support the relationship building, or even torpedoed it. For my son, my visits were a torture and his fear of loss grew from visit to visit. After 2.5 years of regular, but highly contentious visits, I gave up when my son stopped calling me dad. Grandpa is now called Dad.

30-08-14-12

In my case, there were at least 30 court orders that were not complied with by the mother and there were no consequences. Four requests for penalties for the other side were rejected on flimsy grounds and I had to pay the costs of the proceedings (€6,000 in total). If the court had not only interpreted the court orders like "nicely meant hints", but had consistently demanded the orders from the mother, the whole situation would not have escalated to such an extent and our son would definitely still have two parents. The judge has changed the procedural guardians several times due to the complaints and activities of the mother (7 in the course of the proceedings), which was an absolute disaster. The mother simply ignored numerous court-ordered examinations by experts and did not take the child to the experts - without any consequences and thus prevented. Requests for supervised contact were supported, but not compellingly pursued and thus not implemented. The mother had adopted a complete attitude of refusal, which the family court did not even begin to try to change. The Youth Welfare Office partly did not care at all, partly did not participate in court hearings without excuse, although invited, and often only coordinated topics with the mother without talking to me and thus exclusively communicated the mother's point of view to the court. Despite an expert opinion commissioned by the court, in which the mother's strong psychological deficits were pointed out (still capable of parenting, but contact with the father must be strengthened in order to compensate for the mother's deficits), despite the danger for the child pointed out by almost all guardians ad litem, I as a father without custody did not have the slightest chance to re-establish contact with my son, with whom I had an absolutely loving father-son relationship for 6 years, which was also confirmed by my entire environment. The mother has psychological problems, which is why I can hardly blame her, but the family court and the youth welfare office are a single imposition and have taken my son his father.

05-08-10-08

I have not been allowed to see my big daughter for a year. She misses us very much. But her father and the youth welfare office are not interested. At the court she testified that she really wants to see mom and her half-sister very soon and that it shouldn't take much longer. And she said that she would like to send a package to us. This package has not arrived to this day. In the meantime 10 weeks have passed. Everything is done from father's side to split the contact. The will of the child does not count for them.



25-08-07-25

The courts are completely overwhelmed with the problem of alienation. The excessive length of proceedings exacerbates the conflict of loyalties.

20-09-15-28

Despite many court orders, the contact could be suspended again and again. Even the family help I have been talking about for years has never been installed. All involved resign themselves to the mother's refusal and the resulting refusal of our daughter.

The expert opinion was a complete disaster. All parties involved accepted the mother's accusations, although they were refuted several times, also by the professions themselves. And although the expert opinion was able to answer "YES" to all criteria from the ASD manual on parent-child alienation, the expert does not see any parent-child alienation.

07-08-11-21

I have been trying to see my son for three years. The determination of paternity dragged on for a year. Half a year passed until the first hearing before the family court. The preparation of an expert opinion took another year. Since then, I have been waiting for a court order to finally be issued and for accompanied contact to be enforced. The mother's move to another state is delaying the matter even further.

01-09-15-13

The institutions such as the youth welfare office, school, educational counseling, court, etc. had basically done a good job.

But everything failed because of the mother's refusal. She never went to verifiable talks, mediation, etc. and she got away with it for years! She simply didn't have to. No one could touch her and she knew it. Furthermore, many things failed because of the confidentiality of the respective offices.

The youth welfare office, school and educational counseling are not allowed to talk to each other at all, unless there is a release of confidentiality.... And that lasted years until the knot burst and the things and actions of the mother became clearer. At some point, she had to release the offices from the obligation to maintain confidentiality and then the ball started rolling.

But even then it was not bad enough for our child for the court to intervene. The judge said "it has to get worse for the boy and then worse before I can decide anything". He may have wanted to, but had no basis in law. Child welfare endangerment was not bad enough, child saw father, even if only by the hour.

13-09-21-51

The judge did not have the courage to enforce contact against the alienator, although 2 youth welfare offices, the expert and the children's guardian ad litem had no problem with contact and the expert worked out in the trial that the alienator is the problem and possibly has psychological problems.

25-08-20-00

The judge likes to let it slip that in her opinion a child belongs to the mother and the father is not needed, except as a payer. References to studies on the possible effects of parent-child alienation on the child are ignored. If the mother sabotages visitation rights, there are no consequences.



3.4 Procedural assistance and experts

What was your experience/impression, if any, with the survey?

All participants (n=932)

Good and professional work, experience with parent-child alienation.	12%
No experience with parent-child alienation	49%
Other	39%

Overall, the participants also perceive the experts as better than youth welfare offices, guardians ad litem or family courts. However, one must question whether it is the own claim of German policy, if only 12% of the participants certify the experts a good and professional work as well as experience with parent-child alienation.

If there were expert opinions: What was the average length of time for appraisals?

All participants (n=720)

Up to 3 months	28%
Up to 6 months	31%
Up to 9 months	18%
Up to 12 months or longer	23%

Time is a decisive factor in proceedings under the law of parent and child, especially with regard to contact termination and parent-child alienation. The fact that 72% of the expert opinions have a duration of 4 months to more than one year is hardly reasonable for both children and parents concerned. The same applies if not even one third of the reports are available in three months at the most, as well as if a good quarter of the reports take up to one year or longer.

What was your experience, if any, with procedural guardianship?

All participants (n=1,012)

Balanced, fair, distinguished between child's will and child's best interest, overall very active and solution oriented	10%
Balanced, fair, distinguished between child's will and child's best interest, otherwise passive	13%
One-sided, neither balanced nor fair. No experience with parent-child alienation	65%
Other	12%

Overall, the participants perceive the guardians ad litem to be better than youth welfare offices or family courts - albeit at a "low level". More than half still perceived the work of the guardians ad litem as one-sided, unbalanced or unfair. It would be more desirable if guardians ad litem were to participate in their work in a solution-oriented manner, which is currently the case in 9% of the participants' observations.



Giving a voice to those affected:

Experiences involving guardians ad litem and evaluators

07-09-21-37

The procedural advisors are too powerful and often fixed in favor of the mothers. One conversation was held with me as the father, several conversations with the mother. She did not initiate father-child interaction observations, but several mother-child interaction observations.

Family court judges rely too much on the guardians ad litem. Their one-sided opinions are then quickly adopted as the "truth" and are an essential template for decisions.

09-08-12-15

The guardian ad litem does not act neutrally and dependent on the judge, the guardian ad litem expresses the concern of being excluded from the proceedings if he addresses the alienation by mother in his statement to the court

02-09-14-11

The guardian ad litem (lawyer) works almost exclusively as an advisor and is thus financially dependent on the goodwill of the court (judge), since the appointment as guardian ad litem is made by the court. The legal advisor has never made any critical comments on the court's instructions, but only approves them. The guardian ad litem did not submit a written report; his opinion was presented only orally, with the express consent of the court.

05-08-20-38

The child concerned was born out of wedlock, the parents never lived in a domestic partnership, civil partnership or were married to each other.

The appeal was dismissed by the Frankfurt Higher Regional Court without a hearing. The reasoning stated: "The boy, who is now 11 years old, came out of the marriage." The expert opinion was prepared by a forensic expert. The history was listed in the table of contents, but the specified pages in the expert opinion itself are empty. However, there are pages that appear twice in the expert report, with different content. Page 31 exists between 30 and 32 and with a different content is found again between 84 and 85. A child and two parents were appraised, but in the expert opinion there is talk of "children" (plural), and so on. No one noticed or wanted to know.

28-09-07-59

The expert opinion on the exclusion of contact lasted 29 months instead of four months for the four-year-old child. The court obstructed the evaluation by moving contact days to the father's working days, so that contact no longer took place.

There was a custody deprivation at the district court without procedural counsel and expert opinion.

30-09-12-18

I have an expert opinion that cost a total of 36,000 euros and took 15 months to prepare instead of three. The expert opinion is created unscientifically, the expert is at the OLG and at the AG a gladly seen expert, who is commissioned there very gladly. One wonders why this is so and what connections exist in this case and what sums does she charge?



3.5 Experience with lawyers

What was your experience/impression, if any, with your own legal representation?	All participants (n=1,098)
Very good and very conscientious in preparation / implementation	16%
I felt well represented based on the procedural legal system	25%
Trained on parent-child alienation	13%
Not trained on parent-child alienation	37%
Rather not so good	32%
Poor	25%

Also divided by mothers and fathers, the assessment is comparable to the result of all participants. From the daily work with affected persons and the messages of the participants, a picture emerges that fits the above values: An increasing resignation is noticeable among lawyers. Especially in the legal representation of so-called "contact parents", motivation and optimism are considerably dampened.

How did you perceive the other legal representation, if any?

	All participants (n=1,098)	Mothers	Fathers
Attorney representation appeared solution-oriented in the child's best interest	8.5%	10%	8%
"Dispute as a strategy" was the focus of legal representation	3%	66%	80%
Other	16,2%	24%	12%

Lawyers should certainly represent the interests of their clients. They have a special responsibility in family law, which, contrary to the UN Convention on the Rights of the Child, is still not clearly regulated by law. Thus, lawyers still prefer to act "against the interests of the children" by using "dispute as a strategy" to promote escalation - this seems to occur even more often with lawyers representing mothers (80% to 66%). Here, the legislator is urgently called upon to counter this practice. A solution concept has already been adopted by the European Parliament in October 2015 with Resolution 2079.



Giving a voice to those affected: Experiences involving lawyers

19-08-18-26

The mother's lawyer advised her to boycott everything right from the start: not to keep any appointments, to keep calling in sick for months, to never talk to the father, to simply make up accusations (e.g. the child was brought back 5 minutes too late, the father tried to run me over), not to show up at court at all, to always stay away with excuses. This boycott has led to the fact that four years after the separation the mother got the sole custody and the right of residence, because the lack of communication makes no other custody and care model possible Short-term vacation cancellations, no passport, no info from the school, etc.. Both parents are capable of parenting. Custody was joint.

05-08-16-18

The opposing counsel was just out for a ruckus. There was no interest in a solution for the child: court proceedings too long, court overloaded, court demonstrably allows lies and slander again and again; both proceedings actually led to a tolerated solidification of the alienation. Quite positive experience with two experienced experts. But: an established (psychological) child abuse in the borderline area is obviously not enough to reprimand the alienator, to help and protect a child.



3.6 Violence or abuse as a cause of contact breakdowns

Has sexual abuse been alleged against the estranged parent?	All participants (n=1,177)
No	79%
Yes, was not followed up on record	6%
Yes, was rejected on record as unfounded	7%
Yes, refuted by expert opinion	4%
Allegation could not be clearly refuted or remains open to this day	4%

Occasionally, allegations of abuse are made against disagreeable parents. Especially when it comes to allegations of "sexualized violence" against children, certain interest groups do not take the interests of the children into consideration.

What is encouraging about the responses to this question is that almost 80% of the participants were able to answer "no" to this question.

Answers b-d in particular find their way into various statistics when allegations are made, but do not find their way out again when they are refuted. At the same time, when allegations are made, processes are usually set in motion that result first and foremost in a break in contact with the parent concerned. Too often, accusations do not prove to be true. However, breaking off contact then often already has fatal consequences in the parent-child relationship. In addition, "abuse with abuse" usually has no consequences under criminal law for the parent who has made these accusations against the other parent. Here, legislators and professionals urgently need to find other ways to better protect children in both directions and to punish false accusations.

