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PARENTAL ALIENATION AND THE ROLE OF GALs AND LGALs (Part One of Two)

By ASHISH JOSHI

Imagine this scenario: There is contentious divorce litigation with the parties fighting for custody. The child has aligned herself with the father (“favored parent”) and is resisting and refusing to spend any time with her mother (“target parent”). Despite a significant history of maternal love and care, the child claims that the mother has “abandoned us” and, despite no evidence to support it, alleges that her mother has a “drinking problem.” Court-ordered parenting time and visitation orders are routinely and consistently violated. Exchanges turn into nightmarish scenarios as the child refuses to go with the target parent. Police and Child Protective Services are summoned. The frustrated target parent keeps demanding court intervention without success. The court, also frustrated, appoints a Guardian ad litem (“GAL”) or Lawyer-Guardian ad litem (“LGAL”) to help the situation. Upon arrival on the scene, the Guardian tries to make sense of the ongoing mayhem. Given the child’s refusal to go to court-ordered parenting time the Guardian recommends a “cooling off” period, i.e., the target parent does not compel the child to go with her. The Guardian selects a therapist to provide “family therapy” or “reunification therapy” to help reunify the mother with the child. In therapy, the child tells tales of “abusive” behavior: Mom abandoned “us,” is mean, yells “for hours,” and “drinks.” The therapist uncritically accepts every statement that the child makes, regardless of the mountain of evidence to the contrary. The mother, who participates in some joint sessions, is advised not to challenge the child’s version of events and is asked to shove aside all the evidence she has put together showing a healthy, loving and close relationship with her child prior to the filing of divorce. Instead, the mother is advised to show “empathy.” The child’s acting-out and her fear and rejection of the mother gets worse. Months go by without any parenting time. Lawyers spend time on phone conferences and file motions that don’t result in any change in the status quo. The Guardian spends time talking to the child and the therapist. The therapist spends time talking to the child and the Guardian. Soon, legal fees and costs spiral out of control. The time comes when the target parent is either supremely frustrated, out of money or both. Something must give.

This scenario that plagues family courts around the country is not uncommon. Time after time, courts look to

GALs and/or LGALs to help resolve these issues in the best interests of the children. The hope, if not the goal, is to move towards a collaborative model where divorcing parties treat each other with dignity and respect, where child clients are treated like adult clients, and have a voice in the process of decision-making.¹ In contentious cases, courts are increasingly appointing attorneys for children – mainly to protect them, give them a “voice” in the proceedings and promote their best interests, but also with a hope that a neutral quasi-judicial professional may help the parties reach a resolution.

Parental alienation,² however, changes everything. It changes the child-centered model, forcing each case – with its unique set of facts and circumstances – to be viewed through a critical lens.³ Parental alienation is an unjustified campaign of denigration against a parent, often referred to as the “target parent.” The critical factor that separates alienation from estrangement⁴ is that the child’s rejection of the target parent is based on a false or unreasonable belief that is *significantly disproportionate* to the child’s actual experience.⁵

Parental alienation is a specialized area; it is also counterintuitive and generally misunderstood. Further, there is a lack of training and dearth of easily accessible resources for the various third parties involved with the children who are victims of alienation.⁶ Errors of commission and omission are easy to make through inadvertence, misinformation, lack of diligence and lack of competence or experience. These errors may constitute violations of professional codes of ethics and can have significant and at times, irreversible, impact on the result of the case.⁷

Parental alienation comes in all shapes and sizes and can be mild, moderate or severe.⁸ Depending on the severity of alienation, a child’s reaction could vary from “acting out” and being disrespectful to a target parent to refusing to go on parenting time, from demonstrating oppositional behavior to utter and complete rejection of a parent. Often, the first signs of trouble are consistent violations of court ordered parenting time, which in turn may lead a court to appoint an LGAL or GAL. However, little effort is made in ensuring that the professional in question has the requisite knowledge, skill and experience in dealing with cases involving parental alienation.⁹

GALs, LGALs and Their Respective Roles

In a child custody dispute, the court may appoint a GAL to investigate the matter and make recommendations for the resolution of the dispute in the best interests of the child.¹⁰ In Michigan, “Guardian ad litem’ is a legal term of art and therefore, resort to a legal dictionary to determine its meaning is appropriate.”¹¹ The term is defined in Black’s Law Dictionary as “[a] guardian, usu. a lawyer, appointed by the court to appear in a lawsuit on behalf of an incompetent or minor party.”¹² And, the term “guardian” in turn is defined as “[s]omeone who has the legal authority and duty for another’s person or property because of the other’s infancy, incapacity, or disability.”¹³ In a child custody or probate setting, a GAL’s role is to *assist the court* in determining the child’s best interests and he or she need not be an attorney.¹⁴