Is there reasonable or serious suspicion of mistreatment/abuse in the alienator environment

	All participants (n=1,098)	Mothers	Fathers
No	66%	62%	68%
Mental abuse is on record	29%	32%	28%
Physical abuse is on record	13%	16%	12%
Sex. Abuse by estranged parent is on record	3%	5%	2%
Sex. Abuse by estranger partner is on record	0%	1%	0%
Sex. Abuse by estranged relatives / acquaintances is on record	2%	2%	1%

Here, too, it is gratifying that around two thirds of the participants, as well as the mothers and fathers, do not identify any risk to the welfare of the child in the form of maltreatment or abuse. Thus, there would be no reason to interfere with the fundamental rights of parents and children in child custody cases in such a way that contact termination would be the consequence.

At the same time, it is noteworthy that answers d-f are at very low levels across genders, and answers b and c are not far apart across genders.



Giving a voice to those affected:

04-08-23-05

It is about my ex-husband and his daughter. He was accused of abuse without any reason, but the case was dropped. He didn't know anything about his daughter's life for 10 years, which ruined him....

16-09-17-14

The mother moved several times with the child, including to a women's shelter, to prevent contact between the father and the child. There was no violence. Father was finally accused of sexual abuse, but this was refuted by expert opinions. Due to the long duration of the proceedings, the child has not seen his father for over three years and now refuses to visit him. There is no willingness on the part of the professions or the family court to restore contact, e.g. by accompanying contact or by working through the child in the context of a therapy measure. In my opinion, mandatory family psychological counseling/mediation would have been more effective than family law proceedings, which have only encouraged the parents' high level of contentiousness.

25-09-16-34

After high-conflict separation, the children and mutual care became a major problem. The argument that the children could not stay away from the mother for so long became entrenched. Handovers were conflictual because the mother had no inhibitions about badmouthing me in front of the children. The arrangement then came about laboriously through family counseling. Eight months after the separation. With insinuations and false allegations (alleged alcohol and drug consumption) to the youth welfare office, the arrangement made was repeatedly broken by the mother. With family court determination, there was then a functioning, albeit unfair, model. The children liked being with me. The children and I always had a relaxed and good time. Then out of nowhere came the accusation of sexual abuse based on an alleged statement by one of the children. Without question or inquiry, the mother kept the children in. She had previously informed an emergency center and the youth welfare office, thus legitimizing her course of action. Later a complaint followed. In my eyes, the mother's actions follow the pattern of parent-child alienation. Although I have already dealt offensively (before the youth welfare office) with the topic of "false insinuations", my side is initially pushed into the background. However, the ad also followed shortly before the last conversation at the Jugendamt. Fortunately, the contact was always there and the relationship between me and my children is still good. However, after the massive accusation is resolved, the estrangement will probably continue. I remain strong and will fight for my children!

31-08-22-45

The mother has tried everything to prevent the child's contact with me. Several court proceedings were necessary to achieve a contact arrangement, which is probably normal in most cases (every second weekend and once a week). And that, although I could be there for my child for an unlimited period of time.

The court proceedings were dragged on and on by the mother's allegations to the point of pedophilia, and during these two years my child was constantly negatively influenced against me. Only since I have been able to live the above-mentioned contact arrangement has the child's insecurity been greatly reduced.



3.7 Consequences for affected parents

The consequences of disputes over contact and custody are very often dramatic for parents and children, with repercussions for their entire lives. The causes are manifold and external intervention is required if it is de-escalating and above all helpful. It must take into account the best interests of the children and at the same time, if it does not contradict the best interests of children and at the same time respects the fundamental rights of parents and children alike, it should absolutely be the measure of all things for politics and the institutions involved. It should be the task of all parties involved, including parents, to act in the best interests of children and to provide them with both parents in a framework in which parents can again find a basis in the best interests of children. Where this is not the case, we wanted to know with whom those affected see the authorship, what consequences it has for the parents and what the current status is.

Where do you see the authorship of the alienation activities?

	All participants (n=1,177)	Parents only (n=893)
Youth Welfare Officers	59%	60%
With the other parent alone	58%	56%
With the other parent, influenced by third parties	52%	55%
Family Courts	47%	48%
Legal representation of the other parent	45%	47%
Parents or relatives of the other parent	38%	41%
Procedural counsel	38%	40%
Surveyor	27%	28%
Family counseling centers	18%	18%
Both parents had shares	5%	6%

There is hardly any difference between the values of all participants and those of the parents. Whereas around 60% see the authorship of alienation activities with youth welfare office employees and a good half with the family court, there is an urgent need for action in the legal framework. At a low level, guardians are only of secondary importance, and even less so the experts and family counseling centers. One would expect the other parent to be in the lead. In fact, however, the youth welfare office is in the lead. The role of third parties such as grandparents, relatives, friends or legal representation of parents should not be underestimated in the dynamics of disputes.

What are the consequences of breaking off contact for the affected parent?

	All participants (n=1,177)	Parents only (n=893)
No consequences so far	4%	4%
Has accepted the situation	25%	25%
Thinks about it a lot, is often in bad shape	75%	76%
Parent is receiving medical or therapeutic treatment	42%	46%
Parent finds it difficult to hold down a regular job	30%	34%
Parent lost job, can no longer do my job	14%	16%
Parent smokes / drinks more	22%	23%
The relationship is suffering or broken	27%	27%
Parent has already thought about taking his or her own life	30%	34%
Parent has had one or more suicide attempts because of it	3%	4%



What is the current status of the effort?	<i>Parents (n=893)</i>	<i>Mothers</i>	<i>Fathers</i>
Parent has no more strength	54%	53%	52%
Parent has no more money	44%	41%	46%
Parent wants to spare child/ren this ordeal	37%	36%	38%
Parent continues to make an effort	64%	64%	63%
Nothing went	21%	21%	21%

Parents are parents for life. Access and custody disputes put a similar strain on them, pushing them to the limit financially or beyond. Many know about the suffering of their children, but in most cases they can or want to continue their efforts.

Disputes over child custody cost money, nerves and quality of life. And not infrequently, it brings parents to the brink of ruin or even beyond to insolvency or Harz IV. For this reason, we asked about the duration of proceedings, costs, financing and consequences (see 3.7 Consequences for those affected).

Giving a voice to those affected:

10-08-23-09

That was a long time ago for me and the two boys. The boys are now 21 and 25 years old. The younger one was 11 months old, the older one 3 1/2 years old. In a night and fog action my wife at that time left my house with the two children. There were no big reasons, she was simply tired of the marriage. She also speculated on the generous child support and post-marital maintenance. Long story short, the sons heard only negative things about me throughout their lives, it was virtually brainwashing. I often went to the youth welfare office, family court, expert opinions, guardians ad litem, the whole gamut. Nevertheless, it never really worked out for child contact. None of it was of any use. In order to establish peace, I was advised to agree to the mother's desired withdrawal of custody so that the children could rest. I was to let go in love, "there is nothing more we can do". Now the mother has died of cancer, but the boys still want absolutely nothing from me. It still hurts me a lot, every 2 - 3 hours I still think about this injustice that happened to me. I also see the precarious situation of the two brothers, but they strictly refuse any offer of help from me. I imagined my whole life differently, I wanted to be a good father, I would have been, but my fatherhood always consisted only of demands for payment. I have become tired!

08-08-21-24

The first expert opinion was absolutely one-sided and influenced and was negative for me. In the second procedure, the same expert, no chance. Situation even worse. I am in medical treatment. I have suicidal thoughts. The children are in an absolutely bad mental condition. Waiting for the day when they can stay with me.

19-09-16-32

I have had to go through it four times and now after 21 years of struggle in total, my strength is at an end. So far, I have only experienced insolent and arrogant employees, except for two. Constantly getting new case workers or guardians in front of my nose. Decisions were ignored by the guardian and the case workers and one was systematically degraded again and again with words.



3.8 Damage to the state, taxpayers, the economy and health insurance funds

Disputes over child custody cost money, nerves and quality of life. And not infrequently, it brings parents to the brink of ruin or even beyond to insolvency or Harz IV. For this reason, we asked about the duration of proceedings, costs, financing and consequences (see 3.7 Consequences for those affected).

How many procedures have there been so far?	All participants (n=1,177)
1 procedure	22%
Up to 5 methods	51%
Up to 10 processes	17%
Up to 20 procedures or more	10%

Nearly three quarters of the respondents got by with one to a maximum of five procedures. We wanted to know:

What costs have you had so far?

	All participants (n=1,177)	Number	Sum 1	Sum 2
Up to 5.000 EUR	37%	435	2.175.000 €	
Up to 10.000 EUR	31%	364	3.640.000 €	
Up to 50.000 EUR	27%	315	15.750.000 €	
Up to EUR 100,000 or more	5%	63	6.300.0000 €	27.685.000 €

For the 1,177 participants in our survey alone, the costs added up to almost 28 million euros. Since the costs are usually split in half, the actual cost factor is likely to (almost) double to up to more than 50 million euros. **Extrapolated to the whole of Germany, we are talking about an amount in the billions of Euros.**

In the case of one or both parents, have these costs been financed by the state through legal aid?

	All participants (n=1,177)	Mothers	Fathers
Yes, for both	21%	27%	18%
Yes, with one parent	47%	43%	49%
No	32%	30%	33%

At this point, one could amateurishly calculate how high the costs (the damages) are for society (taxpayers), the economy and health insurance companies. Under the impression of the questions from 3.7, we do not consider this appropriate. Nevertheless, it is overdue to determine in serious and ideology-free studies how high the damages are. In particular, the long-term consequences (economic, psychological and health damage as well as labor productivity) caused by the current family law in the Federal Republic of Germany should be determined. Once again **under the aspect "Damage to the economy / health insurance companies: Consequences of contact termination for the affected parent:**

	Parents only (n=893)
Parent thinks about it a lot, is often in bad shape	76%
Parent is receiving medical or therapeutic treatment	46%
Parent finds it difficult to hold down a regular job	34%
Parent lost job, can no longer do my job	16%
Parent smokes / drinks more	23%
Parent has already thought about taking his or her own life	34%
Parent has had one or more suicide attempts because of it	4%



Giving a voice to those affected:

28-08-00-22

Custody and maintenance arrangements were unilaterally favored, leading to many complications and aggravations in the lives of the estranged, up to impaired performance at work due to emotional damage as well as complex constellations in new partner - child - old partner triangle. Inability to find new happiness in new relationship. Burnt out and prefer to stay single is the result. Relationship to the child is now unfortunately nothing half and nothing whole. The disorder is irreparable. The parent is torn apart, the child too. Grief as the basic state. Complete deletion of the child from memory is felt to be the only way to be able to live again without inner burden and grief. It is tragic to have to let go of one's own child. One can hardly get over the heart. And if you do, then you are already so broken that you feel nothing at all, except complete resignation and loss of faith in people, civilization, system, law, life. One only survives. With the acceptance one puts away the war, but experiences oneself in the feeling of discrimination, power - and rightlessness. Now already for 15 years. No victim mentality. Only the insight to put no more strength into something lost, self-rescue is announced. And one "sacrifices" the memory of one's own child, which connection began so lovingly and perfectly and fulfilling. All that remains is a black hole that you don't want to think about anymore. Unbelievably tragic, but reality. The belief in the (good in) life is quite challenged.

04-08-21-30

It has been almost seven years since my children broke off contact. I still miss them very much. In my everyday life I manage well without them, but birthdays and Christmas are always very bad.

I decided against legal action out of consideration for my children and would do so again and again. I was psychologically abused by their father for years during my marriage. This led to a severe depression with suicidal thoughts and a four-month stay in the clinic. During the time in the clinic, I separated from him. He did not forgive me for this and so he used his last means of pressure, the children, to hurt me. I have no hatred for this man. I have made my peace with that. Only my children are missing me EVERY DAY.

22-09-12-04

For peace it takes two - for war only one... It is infinitely stressful for all involved, when one parent carries out his hatred, his anger about the child with the other parent. None of the institutions intervene. One is left completely alone. With me, in addition to all kinds of slander (drugs, alcohol - nothing proven) then the "abuse with the abuse" was unpacked. For now 2 1/2 years accompanied contact every 2 weeks for 1 1/2 hours - absolute disaster. The local court is completely incompetent and the OLG covers the whole thing - legal recourse thus factually leveraged. Problems meanwhile burden the psyche, the job and the new partnership very much - because the focus is still 95% of all power the fight for the own child.

13-09-20-21

Although joint custody existed at the birth of our son, the mother received sole custody through agreed non-communication (recommendation of her legal counsel). This went on for almost 3 years with an expert. Even with the expert, the mother refused to talk and still won sole custody. Then the OLG confirmed the sole custody. This cannot be, since our son has a right to the education and care by both parents. An untenable situation. This is playing havoc with you both financially and psychologically.

11-09-17-59

Since the separation, besides my two daughters, I have lost two houses, my mother, my health and self-confidence. Physically and mentally at the end.

05-08-22-10

Mother and child severely traumatized. Mother is permanently unable to work and suffers from complex post-traumatic stress disorder. Has given up and is ruined health-wise.





4. Case description from practice

The following case has been conscientiously and systematically worked through by a team of four experts over many months. It describes the fate of one parent and especially the damage to the children

For shared parenting

For reliable contact with both parents

For a happy childhood with separated parents



4 Case description from practice

In 1997, the couple marries and has two children. For the first three years, the father takes care of the children while the mother goes back to work. The couple separates in 2003. After a short time, the mother and the children move in with her new partner 65 kilometers away. The father knows nothing about the move and only finds out about the new place of residence of the mother and children months later via the youth welfare office. From then on, the mother undermines the contact between father and children for years, even with the obvious support of the responsible family helper of the youth welfare office. Even a court threat of a penalty payment does not change this. In 2008, the father is also unexpectedly and falsely accused of sexual abuse by the mother. The accusations then vanish into thin air. As a result of the mother's thwarting of contact, the father does not even learn of these accusations until 2009. After three supervised visits, the children are allowed to return to their father at the end of 2009. Despite new contact agreements, the mother continues to thwart contact with the father for years.

It was not until 2016 that the father received information that both children had already been diagnosed with psychological problems by their doctors in 2009 / 2010. Over several years, the children experience psychological and sometimes physical violence in the mother's household, as can be seen from documented statements made by the children during hospital stays. The father also witnesses the mother's outbursts of violence on the phone several times. He informs the youth welfare office and files a complaint with the public prosecutor's office. All efforts come to nothing, and the public prosecutor's office drops the case on the grounds that the father may have wanted to discredit the mother out of revenge, and that the children were still inconspicuous in kindergarten and school. However, the daughter's abnormalities were already observed and documented in kindergarten.

In 2011, both children are officially diagnosed with mental abnormalities and disorders during several hospital stays. In connection with the diagnoses, the clinic reports repeatedly mention "incipient emotional disorders of childhood and adolescence with depressive symptoms" with reference to the stressful family situation in the mother's household (the mother's new partner brought along 3 children of his deceased wife, all of them also apparently massively stressed). With regard to the mother, the clinic reports state that she suffers from an adjustment disorder with emotional problems, as well as a

burnout. The report also states that "inpatient psychotherapeutic/psychiatric treatment of the mother is an indispensable prerequisite for the well-being of the children.

The reports on both children mention a conference of helpers at which it was "unfortunately not possible to include a representative of the Youth Welfare Office directly in this meeting". The custodial father was not informed. A family helper commissioned by the youth welfare office, on the other hand, was surprisingly involved. Years later, in a statement in 2015, the Youth Welfare Office claims to have had no knowledge of said clinic reports. As a reason for the non-involvement of the father at that time, the Youth Welfare Office again states that it was evident from precisely these clinic reports that the father was not considered suitable for the placement of the children with him. However, the father only visited the clinic on two weekends and never had a conversation with the doctor there. He was partially left in the dark about the reason for the hospital stays, so that he had to assume that the children were in the hospital because of their temporary overweight. The father was not informed about the children's psychological problems until years later.

In May 2011, the mother goes into inpatient psychiatric treatment. Although there is joint custody and the children could have lived with the father for the duration of the treatment, the father is only informed by the Youth Welfare Office shortly before the start of her treatment, and only by a written request from the Youth Welfare Office to contribute to the costs of placement outside the home. Using flimsy fabrications, the mother obtains a temporary restraining order, in which the father is astonishingly prohibited from contacting his children, who are placed in foster care, for the four-week duration of treatment. However, the mother breaks off the inpatient treatment after only a few days. The youth welfare office surprisingly accuses the father, who is not involved, of being to blame for the mother's termination of treatment.

During renewed stays of both children in a clinic at the end of 2011, the list of psychological complaints of the children meanwhile becomes longer and longer. One of the children officially states to the clinic that he is being used by the mother in the fight against the father. For the first time, due to the severity of the diagnoses and the duration of the problem, both children are certified as having a threatening mental disability according to §35a KJHG. The separation from the father and the thwarting of contact by the mother are stated as risk factors for the children, as well as the mother's suicide threats. Another clinic report from the same period also records a suicide attempt by the mother's partner in the summer of 2010. During the clinic visits at the end of 2011, the biological father is invited to a final interview. He receives the clinic reports directly from this clinic for the first time.



These also show that, surprisingly, the youth welfare office is of the opinion that there is "no need for action" and that the youth welfare office wants to continue to ignore the incidents and suicidal thoughts. In the summer of 2012, the father is diagnosed with cancer and undergoes surgery a few days later. Shortly thereafter, the mother suddenly applies for sole custody, which she is granted in mid-2013 with the concession of unrestricted access and a comprehensive release from the right to remain silent. Regardless of the custody decisions, however, contact between the father and the children continues to be hindered and prevented by the mother. The children remain with the mother, with the acquiescence and cooperation of the Youth Welfare Office, despite repeated indications of her need for psychological treatment in clinic reports from 2011 and despite the apparently many conspicuous incidents in the mother's household.

From then on, the children were hospitalized one after the other. Against the advice of the doctors, the mother arranges for the premature discharge of a child from a child and adolescent psychiatric clinic in 2014, without the medication that was actually intended and necessary. Almost all clinical letters and reports are sent exclusively to the mother and the youth welfare office, the father does not learn of this or of the sometimes half-yearly moves of the mother and children, although in the meantime both children have been diagnosed by doctors as mentally handicapped and over long periods of time have repeatedly shown self-harm tendencies and suicidal thoughts up to suicide attempts. Increasingly, the picture of children emerges who, with the stressful antecedents that have lasted for years, are torn back and forth in the urgent desire for orientation, security and stable care: always searching, always resigning and hopeless, always returning to the mother (herself unstable and overtaxed) and thus turning in circles again and again. The father's complete story of suffering for his two children is only revealed to him in 2015, after he regains custody of one of the children following his suicide attempt and is able to obtain all clinic and doctor's reports retroactively. In 2015, the school of one of the children wrote in summary: "In the case of the child, a long path of suffering is already evident. Already in kindergarten, her contact behavior was conspicuous. In addition, the situation at home is very difficult and puts a lot of stress on the child. The child has already been seen in numerous institutions. Numerous tests and diagnostics were carried out there. The history is characterized by moves and frequent changes of institutions. There is a lack of constancy. (...) After the child was beaten up last year, she was an inpatient in the child and adolescent psychiatry for several months. There she was diagnosed with a moderate depressive episode, post-traumatic stress disorder, obesity, self-injurious behavior, and initial and consistent social impairments in most

areas. However, she was discharged after a short time at her mother's request, and she refused further treatment and medication. In addition, also at the mother's request, the child transferred from the special school to the middle school. The child is multifaceted and highly distressed. Despite average intelligence, she is unable to reach her potential due to the stressful home situation and psychological problems."

A review of the numerous documents gives the impression that the mother may have initiated these changes of school in the belief that internal difficulties and problems would improve or be solved by themselves through external changes. It could also have played a role that she possibly always wanted to change her place of residence when the responsible youth welfare office started to become skeptical towards her. However, all youth welfare offices have always and sustainably prevented the involvement of the father or, for the most part, at least favored the exclusion of the father by the mother and thus left the children no chance of perhaps still being able to grow up in an orderly and stable manner in the father's care at an early stage.

The contents of this summary are based to a very high degree on the facts resulting from hospital reports. Furthermore, statements of the father were intensively examined and the overall picture was verified by hospital letters, e-mails, court decisions and files. The numerous hospitalizations alone, with the associated clinic reports and the other doctors' reports and psychological statements, speak a very clear language. Over the course of almost a year, the very numerous files and documents were sifted through, sorted, checked and processed by a team of experts. The children are scarred for life, today both are of age and have sometimes intensive, sometimes occasional and sometimes no contact at all with their father. One child was able to complete an education, the other child and the father are unable to work.

Surprisingly, the responsible district councils and youth welfare offices currently see no misconduct on the part of the authorities.





5 Reports of formerly alienated children who are now adults

These reports required the highest degree of sensitivity. All participants were interviewed personally and also accompanied, because it is often also a massive burden for affected formerly estranged children to talk about the past. There were participants who in the end lacked the strength to participate, even though they wanted to.

For shared parenting

For reliable contact with both parents

For a happy childhood with separated parents



5 reports of formerly estranged children who are now adults

Case 1

How old were you then and what do you remember?

I have fragmentary memories of my father, because I was only about 2.5 years old at the time of the separation and my father had to go to the army before. During the time he was in the army (NVA), my mother separated or found a new partner. I saw my father from time to time by chance, because he lived not far from us. I never spoke to him, because I assumed from my mother's stories that he was evil. My mother said he was an alcoholic, violent (beat her and locked her up) and tried to take me away from her. I would occasionally overhear my mother talking to other people about him. Within the family the subject was not brought up or at least I have no memories of it.

How were you during the years of your childhood, adolescence, adulthood?

I tuned him out except when I heard conversations about him from my mother or saw him by chance. I had no interest in meeting him or getting to know him. In 2012, an aunt wrote to me asking if I wanted to give him a chance. I had ignored that. Today I know that he had tried again and again to contact me, which never arrived with me. I myself am rather a troublemaker and had massive problems with rules in the past, no matter from whom or where. Today I know that I suffered silently because I had split off a part of me for myself. My mother used to say to me when we had arguments "I was like my father". This hurt and I hated myself for it and could not allow any feelings/emotions. No matter if positive or negative. It was really bad for me when I had a fight with someone and got angry. Then I always had to run away, because I was afraid of becoming uncontrollably violent like my father. Although I had never been violent against people or animals, I was afraid of it bursting out of me. I hated myself for carrying something like that inside me. I suppressed it all, bottled it up, and often cracked under this enormous internal pressure. In my early 20s, I had two disc surgeries (as I now know was due to the internal pressure) because my back had given way under the pressure and I had no control of my legs for a second. I gained much of this knowledge when I was in psychosomatic rehab in 2003. There, my therapist had managed to get me to my anger and I beat on a punching bag with boxing gloves until all my knuckles popped.

Was there a reunion and how did that come about?

I got a call from my father at the beginning of 2014, at the age of 38. He had found my name with my phone number on the Internet, because I had posted an ad. It then took me about 8 months until I could or wanted to meet with him. He wanted to tell me everything, the disputes with my mother, the court orders, etc.. All this did not interest me. I wanted to know who he was, what he did, how he lived. When he told me all this, I realized that he was not this monster that my mother had always described to me. My grandparents (on my mother's side), whom I had visited after the conversation with him, also confirmed this to me. I had doubts about my mother's statements for a long time and there I got them confirmed. After that, a kind of rehabilitation began for me. I accepted my father and through that the part in me that is my father. I was able to gradually find inner peace, accept myself as I am and come to terms with myself. I am who I am and that is good. **What do you think it did to you?**

I've had fears of loss as far back as I can remember. I couldn't handle being abandoned, whether by friends, partners, etc. when I got involved with a person. I always avoided confrontations (problems, arguments, admitting mistakes) for fear of becoming violent or abusive. This was not conducive to interpersonal relationships.