In contrast, if the court determines that the minor’s interests are inadequately represented, the court may appoint an LGAL to represent the minor.¹⁵ The role of the LGAL is defined by the statute, which provides that the duty of the LGAL *is to the child and not to the court* and that the attorney-client privilege applies.¹⁶ But while the LGAL’s duty is to the child, it does not translate into simply being a mouthpiece for the child’s wishes. The LGAL has the duty to first determine and then advocate for the child’s *best interests*.¹⁷ And while the child’s wishes are relevant to the determination of his or her best interests, they should be weighed according to the child’s competence and maturity.

The LGAL is a relatively new and unique creation by the Michigan legislature.¹⁸ The professional’s powers and duties are prescribed in a statute, which include, in pertinent part:¹⁹

- (a) The obligations of the attorney-client privilege.
- (b) To serve as the *independent* representative for the child’s *best interests*, and be entitled to full and active participation in all aspects of the litigation and access to all relevant information regarding the child.
- (c) To determine the facts of the case by conducting an *independent* investigation including but not limited to, interviewing the child, social workers, family members, and others as necessary, and reviewing relevant reports and other information...
- (d) To meet with or observe the child and *assess* the child’s needs and wishes with regard to the representation and the issues in the case...
- (e) To explain to the child, taking into account the child’s ability to understand the proceedings, the lawyer-guardian ad litem’s role.

- (f) To file all necessary pleadings and papers and *independently* call witnesses on the child’s behalf.

...

- (i) To make a determination regarding the child’s best interests and advocate for those best interests *according to the lawyer-guardian ad litem’s understanding of those best interests, regardless of whether the lawyer-guardian ad litem’s determination reflects the child’s wishes*. The child’s wishes are relevant to the lawyer-guardian ad litem’s determination of the child’s best interests, and the lawyer-guardian ad litem shall weigh the child’s wishes according to the child’s competence and maturity. Consistent with the law governing attorney-client privilege, the lawyer-guardian ad litem shall inform the court as to the child’s wishes and preferences.

It is important to note that the law obligates the LGAL to serve as an *independent* representative of the child’s best interests, to conduct an *independent* investigation, to determine the child’s best interests and thereafter to advocate for those best interests according to the LGAL’s understanding of those best interests. This is a significant power and an obligation that is bestowed upon the LGAL. When serving in this role, an LGAL functions as a “guardian” with the statutory authority and duty to care for the child by advocating for the child’s best interests.²⁰

But the term “guardian” when applied to an LGAL could be misleading, because there are significant differences between a GAL and an LGAL. For instance, a GAL need not be an attorney, while an LGAL, as the term itself suggests, must be an attorney.²¹ A GAL, after conducting an independent investigation, “shall make a report in open court or file a written report of the investigation and recommendations.”²² The GAL’s report and any subsequent reports “may be received by the court and may be relied on to the extent of their probative value.”²³ Parties have a right to “examine and controvert reports received into evidence” and can cross-examine the GAL who prepared the report.²⁴

An LGAL, like a GAL, must conduct an independent investigation, but unlike a GAL, “[t]he court or another party shall not call [an LGAL] as a witness to testify regarding matters related to the case.”²⁵ Also, an LGAL’s “file of the case is not discoverable.”²⁶ And while the court must appoint an LGAL in a child protective proceeding, a court is not required to appoint a GAL in such proceedings.²⁷ The duties of an LGAL are far broader and more extensive than that of a GAL. And while a GAL owes his or her duty to the court and does not enjoy an attorney-client relationship with the child, an LGAL has an

attorney-client relationship with the child and owes his or her duty to the child. Perhaps “the starkest difference between the two is that unlike an LGAL, appointment of a GAL ‘does not create an attorney-client relationship’ and ‘[c]ommunications between that person and the guardian ad litem are not subject to the attorney-client privilege.’”²⁸