I also had depressive phases in my life, which I had tried to work through therapeutically. Only after accepting my father and by accepting myself did I manage to change all that. I am not violent, but I no longer avoid problems and confrontations. I accept these challenges, face them and learn from them.

I was and always have been more the outwardly cheerful type. I was always the class clown. Today, however, I no longer have any problems showing when I'm feeling bad and addressing it to my counterpart.



I was and always have been more the outwardly cheerful type. I was always the class clown. Today, however, I no longer have any problems showing when I'm feeling bad and addressing it to my counterpart.

What is the relationship like today with both your parents?

The contact with my mother broke off after I told her that I had contact with my father (he was only my producer until then) and talked to him. At that time I also asked her to support me, because I am experiencing the same thing again as a father with my daughter. She then said to me "A child belongs to the mother", to which I told her that a child needs both parents. Then came the phrase again, "You are like your father," to which I said, "Yes that is true and that is good." Since then, contact has broken off.

I talk to my father more often on the phone and visit him as often as I can, since he lives almost 350km away. We have a good relationship, even if it is not a normal father-son relationship.

What would you like to see from politicians and professionals?

Was würdest Du dir von der Politik und von den Fachleuten wünschen?

- Equal parenthood even after the separation of parents. No longer the distinction between a "good" (BET) and a "bad" (UET) parent. Early intervention in case of threatening parent-child alienation, development of suitable support structures for separating parents in order to be able to live joint parenthood after separation, targeted counseling for joint parenthood so that the parents do not lose focus on the children in their own hurt feelings, worries and problems. Children always love both parents and when they have to choose, they also have to choose to leave out a part of themselves.
- Equally harsh measures against an alienating parent, as in the case of a "normal" child welfare endangerment (physical violence, neglect, etc.), because as I had recently heard a director of a youth welfare office say in conversation, "If the children are taken out of the alienating parent in the last instance, then this is a very serious intervention in the life of a child, but the child would suffer from the alienation much longer, namely for his or her entire life, and the probability that he or she will pass these behaviors on to the next generation is very high."

Those affected can find help here free of charge: 0800 - 1110111



5 reports of formerly estranged children who are now adults

Case 2

How old were you then and what do you remember?

I do not know my father, my mother did not care for us

How were you during the years of your childhood, adolescence, adulthood?

I was very sweet as a child, later rebellious, had a lot of trouble. It always hurt me a lot as a child when I saw children from a functioning parental home, later not anymore. To this day, my mother won't tell me who my father is.

Was there a reunion and how did that come about?

I grew up with my grandma and always had contact with my mother, I always sought her closeness, she always disappointed me, until today.

What do you think it did to you?

I actually have good self-confidence and am also successful in my profession, but had a heart attack when I was 30. I'm often very impulsive, then I just see red and feel like I'm being remote-controlled. This has gotten me into a lot of trouble. Sometimes I feel like I have no ground under my feet. I have also had suicidal thoughts. My own marriage has unfortunately failed, my children are suffering because we have already had several court cases about contact and custody. We have also had police intervention.

What is the relationship like today with both your parents?

I visit my mother very rarely, but it is my mother, she should tell me who my father is.

What would you like to see from politicians and professionals?

I would like mothers to have to say who the father of their child is. I don't know what could be done better.



Those affected can find help here free of charge: 0800 - 1110111

Case 3

How old were you then and what do you remember?

I don't remember any quarrels. I was too small and after the separation they did not fight in front of me

How were you during the years of your childhood, adolescence, adulthood?

I often missed my father when we hadn't seen each other for a while. I was a good child, especially for my mother. She always spoke badly of my father to friends, relatives and colleagues. With me she rather blasphemed. I never said anything. My mother always seemed well protected, my father seemed lonely.

Was there a reunion and how did that come about?

There was always contact at the beginning, then we moved. That was in the 80s. When I was 13, I wrote with my father.

What do you think it did to you?

I have a very good social life and many friends. I was afraid of a firm commitment with a family. I always thought about how it would go when I got married, who I would invite. What will happen when the two of them meet. If I have a child, who gets to see it? My parents are both remarried. Who should the child say grandma and grandpa to? How do we do it at Christmas so no one is offended? This has been on my mind for years.

What is the relationship like today with both your parents?

My family and I have a good relationship with both families today. My children have 3 grandmas and 3 grandpas. However, I often get even with my mother because she influenced me so much and was not tolerant. She says she didn't know any better and didn't want to lose me. At that time, there was hardly any support or advice for this topic.

What would you like to see from politicians and professionals?

That it is clear from the outset that after a separation the children must keep both parents. That it is made clear to the parents what they are doing if they keep the children away from the other parent. That the parents are supported so that they can also manage this, so that children are not in conflict until adulthood.

Those affected can find help here free of charge: 0800 - 1110111



5 reports of formerly estranged children who are now adults

Case 4

How old were you then and what do you remember?

I was 8 years old, my parents argued a lot. Then they separated amicably with a contract and so on. That's why the youth welfare office or others had nothing to do with it. My maternal grandparents stood by their child and didn't want to interfere.

How were you during the years of your childhood, adolescence, adulthood?

I didn't miss my father because my mother always said how stupid he was for not paying enough child support.... That's why they were in court more often, not because of me. I had regular contact with my father, but he wasn't close to me.

Was there a reunion and how did that come about?

We didn't have real father-son talks until I was an adult. I didn't want to hurt my mother and was also afraid of conflicts with her.

What do you think it did to you?

As a child, I had behavioral problems and few friends. I was often depressed, quit my studies and training, and started something new in my mid-twenties. I trust very few people, and I fight my temper with sports.

What is the relationship like today with both your parents?

I have a good contact with my father now. I call him when I'm feeling bad or anxious. We have a lot of trust in each other. Today I know that he paid my mother more money than he had to and that he fully financed my studies, even though my mother has several houses. I don't have that much contact with my mother anymore. Funnily enough, I still have a feeling as if I am being unfaithful to my mother when I am with my father.

What would you like to see from politicians and professionals?

That parents simply know that a child wants both parents. Others, such as grandparents, should also know this. That care is taken that both parents are still responsible for the child, and for example both have to sign for certain things. That teachers or other caregivers also pay attention when a child is acting out. But what do they do if they both don't want to have anything to do with the court or the youth welfare office? Father or mother can sue for their rights in court. Not me. Not alone anyway.



Those affected can find help here free of charge: 0800 - 1110111

Case 5

How old were you then and what do you remember?

I have no conscious memory of my father, that's how young I was. He was always only the "biological producer", the pig. But I once found a letter in which he wrote that he wanted to see me again, and an aunt once gave me a picture of him holding me in his arms as an infant. I fully embraced the father bashing.

How were you during the years of your childhood, adolescence, adulthood?

The first years, especially elementary school, were terrible. My mother moved again and again, very far, which of course always meant a change of school. I was an outsider and a victim of bullying. Then I had a few good years at the Gymnasium, only with the Abi it went again rapidly downhill.

Was there a reunion and how did that come about?

My father died before I developed the desire to know him. I know almost nothing about my father. I can't talk to my mother about it either, because then I develop anxiety if I talk about him in any other way than calling him names. Talking positively about him to mom is impossible - I'm massively afraid of that. Some psycho crap, but no psychotherapist (I was in therapy for a long time) has ever addressed it. Parental alienation is simply not a thing that is treated.

What do you think it did to you?

See above. I don't want to talk about my personal situation today and drug abuse.

What is the relationship like today with both your parents?

Reasonably good relationship with mother.

What would you like to see from politicians and professionals?

That parent-child alienation is perceived as a problem. That youth welfare offices and family courts intervene and all parents are told that this will not be tolerated. Whoever alienates should lose custody, parent-child alienation is torture and not a trivial offense.

Those affected can find help here free of charge: 0800 - 1110111



5 Reports

Messages from affected persons

23-08-02-16

Manipulation of the child by the parent. Despite the knowledge that the father was violent, the Youth Welfare Office supported the placement of the child with the father "for the good of the child." Custody rights were held by both parents. Despite the local proximity of the two parents, there was no help from the Youth Welfare Office for an alternating model. The only help I received was advice from Caritas on how to behave towards the child. It worked. After two years the child was with me. The other parent agreed to the alternating model for financial reasons. Today the child is grown up: insomnia, fear of relationships. I still have health problems.

13-08-20-37

Family counseling told me frankly: It is the mother who does not want / tolerate the contact. The mother's behavior reflected this. For example, the mother freaked out because the family help and the child had 30 minutes more of accompanied contact. At the same time, the son said: "Mom, I told you so".

That was the last time I saw my son. After that, he was stubborn. Freakouts at school are referred to me - I would put pressure on the boy....

05-08-14-50

My stepchildren are now grown up. The son bottles everything up and has no opinion of his own, but says what others want to hear.

The daughter has been in therapy for years because of her aggression. According to the therapist, the cause is the mother's behavior: the father's badmouthing and the mother's permanent interference in the children's relationship with their father.

05-08-06-36

A child deprivation by youth welfare office, parent, family courts, experts and procedural counselors! The fight lasted for years and the child is now of age, not socially capable and without social competence. Thanks to the youth welfare office.

05-08-10-06

Our child was estranged from me for many years. The contact broke off completely at the age of 13. As a mother, I was ultimately completely disposed of. Because the alienating parent neglected the child psychologically and because of the years of alienation, the son developed a borderline personality disorder as well as other disorders and ended up in a residential group for mentally ill people.

From there he contacted me again at 16 and questioned the lies of the father. At his own request, my son has now moved to my household at 17. He needs a lot of encouragement and therapy. Court had to reinstate shared custody and agreed to change of residence. I hope that maybe in a few years he will be able to live a semi-normal life.



05-09-14-29

Despite active alienation - with years of minimal contact and one-sided contact (mail, text messages, invitations, gifts) - there is now in adolescence and adulthood again consensual, good, not always problem-free bonding. Two out of three daughters show clear behavioral problems and deficits regarding socialization, self-confidence, attachment to the opposite sex, which they will probably maintain for life. As a father, I have changed from the alleged perpetrator to a responsible, recognized and even admired caregiver and confidant. The mother continues to be the victim. It is probably predetermined that the children of separation will become parents of separation.

If, after separation and divorce, the professions had made consensual contact possible, or even the dual-residence model, it would have been easier and to the advantage of all involved (except for the "family lawyers").

The abolition of the species of "family lawyers" and the change of family court from closed to public proceedings, would mean a lot of light and justice for affected families.

Note from Papa Mama Also expert Dr. Charlotte Michel-Biegel:

It is often noticeable that those affected use "technical terms", or express themselves similarly. This is due to the fact that many have had contacts with like-minded people in their years of searching and become active. To an alarming degree, they spend years dealing with their own situation, with complaints to authorities, with knowledge about laws and paragraphs, so that their problem dominates their lives and influences and restricts their social and working life.





6. UNCENSORED AUTHENTIC — Giving those affected a voice

For shared parenting

For reliable contact with both parents

For a happy childhood with separated parents



6 Uncensored authentic-giving a voice to those affected

We discussed intensively in the Executive Board whether to include this block in the status report. The doubts were formulated in questions about how we are perceived and want to be perceived in politics, in the media, by experts and also in society. How do reports by those affected reconcile with our own claim to neutrality and an unagitated summary?

Ultimately, we as "Papa Mama Auch" are committed to our mission statement and see ourselves as players in the interests of our children after separation and divorce.

In our daily observations, we see that the suffering of those affected is very filtered in politics. From a professional point of view, this is good and right, because a factual approach to problems should also ensure good and pragmatic results that are supported by the majority of society. However, where a problem is becoming increasingly serious and solutions are not being sufficiently developed by policymakers, it may seem necessary to point out the most pressing problems more clearly.

More than 120 word pages of affected persons' reports reached us in connection with the survey. Many reports testified to anger and helplessness, worries and despair. The absolute majority of these reports could not be considered or processed by us - not least for reasons of space.

Nevertheless, these are the concerns of the citizens, the parents of this country. In their own way, they are putting their finger in a wound of our family law and child and youth welfare in connection with separation and divorce.

In the end, we feel the need to give an uncensored and authentic voice to those affected in this "Area 6".

17-09-10-39

Good day, my experience is negative in family policy. I never want to have a child again. There is no point after a separation. My daughter is now 6 years old and I know nothing about her. Was in court three times and only wanted to be a father, speak joint custody and take care of her every 14 days and once a week. No chance if the child mother does not want. The youth welfare office would like to meet once a month to talk. But the child's mother does not want to. She does not want anything. The mother wants money. But you don't get information. That is our policy.

04-08-21-28

In seven years I always tried to do everything right so that I could see the children. Small offenses were punished with withdrawal.

There is almost nothing that I have not allegedly done badly. The children told me the wildest stories about me and my life, which their mother implied to them. I was reduced and humiliated around the clock during that time. I still will not give up.

23-08-14-27

Parent-child alienation is brainwashing children into surreal anger and rejection toward the alienated parent. I had to choose between giving up on myself or giving up on my daughter. I lost her.

27-08-15-53

At worst, I perceived the institutions accompanying divorce and separation as reinforcers and supporters of the alienating parent. At best, more as disinterested or helpless. Primarily interested in ensuring that "calm" returns, this calm being the sepulchral silence of the parent-child relationship.



26-08-07-50

A bad nightmare when truths become lies and lies become truths. And as a result, the children develop in your nature from once attracted to the father and loving to hateful instruments of pure vindictiveness. 2 Mediation proceedings, family counseling, mediation up to the OLG. Everything has unfortunately not helped the most important goal, namely to have a normal relationship with the children again, because the alienators have realized that they just have to sit it out.

05-09-22-49

My perception as a relative is that the child has too much say and the estranged parent was not given a chance. If the child does not want to see the estranged parent, then he does not have to. There was also no rapprochement between mother and child supported or encouraged in any way by any agency.

04-08-19-46

Even before the whole process of separation began, the outcome was certain. As a father, I was exclusively assigned the role of paying father. The obvious abuse of the children by the "mother" was ignored by all involved. Role models from the last century, a prominent law firm and economic interests of those involved sealed the fate for my children and me. Although I had never been guilty of anything as a father - which even the "mother" did not claim - I was disposed of.

19-09-17-09

In the case of separation, the ex-wife only needs to make allegations so that the court can impose a ban on contact until the facts of the case have been examined. Then, when the innocence has been proven (months pass), it says: "Yes, you are right, but there is a continuity of the child to the child mother and your child does not want to see you (because estranged) and we cannot force children, because this would simply burden them strongly".

17-09-09-31

My ex-wife refused any mediation or any help suggested by the court (child protection agency, psychological counseling / help etc.). The court said: "no one can be forced".

Lawyer advised me to get an expert opinion. I refused, because I could have nailed the expensive expert opinion to the wall according to the court and VB and Jugendamt. I would not have gotten custody and therefore the situation would not have changed. My ex-wife has committed active child alienation.

Even in the presence of our daughter, she did not return my greeting in front of the courthouse.

Even my daughter's reasons for breaking off contact were 1:1 the words of my ex-wife. Unbelievable how much dirt is suddenly poured out on you by your own daughter.

My ex-wife got legal aid, I had to pay everything out of my own pocket. Although she had the same net amount as me with separation maintenance. With child support even more. This is now her second child, which is estranged from the father.

The mother pulled the same stunt with the daughter from her first marriage. The father of her first daughter has had no contact with his daughter for over 15 years. I hope I don't suffer the same fate with my daughter.





7. Suicides

Where people consider (possibly even extended) suicide or carry it out, society must more specifically question the causes. That is what we have done.

For shared parenting

For reliable contact with both parents

For a happy childhood with separated parents



7 Suicides

Loss of contact with their children puts a strain on parents and relatives. In addition to psychological stress, declining work productivity, job loss or an increase in the consumption of alcohol, tobacco or drugs, suicidal thoughts and suicide attempts or successful suicides can also occur.

What are the consequences of breaking off contact for the affected parent?

	All participants (n=1,177)	Parents only (n=893)
Parent has already thought about taking his or her own life	30%	34%
Parent has had one or more suicide attempts because of it	3%	4%

In this status report, there are numerous indications as to why-not least due to faulty action on the part of professionals-suicidal ideation, suicide attempts, and completed suicides can also be explained in this alarmingly high number.

At the same time, this report cannot provide any information as to which suicides have their origin in this problem, because the affected persons themselves no longer have a voice.

Nevertheless, a trend is evident early on when considering the responses of suicidal individuals to the following question:

What are the consequences of breaking off contact for the affected parent?

	All participants (n=1,177)	Suicidal participants:
No consequences so far	4%	1%
Has accepted the situation	25%	19%
Thinks about it a lot, is often in bad shape	75%	83%
Parent is receiving medical or therapeutic treatment	42%	60%
Parent finds it difficult to hold down a regular job	30%	42%
Parent lost job, can no longer do my job	14%	23%
Parent smokes / drinks more	22%	32%
The relationship is suffering or broken	27%	35%

The values deteriorate significantly in suicidal patients.



Those affected can find help here free of charge: 0800 - 1110111

Giving a voice to relatives of those affected:

09-08-14-24

The father, who was deliberately maligned by the mother, took his own life. The expert wrote that the father was deliberately sexually accused (unspecified traumatic experience). Apparently, the mother was counseled by an association after she had to apologize to the father in a previous court case. The mother had purposefully alienated the child for what was most recently 15 months. According to the expert, the mother had committed criminal violations that the family court did not punish. The judge insisted for 7 months on an expert she had suggested, until a new expert was appointed after an objection. Charges against the judge for continued perverting the course of justice and against the mother for other violations were dropped.

06-08-23-30

My husband's brother took his own life after five years of custody dispute. All of us (aunt, uncle, cousin, grandma, grandpa, great-grandma, ...) are not allowed to have any contact with the daughter. The mother refuses any contact. We all suffer a lot from this situation. My brother-in-law did not have a chance. The child mother has moved several times, partly with child abduction and the judge at the family court has supported the mother. The child mother received legal aid and never faced sanctions, even if she did not comply with court orders.

06-08-17-34

The mother has refused any solution-oriented approach, has violated all requirements of the courts. The courts have always let the mother have her way. The father was systematically beaten up by false accusations and slander - all at state expense (legal aid). The estranged father has fought in vain at three court locations to be allowed to see his child. The inexperienced probationary family court judge systematically discriminated against the father through her conduct of the proceedings.

The father subsequently took his own life and blames the family judge through suicide notes. The judiciary refuses any form of reappraisal.

The expert found parent-child alienation, severe mistreatment of protected children and severe endangerment of the child's well-being caused by the mother. After the death of the father, the judiciary is no longer interested in the expert opinion. The mother has not suffered any consequences to date and refuses to allow the child any contact with relatives of the deceased father.

Those affected can find help here free of charge: 0800 - 1110111





8. Ratings, comments, classifications of Experts

Renowned experts have examined our status report and the values from various points of view, critically scrutinized them and classified them from different angles.

Dr. Charlotte Michel-Biegel	S. 62
Prof. Dr. Menno Baumann	S. 65
Dipl.-Psych. Friederike Dushe	S. 67
Guido R. Lieder	S. 69

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8. Evaluations, comments and classifications by experts

Dr. Charlotte Michel-Biegel



Dr. Charlotte Michel-Biegel, Nagold

Educator

Graduate social worker

Expert witness and guardian ad litem in child custody proceedings

Author: "The air is burning", Kern Publishing House

Board Dad Mom Also - Association for Separate Education

"PAS doesn't exist at all" is sometimes heard in discussions when it comes to the alienation of a child from one parent after a separation/divorce. The term "PAS" (Parental Alienation Syndrome), which has been in use among experts for some years, is controversial. It is a dispute among experts as to whether or not it should be included as a diagnosis in the classification system for mental disorders. What it definitely is, however, is a child's alienation from one parent, usually the one with whom the child does not live. Of course, there are also parents who have their child in mind here and the parent-child bond with one parent remains unchanged even after separation. In the case of an estrangement, it does not matter whether it is consciously initiated by the father and mother or whether it just happens. For example, because the father moves further away, the mother is busy with work, the father has a new family. It is often the case that an estrangement or a distance arises of its own accord. At some point, everyone comes to terms with it. For the main caring parent it is comfortable not to have to ask the other one for everything, for the other one it is comfortable not to have to care, and to save long journeys, hassle and everyday challenges. Both are glad that they have nothing more to do with the other.

But is it good for the child?

It becomes more severe when one parent consciously and actively causes the alienation of the child from the other. This often happens out of bitter feelings due to the separation. Unconsciously - consciously - or quite directly: one talks badly about the partner, betrays the child's relationship with him, and, once in the vortex, one influences the child to the point of manipulation and instrumentalization. Support offers recommended by the family court through the youth welfare office or counseling centers are not taken up or are unilaterally discontinued. "High contentiousness" in separations can also be caused unilaterally. Measures that serve the child and a pacification are ignored.

Does a child need a mother AND a father?

Many (especially estranged parents) are convinced that a child absolutely needs both parents. Of course, it is good if a child has both parents. But what if the mother or father is deceased? As a single parent left behind, do I always have to feel that the child is missing something that I have to replace or compensate for, because the child "needs" both parents? Entire generations had to grow up without a father, without being in need of treatment for the rest of their lives. In Germany, it is estimated that 2.5 million children grew up without a father after the war. For many women, this is an argument that even a child from a separated relationship does not lack a father. The difference: The children experience that the mother mourns the father. She has no reason to speak badly about her husband because of his absence - On the contrary, this man is often declared the best husband and father, is a hero, etc. So the children grow up knowing that they are part of a good person. Nevertheless, the loss hurt the children, of course.

Children with highly contentious parents have to accept the loss, are not even allowed to grieve and, on top of that, experience that half of their genetic material comes from a very bad person. Feminist literature sometimes states that fathers are not really needed. Despite all this: In most cultures it remains the ideal case that children have a father and a mother, even if the functions are divided differently. Of course, this does not mean that both are necessarily actively raising the child all the time. But the fact is: a child wants to love both father and mother.



Whether everyone is there or you only meet infrequently is of secondary importance at first. Nowadays there are many ways to keep in touch, to provide security. A child can also love an idiot, a stranger, an alcoholic, a criminal... If this is not allowed, this brings the children in distress, it knows that the other is there. (Statement of a mother: "it's your own fault if the children don't love him"). Yes, it may be his own fault. The children too?

It is not only a basic need to be loved, but also to love oneself and respect one's parents. We do not want to accuse. When children are not granted this, the parents, especially the alienating parent, need help. Why does conscious alienation from a parent happen? The root in many cases is fear. Fear of having to share the child's love; fear of having contact with the ex-partner; fear that the child will love the other person more than me; fear that he or she will be offered more in the other household; fear that one day I will be "replaced" by a "better" mother, a "better" father. Of course, disappointments, rejections, jealousy, etc. also play a role. In addition, there are firings from friends, relatives, lawyers. Here is some understanding, but also a clear call to seek support. If the whole thing was after months or years of hard arguments in court, the children have witnessed the disputes; have seen that the mother is sad, the father suddenly quite generous; that the parents have changed towards him; that there is always this one issue between friends and relatives; that children are "prepared" for what to say at the youth welfare office, in court or to others; if they are afraid of hurting father or mother with affection for the other, children often establish their own strategies. One of them is to badmouth the custodial parent, to alienate themselves. This is relatively easy. You don't see him/her every day, so you don't have to be accountable all the time, and the other parent is happy with that. At the next court hearing, such a child then clearly states what it wants: no longer to the mother or the father. However, it is not decided out of a free will of the child, but out of pressure; the child finally wants to see his mother/father happy again and have peace.