Notwithstanding the differences between the two roles, when determining a child’s best interests, there is an important overlap between the duties of the GAL and LGAL. “[A]n LGAL serves the same basic function as a GAL: independently investigating, determining, and representing the child’s best interests.”²⁹ But an LGAL must serve this purpose differently than a GAL. An LGAL is not tasked with simply assisting the court in determining the child’s best interests, but rather is tasked with the duty to *make* “a determination regarding the child’s best interests and advocate for those best interests.”³⁰ And an LGAL is obligated to serve as the “independent representative for the child’s best interests:” he or she may advocate for a position, call witnesses, file all necessary pleadings and papers, attend hearings and monitor the implementation of case plans and court orders and is otherwise “entitled to full and active participation in all aspects of the litigation.”³¹

Finally, an LGAL is not the child’s attorney in a traditional sense; he or she is an *independent* representative of the child’s best interests. Indeed, MCL 712A.13a separately defines an “attorney” for purposes of child protective proceedings who would function “in a traditional attorney-client relationship with the child.” This attorney would owe the child “the same duties of undivided loyalty, confidentiality, and zealous representation of the child’s expressed wishes as the attorney would to an adult client.”³² And when a child’s interests differ from the LGAL’s determination of the child’s best interests, the court has discretion to appoint an attorney – a traditional one – for the child.³³

Parental Alienation and the Child’s Preference

Both the “client centered” (LGAL) and the “best interests” (GAL) models assume that the child has the ability to consult with and provide voluntary, knowing and intelligent input and/or directions to the attorney. The “client centered” model goes a step further and assumes that the child-client also has the ability to direct an attorney as to a specific course of action. In turn, the LGAL must then advocate the child’s articulated position - *if it’s in the best interests of the child* - by first ascertaining the child’s wishes and then making them known to the court.³⁴ Parental alienation requires the professionals to acknowledge that children are susceptible to influence, intimidation and manipulation and the child’s wishes may not reflect the child’s actual position or best interests.³⁵ The National Association of Counsel for Children (NACC) – the largest child’s attorney organization in the United States – defines the role of the attorney for the child as a zealous advocate unless one of two exceptions exists: the child lacks the capacity to make a

reasoned choice or the child’s stated preference is “considered to be seriously injurious to the child.”³⁶ The child’s “voice” - his or her right to express a reasonable preference in a custody setting – is attached to the best interests of the child and “not to the rights of the contestants in the custody battle.”³⁷ And the child’s preference always “exclude[s] those preferences that are arbitrary or inherently indefensible.”³⁸

Alienation results in brainwashing the children. And “[l]oss is the greatest, all-encompassing feature of programming and brainwashing. The effects of losing not only the intact family, but also a parent, hang heavily over children, touching them in ways that can wreak havoc in many realms of life, both in the present and future.... This loss cannot be undone. Childhood cannot be recaptured. Gone forever is that sense of history, intimacy, lost input of values and morals, self-awareness through knowing one’s beginnings, love, contact with extended family, and much more. Virtually no child possesses the ability to protect himself or herself against such an undignified and total loss.”³⁹ The wish or desire of an alienated child to not see or have a relationship with the target parent is not normal; it is a result of brainwashing and programming, inherently indefensible and not in the best interest of the child. “The desires of young children, capable of distortive manipulation by a bitter, or perhaps even well-meaning, parent, do not always reflect the long-term best interest of the children.”⁴⁰

Consider this statement from a 15-year old male adolescent whose maternal history was replete with breastfeeding and full care by his mother: “*My mother abandoned us and never did anything for me, so I don’t need her now.*”⁴¹ Or, “[t]ell the judge I won’t see my Dad again. That’s that, I have legal rights you know. I’m 14.”⁴² Despite the fact that alienated children are so brainwashed and manipulated into rejecting the target parent, many professionals, including LGALs and GALs, often give significant weight to such preferences of alienated children. Excuses to not abide by court ordered parenting time are not only tolerated but, in fact, the target parent is often advised to show “empathy” by *not* seeking to enforce visitation. A target parent who has coached little-league sports teams and has been an active parent all his life is now asked to not show up at sporting events lest little Johnny gets upset and walks off the field. In such instances, an LGAL / GAL’s reliance on the alienated child’s position in custody or parenting time disputes not only continues the child’s exposure to parental alienation but in some cases, it solidifies it as well.⁴³ The Guardian becomes the *enabler* of alienation creating a vicious cycle and nefarious incentives for the alienating parent to continue to manipulate and influence his or her child’s position.⁴⁴ Moreover, now the alienating parent has an important ally: the child’s attorney, the LGAL or the court’s agent, the GAL. If the LGAL or GAL advocates for the favored parent to have custody because the alienated child wants the Guardian to do so, the favored parent in effect has two lawyers in the courtroom – his or her own and the Guardian.⁴⁵