And this: Before I started to give concrete advice to separated parents, I had many conversations with mothers who - rightly - complained about the impossible behavior of their ex-husband, and who had good reasons to keep him out of their lives. Meanwhile, I am also shocked by the fathers or mothers who lost everything. They were not the ones who had separated from their partners and children, but the ones who wanted to be kept out of their child's life. I was shocked at the impact. Their lives consist of knowledge of family policy legislative procedures, family law statutes, paragraphs, family court decisions from around the country and in other countries. Some lost 40.000,- EUR and more due to legal disputes; some had illnesses clearly caused by years of psychological stress; some were unable to work because they could no longer stand in front of a class as teachers, or were "absent" as drivers. New relationships break down, friendships are suspended. Sometimes they write motions, rebuttals or supervision complaints to youth welfare offices and courts by the file. Silence from these agencies makes them feel even more challenged. Conversations are then also difficult for professionals. No - it is not those who shirk child support payments. But they put many times these amounts into these disputes, into experts and psychotherapies. I would like to mention them separately here, because the burdens of single parents are more visible, easier to grasp and known. Of course, they are also justified. But it does not become clear how much marginalized parents suffer and where the roots of their behavior are. The sad end: despair, anger, injuries, undignified scenes leave traces. Many are conspicuous by their aggressive behavior, others by social withdrawal or alcohol consumption. In the end, no one wants to do anything with such a father or mother. With our survey, we are not evaluating the work of youth welfare offices, family courts or counseling centers. Based on our experience and our activity, we comment on them. However, from the answers and contributions of our survey participants, the specialized agencies themselves can see where the greatest challenges are. A lot of this certainly coincides with their own experiences. So the point of our picture is to contribute to innovation, understanding and change.

We don't want a rigid approach, but rather solution options with a clear goal.

In family courts: differentiated view of procedures and participants, consideration of the child's environment and ties before separation, demands, decisions on obligation for (joint) counseling, consideration of possibilities and feasibility. For youth welfare offices: Promotion of supportive offers such as "Kinder aus der Klemme" or "Kinder im Blick" etc., counseling offers with more considerations for the assumption of responsibility by both parents. For counseling services: more creativity, less universal methods, thinking more broadly, involving other family members as needed, considering difficult circumstances and stresses. More long-term offers for separated families.

But I also know that it is not the method that is decisive, but ultimately the cooperation of the parents; this is to be encouraged. It is similar with professionals: Qualification is important, but so is attitude.



Is "single parenting" still in keeping with the times?

If I have to be a single parent because father or mother are simply not there or, because one parent has been guilty of child abuse, then that is a challenge that I have to accept, my task of single parenthood. In these cases, single mothers or fathers must indeed be supported by society and the state in their task.

Here, however, we are talking about conscious single parenting as a self-chosen form of family when the other parent exists. Conversely, it is also about parents who are content to make their financial contribution and leave the upbringing, the affection, the worries, the everyday life and the togetherness with the child to the other.

When Luise Schöffel founded the "Association of Unmarried Mothers" in 1967 in Herrenberg, Baden-Württemberg, for good reasons, one of her stated goals was "...that one day we will be superfluous." Much has changed in over 50 years: Fathers are naturally present at the birth, parents share the housework, both parents are employed. By law, both parents share parental care equally, and this does not change even with divorce or separation. The fact that the parents had their own division of roles in the family and later argue in court does not invalidate the law. If the situation is still unsatisfactory, if, for example, the single-earner model is preferred in terms of taxation, or men still earn more, then these are reasons to change this, which is also demanded.

We oppose these demands when, after separation, one educates and one pays. From both sides: More educational responsibility by the father, equal parenting. This also means: time off when the child is sick, tax deductibility of childcare costs, compensation payments if necessary, compatibility of work and family for both. That is in keeping with the times. It belongs in the list of demands of women, single parents and feminists.

Dr. Charlotte Michel-Biegel



8. Evaluations, comments and classifications by experts

Prof. Dr. Menno Baumann



Prof. Dr. Menno Baumann, Großefehn / Oldenburg

Professor for Intensive Pedagogy, Fliedner University of Applied Sciences Düsseldorf

Special educator, focus on children and youth services

European certified expert for pedagogical-psychological issues of family law

Expert witness in court proceedings of child and youth welfare services

Consultant of the film "Systemsprenger" (awarded at the Berlinale, winner of the German Film Award in eight categories)

First of all, I have to congratulate the initiative "Papa-Mama-Auch" for having compiled such an extensive data set with more than 1000 questionnaires, various original reports and quotes as well as the interviews of formerly affected young people who are now adults.

I was fortunately given the opportunity to review and comment on the survey data, quotes, and interviews in this report before they were published.

Both from a scientific point of view and as an expert for pedagogical-psychological questions of family law, the topic of parent-child alienation as a family-dynamic phenomenon is extremely significant for me.

Scientifically, this topic is difficult to grasp. Many theories could not be verified or show glaring weaknesses (cf. Fegert 2013), empirical studies could shed some light on the field (cf. e.g. Behrend 2013), but ultimately Fahrenholz and Zumbach (2020) agree that a truly empirically robust decision-making basis from academia for family law practice is still lacking.

And this raises an interesting question for me as an expert: What knowledge can help those involved in youth welfare offices, counseling centers, and those involved in the courts (judges, lawyers, guardians ad litem, experts) to better assess situations in order to avert harm? For this purpose, I would like to accentuate a few key data of the survey:

The composition of the participants seems remarkable to me. Of course, the survey is not representative in the scientific sense, since the sample did not follow any criteria except their own subjective feeling of being affected. And of course, with 99% of the participants feeling affected by alienation as victims in contrast to only 1% of the supposed alienators, it is also biased in terms of perspective, but the fact that of the participating parents 30.2% are affected mothers seems remarkable in view of the fact that at least 88% of all children after separation and divorce live primarily with their mothers. For this could mean that women are more often than average exposed to the risk of parent-child alienation if the child does not have its center of life in their household! This was not really an issue in previous scientific publications.

It is also interesting to note that 11% of the alienations took place out of the household where the child had his or her center of life. Thus, the majority of the alienation of a parent is still a phenomenon that affects the contact parent, but the survey shows a significant risk also for loyalty conflicts, which ultimately lead to alienation and contact termination, in the other direction.

I was also struck by the age-related risk (page 12). The group of 0-3 year olds is clearly overrepresented (36%) considering that the most common age of children when parents separate is 3-5 years. In view of this, therefore, the risk of alienation seems to be particularly high among very young children and among children immediately after starting school, which cannot be explained by the "typical age at separation". Here I see a clear need for research and, as a consequence of this report alone, a higher sensitivity in counseling work.

From my personal point of view - I have been dealing with institutional dynamics of failed attempts to help (and as such a completed alienation/exclusion of a parent has to be considered in any case!) for my whole research life - but above all both the experiential as well as the assessments of the institutions involved reflected in the figures are significant.



Of course, this result is not representative either, since only parents and relatives participated in the survey in whom the parent-child alienation and exclusion of one parent was also carried out, and conversely we have no information whatsoever as to whether and to what extent these very phenomena were also prevented by successful work on the part of counseling centers, youth welfare offices and family courts. This would require a rigorous study design with a representative sample of separated parents, independent of the selection criterion "alienation".

But what emerges is nevertheless an interesting picture: If we add up answers to the question about the institutions involved (p. 18), we arrive at 427% - which means that on average four or more institutions are involved in the process of alienation. Most frequently, of course, these are family courts, youth welfare offices and lawyers, but also a whole range of other institutions. None of these institutions was perceived by those affected in the subsequent questions as competent, acting in a structured manner, let alone specifically prepared for this area of the phenomenon. This does not automatically mean that they are not, but it does show that in cases where alienation occurs, this is not just a process that takes place between two highly contentious parents, but that the institutional dynamics actively help to shape and promote this process, and in most cases even drive it forward. It is precisely the fact that youth welfare offices are perceived as driving, if not orchestrating, the process of alienation that must be taken into account and analyzed more closely as part of the problem system. So far, active effects of professional action have also been found in all research fields in which socially highly problematic processes with institutional involvement have been investigated, be it in child protection (cf. Gerber & Lillig 2018) or in the so-called "Systemsprenger problem" (cf. Baumann 2012). These processes must be investigated, optimized, and subsequently regulated in a legally clear manner.

There is also a clear risk factor in the time that elapses. If we assume that it is not normal for the legal framework for setting appointments, the duration of assessments, waiting times for counseling appointments, etc. to be so excessive, as the majority of those affected state here, then it becomes clear that the time factor can be identified as a significant risk factor.

The role of the lawyers also needs to be critically examined once again. The fact that the legal representation of the opposing side is perceived as conflict-generating and negative is currently a normal process - which must nevertheless be questioned both morally and professionally (as acting against the child) - and can also be evaluated as a distortion, but the fact that 32% of the participants described their experiences with their own legal representation as negative and even 37% of the lawyers as not trained in this topic (p. 31) is surprising and points to a structural and professional problem.

It is gratifying that, at least according to the participants, the proportion of mutual accusations of violence and abuse is relatively low. Of course, the process of estrangement as such can also be seen as an act of psychological violence (without wanting to condemn one of the parties to the conflict as the perpetrator), but beyond this, the topic of violence - not even as a groundless accusation to obtain a restraining order - is not the primary subject of dispute.

Finally, reference should be made to the two-thirds of participants who clearly name relevant symptoms as a consequence of the alienation process - from symptoms of illness requiring psychological treatment to alcohol abuse to limited ability to work and suicidal thoughts. In view of these problems - which arise in addition to the scientifically well-documented consequential problems in the children - the topic shows a clear need for action for research and jurisprudence. The obvious relevance is apparently not in proportion to the available state of research and the professional basis for action in practice.

Prof. Dr. Menno Baumann

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8. Evaluations, comments and classifications by experts

Friederike Dushe



Friederike Dushe, Brunswick

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Nearly 20 years of experience working as a school psychology department head.

To psychologically frame the data, how does parent-child alienation (EKE) affect psyche, health, and life?

When contact was broken off, 95% of the children were before the age of 12, i.e. in a developmental period in which identity development is far from complete, but is crucial for experiencing self-worth and can lead to sometimes severe psychological consequences in the event of an experienced loss of identity. These children are thus unable to experience belonging to a part of their family, which would, however, be necessary for their identity formation. The reported effects on the wider family and circle of friends are also enormous; thus, grief and helplessness remain in the closer environment as a burdening and sometimes determining topic.

Daycare centers, schools, pediatricians' offices and counseling centers are generally aware of the issue, as they are approached by parents and asked for support. At the same time, the experiences with support, especially in the area of family counseling and in particular the Youth Welfare Office, are experienced to a large extent as unsatisfactory, as not neutral or as not leading to a solution to the problem; success is experienced rather as random. This is all the more significant because the recommendations of the youth welfare office are usually used by the family court as the most important basis for decision-making: those affected experience this situation as a loss of control, as powerlessness.