Parental Alienation, Diminished Capacity and a Child's Best Interests

We generally do not trust children to make judgments in their best interests.⁴⁶ In an alienation situation, the need for caution is even greater. Under the influence of an alienator, the affected child may not be cognitively or psychologically able to make a judgment in his or her best interests.⁴⁷ Courts recognize that in an alienation setting children “are impressionable, have social deficits, and could be manipulated.”⁴⁸ The professional standards that apply to lawyers who represent children in such cases also underscore this concern:

“One of the most difficult ethical issues for lawyers representing children occurs when the child is able to express a position and does so, but the lawyer believes that the position chosen is wholly inappropriate or could result in serious injury to the child....A child may desire to live in a dangerous situation because it is all he or she knows, because of a feeling of blame or ...because of threats or other reasons to fear the parent.”⁴⁹

In an alienation case, a GAL or LGAL must strive to assess whether the child's wish is a result of brainwashing or programming by the alienating parent or his or her own independent judgment, prior to making a recommendation to the court or advocating in favor of the child's wish.⁵⁰ The Guardian must determine whether the child's preference is reasonable, whether the child is psychologically able to make a judgment and whether the child is able to exercise his or her judgment without influence, coercion, manipulation or exploitation.⁵¹

The Model Rules of Professional Conduct and Michigan Rules of Professional Conduct provide that when a client is not able to make adequately considered decisions as part of the attorney-client relationship, the client is said to be functioning “under a disability” and has diminished capacity.⁵² While the LGAL still owes the child-client with diminished capacity a duty of zealous advocacy, the attorney also has a duty to prevent the client from pursuing decisions that are potentially harmful.⁵³

Courts too are required to take into consideration the child's reasonable preference when evaluating the best interests factors for custody determination.⁵⁴ But the key word here is *reasonable*. It's the reasonable preference that's considered, not just a naked, biased, ill-conceived and absolute preference. Where a child expresses “strong and alarmingly negative opinions about [a parent] with little or no explanation” or cannot provide any concrete or consistent examples of bad conduct by a parent to justify his or her rejection of the parent, the child's preference is not reasonable.⁵⁵ And while a child over the age of six is presumed to be capable of forming a reasonable preference, “such presumed capacity can be compromised by surrounding circumstances.”⁵⁶ Circumstances leading to compromising a child's presumed capacity could include undue influence, coaching, and manipulation – all typical tools

of the trade of an alienating parent. In severe alienation cases, it is not uncommon to find the children saying the “right” words that suggest “abuse,” but also demonstrating the appropriate affect (tears, grief and/or anguish).⁵⁷

In such circumstances, what constitutes the child's best interests is ultimately a “professional judgment call” made by the LGAL or GAL.⁵⁸ This “call” must be made independent of the child's wishes, although those wishes could be considered as part of the GAL or LGAL's determination.⁵⁹ When required to make this “call,” although an LGAL functions like an attorney and its duties go beyond those of a GAL, its duties ultimately conform to those of a GAL: investigating and independently determining the child's best interests and then serving those interests.⁶⁰

Even commentators who have raised concerns about a child's attorney advocating for a result “they themselves prefer” from a subjective standpoint rather than advocating what the child wants, concede that “there are certain hierarchical needs which do not particularly involve the attorney's subjective values, the child's physical and emotional safety being chief among them.”⁶¹ Also included in these hierarchical needs are “freedom from abuse or neglect” and “retaining ties among siblings” and a parent.⁶² And, these commentators also concede that a child “may not be able to appreciate that a ‘preferred’ parent is negligent, abusive, or irresponsible, and therefore an inappropriate physical custodian.”⁶³

How should a Guardian “make the call” in order to determine whether the child has diminished capacity due to parental alienation?

Endnotes

- 1 See Linda D. Elrod, *Client-Direct Lawyers for Children: It is the “Right” Thing to Do*, 27 Pace L. Rev. 869, 905 (2007).
- 2 Parental alienation is “[t]he process of one parent trying to undermine and destroy to varying degrees the relationship that the child has with the other parent.” *Meadows v. Meadows / Henderson*, 2010 WL 3814352 (Mich.App.) (Unpublished). Also see, Ashish Joshi, Parental Alienation: The Problem, *Michigan Family Law Journal*, October 2016; Ashish Joshi, Parental Alienation: Remedies, *Michigan Family Law Journal*, November 2016
- 3 Jamie Rosen, *The Child's Attorney and the Alienated Child: Approaches to Resolving the Ethical Dilemma of Diminished Capacity*, Family Court Review, Vol. 51 No. 2. 330 (April 2013).
- 4 Rosen, *supra*, 330.
- 5 Joshi, *supra*, Parental Alienation: The Problem, pg. 8 (“...the distinguishing feature of parental alienation is that the child's rejection of the target parent is without legitimate justification.”). In cases where the rejected parent has a documented history of domestic violence, alcoholism, drug abuse, abandonment, etc. the damage to the child-parent relationship could be due to the parent's own actions or omissions.

- 5 Rosen, *supra*, 331; *Also see Harner v. Harner*, 2018 WL 521863, (Mich., January 23, 2018) (...there were reasons to believe that the children's claims of neglect and abuse were not founded on actual experiences...[and] suggested coaching by [the mother]).
- 6 Brian Ludmer, *Understanding Ethical Issues in a Parental Alienation Case*, PASG Newsletter, Issue 3, Vol. 4. 9 (July 2018).
- 7 *Id.*
- 8 "Mild" means that the child resists seeing the rejected parent, but when parenting time ("PT") occurs, the child enjoys the experience and relates to the rejected parent in a healthy manner. "Moderate" means that the child resists seeing the rejected parent, and when PT occurs, the child is oppositional and uncooperative with that parent. "Severe" means that the child adamantly and persistently refuses to have parenting time with the rejected parent. *See Baker, A., Fine, P., Educating Divorcing Parents: Taking them Beyond the High Road in Baker, A. and Sauber S., (Eds.) Working with Alienated Children and Families: A Clinical Guidebook*, Routledge Press, New York (2013).
- 9 *See Ann Haralambie & Deborah Glaser, Practical and Theoretical Problems with the AAML Standards for Representing "Impaired" Children*, Journal of the American Academy of Matrimonial Lawyers, Vol. 13. 57, 75 (Summer 1995). ("One of the major benefits of requiring that children's attorneys be specially trained [e.g. A.A.M.L. Standard 1.2] is that attorneys will have particular competence to fulfill advocacy roles which are somewhat different than those ordinarily performed by attorneys for adult clients.")
- 10 MCL 722.27.
- 11 *Farris v. McKaig*, __ N.W.2d __ (2018), 2018 WL 2269775, *2 (Mich. App., May 17, 2018) *citing King v. Emmons*, 283 Mich. 116, 124-125, 277 N.W. 851 (1938); *Ford Motor Co. v. City of Woodhaven*, 475 Mich. 425, 440, 716 N.W.2d 247 (2006).
- 12 Black's Law Dictionary (10th ed.)
- 13 *Id.*
- 14 MCL 712A.13a(f).
- 15 MCL 700.5213(4).
- 16 MCL 712A.17d.
- 17 MCL 712A.17d(1)(h).
- 18 *See Farris v. McKaig, supra*, *5-6, for the history and context in which LGALs were created.
- 19 MCL 712A.17d(1) (*emphasis added*). While these duties fall within the chapter dealing with child protective proceedings, the laws dealing with child custody proceedings specifically provide that the duties and powers stated above apply to a LGAL appointed under child custody proceedings as well. MCL 722.24(2)
- 20 *Farris v. McKaig, supra*, *3. In fact, in child protective proceedings, the LGAL "satisfies the dictionary definition of 'guardian ad litem.'" *Id.*
- 21 MCL 712A.13a(1)(f) and (g).
- 22 MCR 5.121(C).
- 23 MCR 5.121(D)(1).
- 24 MCR 5.121(D)(2)(a)-(c).
- 25 MCL 712A.17d(1)(b).
- 26 MCL 712A.17d(3).
- 27 MCL 712A.17c(7) and (10).
- 28 *Farris v. McKaig, supra*, *3 citing MCR 5.121(E)(1).
- 29 *Id.*, at *4.
- 30 MCL 712A.17d(1)(i).
- 31 MCL 712A.17d(1)(b) and (g) and (i).
- 32 MCL 712A.13a(1)(c).
- 33 MCL 712A.17d(2). Of course, in an alienation setting, having two advocates represent the child (or one for the child and another for the child's best interests) might be more expensive and traumatic for the child rather than helpful. *See Rosen, supra*, at 335.
- 34 *Rosen, supra*, at 333.
- 35 ABA Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases, Section A-1.
- 36 *Rosen, supra*, citing William Wesley Patton, *Viewing Child Witnesses Through a Child and Adolescent Psychiatric Lens: How Attorneys' Ethical Duties Exacerbate Children's Psychopathology*, 16 *Widener L. Rev.* 369, 382 (2010).
- 37 *Maier v. Maier*, 311 Mich. App. 218, 224; 874 N.W.2d 725 (2015).
- 38 *Id.*, *citing Pierron v. Pierron*, 282 Mich. App. 222, 259, 765 N.W.2d 345 (2009), *aff'd by and quoted in Pierron*, 486 Mich. At 92, 782 N.W.2d 480.
- 39 Stanley Clawar and Brynne Rivlin, *Children Held Hostage: Identifying Brainwashed Children, Presenting a Case and Crafting Solutions* 164 (2nd ed. 2013).
- 40 *Young v. Young*, 628 N.Y.S.2d 957 (1995).
- 41 Clawar and Rivlin, *supra*, at 1-26 (Brainwashing and Programming).
- 42 *Id.*, at 335.
- 43 Debra Weiss, *Appeals Court Criticizes "Judicially Created Parental Alienation" in Case of Baby with Broken Ribs*, *ABA Journal*, May 2018, at <http://www.abajournal.com/news/article/appeals-court-criticizes-judicially-created-parental-alienation-in-case-of/>.
- 44 Barbara House, *Considering the Child's Preference in Determining Custody: Is It Really in the Child's Best Interest?* 19 *J. Juv. L.* 176, 181 (1998).
- 45 *Rosen, supra*, at 333.
- 46 Referee Marie Kessler, *Role of the Guardian ad Litem*, *Guardian ad Litem Handbook for Divorce Practice*, State Bar of Michigan Family Law Section (Edited by Connie Thacker & Donna Mobilia), pg. 1 ("There is a myth in the family law arena that there is a magic age when the wishes of the child become all controlling and there is no further need to attempt to address the best interests of the child or even expect the child to follow the rules and wishes of his or her home let alone the court....