In addition to the other parent, a not inconsiderable degree of authorship of Parental Alienation is attributed to the institutions offering support or requesting support, with the Youth Welfare Office and the legal representation of the other parent being seen as particularly in the focus of authorship. The data available on the resulting consequences for the affected parent leads to the assumption that a not inconsiderable proportion of these are massive psychological sequelae: in addition to partly pathological grief reactions and depressive or anxiety disorders, there are also trauma sequelae. The reports of experience lead to the assumption that it is not uncommon for post-traumatic stress disorders to develop, which are among the most serious mental disorders and lead to considerable stress and restrictions on the level of experience, the social level and the behavioral level. The consequences are enormous: relationships can no longer be lived satisfactorily, feelings of loss of control and trust in the world and humanity are overwhelming, the ability to concentrate and work experiences massive losses up to economic-existential significance. Not infrequently, this also leads to increased alcohol or drug use or suicidal fantasies or planning.

On the classification of psychology in the subject area of parent-child alienation: Psychology as the "science of human experience and behavior" is first of all a descriptive science that offers explanations and models for understanding on an intra- and inter-individual level, from which in turn interventions for change can be derived. Thus, psychology can describe the dynamics of the people involved and thus also typical phenomena in the context of separation families. Before a goal is defined, interventions can be derived from these findings, whereby the goal can be one chosen by the parents themselves or, in the case of non-agreement between the parents, a political-societal goal, and interventions can be offered as a suggestion to the parents or, alternatively, to decision-makers.

In the context of Parental Alienation, I see opportunities for professionalization in the form of knowledge transfer, further training and supervision or case discussion for all professions and institutions involved as being of central importance. The knowledge of typical phenomena of a separation family, the recognition of the dynamics and the sensitive evaluation of the possible consequences are of crucial importance for professional action.



In principle, psychological counseling or - in the case of a diagnosed mental disorder - psychotherapeutic treatment can support those affected. Psychological counseling can offer procedural support (not only in the legal sense!). During legal proceedings, however, authentic work is hardly possible due to the usually differing goals of the parties involved in the proceedings, since there is a shift of the legally pursued goals, or the judicial tasks, to psychological counseling. Thus, counseling can tend to be misappropriated or the responsibility for decisions can be shifted.

From a professional point of view, the following must always be viewed critically: Ethically, the question arises to what extent an induced disorder can be treated by fundamentally changeable external decisions. Psychology is not geared to achieving a specific goal formulated by a third party. Responsibilities that must be located elsewhere, such as legal decisions, cannot be delegated to psychology. In addition, a view of professional possibilities is needed: Trauma sequelae disorder, for example, is definitely worthy of treatment; reactive disorders are usually also indicated for psychotherapy. Continuing stress/traumatization (here possibly also the non-contact to the own child) prevents a therapy success. Crisis intervention can support, but does not replace indicated psychotherapy.

On the development of psychological aspects:

Psychology itself also still has a great need for development on the topic of parent-child alienation. A corresponding diagnosis to be included in the current classification systems (e.g. ICD, DSM) is controversial. Much less controversial are the psychodynamic events and phenomena of parent-child alienation. Although there are already useful theories and models (cf. Parental Alienation Study Group <https://pasg.info/>), these are still too little known, especially in German-speaking countries, even among psychological experts.

The offer to families to prevent parent-child alienation in the best case is to expand via psychoeducation and psychological support, also via institutions such as kindergartens and schools.

Professional role and task clarification:

In cases where parents cannot agree on how they want to organize the care situation for their children after a separation at the couple level, we have to deal with different issues, predominantly from the psychological, the legal and the pedagogical area. In my experience, these three issues often get mixed up in the context of counseling or legal processes. This tends to lead to uncertainties in action, to ambiguities in the respective responsibilities, to decisions that are not well-founded and, as the present work and the reports of those affected reflect, thus not infrequently to serious consequences such as secondary traumatization due to the experiences in connection with those very institutions or professional persons.

The time available for processing a court case must be in reasonable proportion to the significance of the outcome. Psychologically, the usual processing time (see data situation) tends to mean that not all significant aspects can be discussed when there is little time available, and decisions tend to (have to) be made quickly, which are not infrequently subject to errors of perception and judgment, which then result in a significantly more subjective decision. Especially in the phenomenon of parent-child alienation, the dynamics can only be recognized if it is possible to devote time to the family, to be able to comprehend the developmental process of this family and to understand and psychologically translate the ways of experiencing and behaving, especially of the children.

It would go too far here to go deeper into the psychological consideration of the overall situation of family separation concerns, as well as to give more than a tendency outlook on necessary psychological-professional development tasks as well as the clarification of the respective professional roles and tasks or the interprofessional cooperation .

I wish the initiators of this valuable work that the results will be taken seriously, lead to further scientific interest and trigger an impulse to improve the situation of separating families.

In my opinion, an important criterion for successful support of these families would be exactly this: how satisfied parents show themselves with the extent to which they are involved in the development process of their children as a mother or father.

Friederike Dushe



8. Evaluations, comments and classifications by experts

Guido R. Lieder



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Communication support and communication coaching for families, among others
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The present report is likely to be classified by everyone as alarming but it cannot come as a surprise.

Experts have long been aware of the shortcomings and deficits identified in this survey.

In particular, youth welfare services and family courts have long been regarded as being highly problematic and qualitatively flawed in this context.

The fact that such social grievances have been observed and become known, respectively, also sheds a light on further flawed government-run structures.

Among the flawed government-run structures, for example, are the only poor quality development and poor quality assurance of the youth welfare offices and youth welfare services that were only stipulated in 2012 with the Federal Child Protection Act, but which have continued to lie fallow.

In this connection, mention should also be made of the tenacious deficits of the many local government youth welfare committees that as the political bodies should be playing a leading role for the youth welfare offices and youth welfare services in warranting decisive quality assurance and control, but instead due to their lack of specialist knowledge and lack of insights have no understanding at all or are unable to understand.

Unfortunately, there are often even established structures in youth welfare services or at youth welfare providers that ignore even the grossest abuses or play along with the game of shortcomings.

The fact that nearly everywhere in the youth welfare offices today the explicit or separate functional supervision bodies are missing and/or even the simplest of quality assurance mechanisms are not in place very clearly highlight, on the one hand, how openly visible the shortcomings have been for a long time and, on the other, how persistently these shortcomings are kept silent or ignored.

In this context, a critical look should also be taken at the DJI (German Youth Institute, the DIJUF (German Institute for Youth Care) and the AGJ (Working Group for Children and Juveniles), which, together with other institutions and organisations, should have long since more intensively pointed out the known deficiencies as well as have been working more intensively towards making improvements.

When cases like those described in the present report are described, in the course of things finally land at the competent family courts or administrative courts, this often points to completely flawed activities of the upstream youth welfare offices and youth welfare services.

The greatest augmentation of the grievances is then before the family courts the often helpless and poor or even false statements that are very frequently submitted by the Youth Welfare Services, ignoring the Convention on the Rights of the Child or ignoring the General Comments.

Whether the poor quality of such statements is caused by the lack of training in the area of youth welfare services or the youth welfare office or is a pointer towards the many other deficiencies of the government bodies in this area hardly makes any difference in the current disastrous overall picture.



Family courts or administrative courts, which are confronted with this deficient system and, depending on the circumstances, are even intensively dependent on good input from youth welfare or youth welfare offices, can then often only initiate improvements to a very limited extent.

However, it is particularly tragic for children and families in such regions where both the youth welfare offices and the family courts are of extremely poor quality. In this context, insiders have long pointed to regions such as Münster or Bergisch Gladbach where their most recent scandals have not occurred unexpectedly and become public, as the case may be.

At the latest since February 2020 when the German state television channel ARD broadcast the now very well-known, multi-award-winning and documentary-like feature film “Weil du mir gehörst” (Because You're Mine) at prime viewing time about frightening events in the domain of family courts and youth welfare, no one can claim that they were unaware of such events.

At an international level, it has long been openly stated in this context that even “refusal of access” can clearly be an act of “domestic violence” against children and against the second parent concerned.

In the context of such violations of children’s rights, experts differentiate between “involuntary” single parenthood (in which a second parent, for example, is deceased or shirks his or her responsibilities, and “wilful” single parenthood (in which a second parent is forced out of parenthood as a result of the particular interests of the other parent).

When this report speaks clearly of parent-child alienation (EKE), this should be seen in the overall context mentioned above.

The reprehensible attempts of parent-child alienation are often recognisable from the first small attempts or first small steps.

The first refusal of access directed against a child should therefore be a clear red flag or wake-up call and much heeded warning signal instead of being ignored.

Especially since, according to experts, the instructions circulating on the Darknet make it very clear why the many recent paedophile cases are almost all associated with single parent households (Staufen, Lügde, Münster, ...).

This also applies to the many recent deaths of children (Mönchengladbach, Solingen, Torgelow, Querfurt, ...).

The concept of the “second protecting person,” i.e., in the context of separation and divorce, protection also by the second parent and their extended family, is often critical for the positive protection of children.

Modern and progressive joint separate parenting by both parents after separation or divorce (shared parenting) is known to be far superior in all respects to the disadvantageous and outdated single parenting.

Thus joint separate parenting and child protection by both parents is not only socially desirable, but should also be given clear legal preference in future.

Ignoring this today not only promotes thwarting contact or parent-child alienation but also by pushing out one of the parents – which is still often done in some backward circles - even specifically promotes paedophilia as in the above-mentioned cases.

This should be clear to all authorities by now, given the many paedophile cases that have come to light.

Anyone in youth welfare offices or in family courts who, instead of working towards constructive cooperation in separated families, still works towards single parenthood must come under suspicion, among other things, of encouraging paedophilia and jeopardising the protection of children.

With these clear findings, it should be possible in the future to ambitiously avoid large-scale thwarting of contact and parent-child alienation.

This would then go down in history as real progress for children and children’s rights!

Guido R. Lieder





9. DEMANDS ON POLITICS

How do those affected perceive the Federal Republic of Germany as a constitutional state in family law? What needs to be done or what has not been done so far? What entitlement do we have as citizens of this country to justice, law and practice in family law? What needs to be done to better protect our children even after separation and divorce?

For shared parenting

For reliable contact with both parents

For a happy childhood with separated parents



9. Demands on politics

How do parents, relatives and close people perceive family law in Germany? And what wishes do they have for politics?

What is your experience with the rule of law in family law?

	All participants (n=1,177)	Mothers	Fathers
a. Good experience	4%	3%	5%
b. Family court judges are trained on parent-child alienation	4%	4%	6%
c. Family court judges favor parent-child alienation	68%	66%	69%
d. Bad experience	80%	79%	80%

Fathers and mothers do not really stand out from the answers of all participants. In general, 80% of the participants say that they have had bad experiences with the rule of law in family law.

The participants in our survey have wishes for politics and legislation in the Federal Republic of Germany:

What would you like to see from legislators in family law?

	All participants (n=1,177)	Parents (n=893)
a. Family law does not need a change, it just needs to be implemented consistently	8%	7%
b. Paradigm shift to "shared parenting" model also after separation / divorce	66%	67%
c. Mandatory mediation for parents prior to court proceedings	56%	57%
d. De-escalation of family court proceedings	51%	52%
e. Negative rather than positive child welfare review	50%	51%
f. Paradigm shift in alimony law (Both care, both pay)	61%	63%
g. Consistently address contact and prevention, Violations of joint responsibility for custody and court orders, punishable by criminal law if necessary	75%	75%
h. Prevent parent-child alienation and effectively address it by law	87%	89%

Fewer than one in ten say that family law needs no changes. By contrast, across the board, half or more of our participants want a great deal to change.

The upper range includes the wishes for a paradigm shift to the guiding principle of "shared parenting," mandatory mediation for parents, a paradigm shift in child support law, and consequences for violations of shared custody, court orders, and access and prevention.

Very clear with almost 90% is the attitude of respondents to parent-child alienation and the demand to effectively counter this phenomenon by law.



Giving a voice to those affected:

05-08-08-49

There is a file at a youth welfare office in which the mother is attested "incipient child welfare endangerment". After they moved, however, the file remained under lock and key at the Youth Welfare Office and was not passed on to the newly responsible one. The guardian ad litem said that I was "only" the father. The new family court ignores former decisions of the OLG and even a BGH decision, all to the detriment of the children.

05-08-23-06

After a new employee of the youth welfare office was responsible, I had briefly hope. But the process was too far advanced and during all attempts to move the KV to cooperate (in the end his own lawyer) in all hearings he refused constructive proposals, sneering smiles to all as receipt. I have had no contact for years, was a full time mom for 11 and 13 years and gave everything. But because I lived in the house of the in-laws, I had to clear the field. Fatal consequences

04-08-19-17

Alienation is encouraged by family courts: Contact proceedings last too long, in my case proceedings for over 2 years without anything being done about the alienation. Conflicts are further exacerbated by the conduct of the proceedings. There is no effective remedy if the court fails to act, although the FamFG stipulates the acceleration requirement. Parent-child alienation is not recognized by the court, or it looks the other way. Violations of court-ordered access and the good conduct clause in §1684 BGB are not sanctioned. The psychological effects on children and affected parents are completely ignored.

04-08-15-51

If one wants to quarrel, then the other can do what he wants. The system will always support the estranger or it will be said that "the parents" are highly contentious and contact will be suspended for the time being. For the good of the child. It has caused so much damage, which will never be good again.

06-08-15-56

In the entire three-year procedure, there has only been one official person at all who kept an eye on the children. This was the first guardian ad litem.

All the other people involved, who are officially responsible in our community for the welfare of the children and on behalf of the people, did not have the children in mind and oriented themselves to a family image of the 1950s: Mommy is responsible for the children.

13-08-08-42

Good day, I think a child has the right to both parents as well as grandparents, aunts and uncles. Even more so, if the welfare of the child is met more than with its mother (in financial terms). And that a father is denied contact and visitation rights in such a way is incomprehensible to me. So the hook must lie with the institutions.

05-08-01-10

An alienator's most dangerous weapon is his own children. Why does no one dare to disarm these people and make peace? Everything important that an alienated person still has is material and even that is taken from him without mercy - by law!



9. Demands on politics

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With eight years, the grand coalition and especially the ministries of justice (BMJV, SPD) and family (BMFSFJ, SPD) had plenty of time to get urgently needed reforms in family law underway. Most recently, it was fixed in the coalition agreement. Did the politicians, did the SPD-led ministries sleep through the reforms? No. There were ministry working groups, round tables with lobby groups and associations, and hearings in various committees. There were plenty of questions from the opposition and lots of reports and articles on TV and in the press. Most recently, the feature film "Weil Du mir gehörst" (Because You're Mine) made another significant contribution on public television.

Our impression is that the SPD-led ministries have refused to implement sustainable reform.

From this status report, from the contents and reports of the concerning, it should be now a moral obligation to give up this refusal urgently. We of daddy mummy also together with further federations and associations in the interest of our children in the lining up election campaign the finger clearly into the wound to put and our demands and solution beginnings following opposite the policy emphatically represent.

I. Our goals for children and separating families

Children from separated families must retain both parents as caregivers, as well as siblings, grandparents and families of both families of origin. (Exception: child protection in the sense of § 1666 BGB). Both parents assume responsibility for upbringing, also take care of the child's necessary affairs, or accompany the child in school or leisure matters by arrangement.

Demand 1:

**Not single parenting as a principle after separation / divorce, but separate parenting:
Shared parenting as a guiding principle**

II: The necessary means

a. Social means

1. support awareness
Parents must accept that children want to have both parents. Therefore, the duty of binding care is an important component.

Claim 2:

Intolerance of attachment of one parent and marginalization of the other parent and other important attachment figures of the child are to be considered as child abuse (conflict of loyalty). The same applies to the prevention of care and contact as well as parent-child alienation. Repeated cases should have criminal consequences if necessary.



Solution: Concretization § 1684 BGB in connection with § 1666 BGB
Securing parental autonomy even after separation / divorce

A child who is allowed to experience the love of both parents, of all relatives, in a separation situation is optimally protected. Children whose parents, or parent, cannot manage this, need strong, independent partners at their side to protect them directly. The attitude of child-ownership is to be stopped. Not giving up on your child, wanting to stay mommy or daddy, is to be supported. The cooperative "separate parenting" must be encouraged by all caregivers and institutions.

Requirement 3:
Mandatory mediation before the start of family proceedings

Solutions / References:

Example Australia

Following the example of the Family Relationship Centres in Australia, the principle of equal principle (care 50% : 50%) should apply until an agreement is reached. Should the parents agree otherwise mediation, the parental agreements will apply.

Example Belgium

Where parents do not reach an agreement on care, parents give a statement to the court, how care should be arranged on a pro rata basis. The decision is then made in favor of the model which grants the other parent a greater share of care.

The mediation should, as in the above countries, be carried out by independent bodies with appropriately trained personnel, who do not belong to the aid agencies such as Diakonie, AWO, Caritas, ASD, etc., to ensure independence in order to guarantee independence.

Background: Autonomy must also return to the parents in the case of separation parents.

Aspect of child protection within the meaning of §1666 BGB:

If child protection aspects require a different form of care, the mechanisms pursuant to §1666 BGB apply.

Likewise: *If allegations turn out to be "freely invented and unfounded, these very false accusations are to be considered child abuse and are also to be punished under criminal law. Allegations must be pursued in an expedited manner and with deadlines. The polluter pays principle applies to the costs incurred.*



b: Legal means

Courts to require parents to take action by order:

Mandatory counseling / accompaniment / assistance / guardianship / mediation / therapy.

- Consequences must follow for refusal/obstruction that are felt by non-cooperative parents:
- Threat and enforcement of regulatory remedies
- Threatening to interfere with custody rights
- Custody decisions (also temporary transfer of partial areas of custody - health, education, finances, residence determination) to other parent
- Coercive measures until transition to criminal law as the last resort

Claim 4:

Negative instead of positive child well-being test

Those involved in the proceedings should not have to/be allowed to speculate on what would be best for the child.

Experience shows that arguments are regularly used as a strategy and subjective attitudes of the professionals and that these speculations are then the cause of contact termination or significantly promote it. Rather, the question should be asked whether contact with one parent is detrimental to the child's well-being. (If this is demonstrably the case: see aspect child protection in the sense of § 1666 BGB).

Youth Welfare Offices (German Jugendamt)

In the case of regulating the care of the child in post-separation families, the involvement of the Youth Welfare Office can often be described as difficult due to personal experiences and personally experienced injuries of the employees. Lack of objectivity and often only partial insight into the living conditions of the separating parents excessively often lead to fatal wrong decisions, which often influence the development of children for the rest of their lives. The responsibility of youth welfare offices must be limited to the core tasks of the guardianship: The protection of children and adolescents. The provisions of SGB VIII § 50 and FamFG § 160 "Participation of youth welfare offices in family court proceedings are, as far as the determination of care, contact and custody is concerned", are to be deleted.

Likewise, the partiality of the youth welfare offices by virtue of the law, which favors "single parenting":

§ 18 SGB VIII - Advice and support in the exercise of personal care and rights of access.

(1) "Mothers and fathers who have to care for a child or a young person alone or actually care for a child or adolescent, are entitled to advice and assistance

1. in the exercise of personal custody, including the assertion of maintenance or Claims for compensation of maintenance of the child or adolescent,
2. in asserting their claims for maintenance under section 1615 of the Civil Code."

Advantage: By implementing the requirements 1-5, the released personnel capacities of the youth welfare offices can take over important tasks in child protection.

Qualified judiciary

We need a qualified specialist judiciary with binding training content (legal, pedagogical, psychological) as a prerequisite for access to the office of judge at the family court.



Legal advisors independent of the court

We need legal advisors independent of the court to represent the legal interests of the child. This should be regulated by law. (Strengthening the interests of children - amendment of FamFG 158)

c. Political means

Support for labor market policy instruments (parental leave, measures to reconcile family and work for mothers AND fathers, equal living conditions for children with both parents).

Preventing retraditionalization through shared and equal parenting, implementing key parts of European Parliament Resolution 2079.

It must be socially questioned whether the "single parent" model is still in line with the times.

Requirement 5:

Adjustments in maintenance law, tax law and complementary measures.

The principle of "one cares, one pays" is to be changed so that post-separation families are not worse off in the aggregate than they were before the separation.

Solution: Corresponding adjustment §1606 (3) BGB

Conclusion:

The demands formulated by "Papa Mama Auch" put our children in the center and allow our children the security of upbringing and care by both parents including siblings, grandparents and relatives. They preserve important protective persons for our children.

Our demands are in line with the UN Convention on the Rights of the Child, which is still not sufficiently recognized in the family law of the Federal Republic of Germany. They minimize possible unilateral escalations, transfer the duties back to the parents and force them to adopt a basic attitude that gives our children the confidence to love both parents unconditionally and to be allowed to do so. They restore parental autonomy and the basic rights of children and parents even after separation. They relieve youth welfare offices and thus give them the personnel space to pursue real child protection cases with additional personnel and thus to better fulfill their original task of guardianship.

This "Status Report on the Situation in Family Law in Germany" only underscores once again that these demands urgently require immediate implementation in order to avert further harm to children and parents and to fully restore parents' trust in the Federal Republic of Germany as a constitutional state.

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Contributors to this report

- 1,177 participants in the survey with many responses and numerous messages
- 5 formerly estranged, now adult children who did not find it easy to complete the personal questionnaire
- Cornelia Spachholz, VbM Association of Working Mothers (Foreword)
- Our experts Prof. Dr. Menno Baumann, Dipl.Psych. Friederike Dushe, Guido R. Lieder with expert evaluations and personal assessments
- Christian Wessel with the personal accompaniment of formerly estranged children during the questionnaires
- Thorsten Vanselow with the design of the envelopes (each number is a person affected, behind all numbers there are almost 2,000 children's fates in total)
- Peter Graeßner, Almuth Meyer-Waarden and Guido R. Lieder with the extensive and conscientious processing of the practice case from point 4
- Stefanie Unbehauen for correcting the translation

(We sincerely thank all the above-mentioned contributors)

- Dr. Charlotte Michel-Biegel and Ulf Hofes (authors, idea, initiative and implementation of this report)

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Association for Separate Parenting

1. Edition— 19.November 2020

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Giving affected people a voice - the "last word"

12-08-13-55

I managed to end the estrangement after 9 months (first born child) and 16 months (second born child). The separation and estrangement began in Nov 2017. My boys were manipulated by the mother, guided by her "dispute-as-strategy" attorney with the help of Child Protective Services. I did not follow any harmful "calm advice" and used ALL channels of contact. In particular, intensive contact with teachers and schools, chance meetings downtown and at parties, and gifts and letters through friends.

Four months after termination of the harmful "assistance measures" of the youth welfare office, my youngest (then 10 and a real rebel) was able to assert himself with the KM two years ago. The older one (14) managed it only 7 months later (of it 4 Mon. contact exclusion by family court) exclusively by the help of the brother, the class teacher and the school management. ALL other so-called helpers have completely failed and ONLY harmed (including procedural counsel and higher regional court).

For more than a year we have been caring for the child in the alternating model with a current care share of 60-70%/30-40% father/mother.

There is another way:

From practice

My mother is from Germany, my father from Mexico. They have never been married. I stayed in Germany with my mother; my father went back to Mexico. At all times I had contact with my father - by letter, by phone, later with Skype. My parents both got married at some point. In our family, everyone experienced my Mexican family as an enrichment. And last year I was there with my little sister.

As a child, I loved my mother. For that, I am infinitely grateful to her today for her attitude.

Felicia P.





www.papa-mama-auch.de