there is no such magic number.”)

Nicholas Bala, *Child Representation in Alberta: Role and Responsibilities of Counsel for the Child in Family Proceedings*, 43 Alta. L. Rev. 845, 861 (2006).

47 *Id.*

48 *Harner v. Harner*, 2018 WL 521863, (Mich., January 23, 2018) (due to mother’s alienating behavior which included undue influence and coaching, the “moral fitness” factor under MCL 722.23(f) strongly favored father).

49 *Standards of Practice for Lawyers Representing Children in Custody Cases*, ABA Section of Family Law, IV(C)(3), Commentary (2003).

50 Barbara Jo Fidler & Nicholas Bala, *Children Resisting Post-separation Contact with a Parent: Concepts, Controversies, and Conundrums*, 48 Fam. Ct. Review. 10, 32 (2010). Also, MCL 712A.17d(1)(d) requires an LGAL to “assess” the child’s needs and wishes, not just listen to the child’s wishes or demands.

51 Rosen, *supra*, citing Bala, *supra* at 861; Connie Thacker, *The Child: Michigan Protocol, Guardian ad Litem Handbook for Divorce Practice*, State Bar of Michigan Family Law Section (Edited by Connie Thacker & Donna Mobilia), 16.

52 Model R. P. C. 1.14; MRPC 1.14; *also see* Standards of Practice for Lawyers Representing Children in Custody Cases, ABA Section of Family Law (2003), IV(C)(1).

53 Barbara Jo Fidler, et. al., *Children Who Resist Postseparation Parental Contact: A Differential Approach for Legal and Mental Health Professionals* 4, 167 (2013) (“Advocating uncritically the influenced and manipulated views of children is unhelpful and irresponsible.”).

54 MCL 722.23(i).

55 *Harner v. Harner, supra*, *7 (Mich., January 23, 2018).

56 *Id.*, citing *Maier v. Maier*, 311 Mich. App. 218, 224-225; 874 N.W.2d 725 (2015).

57 *See Prisk v. Prisk*, 2017 WL 2131511, *5 (Mich. App., May 16, 2017) (“The trial court conducted an in-camera interview of [the child]. [The child] communicated to the court that [father] had sexually abused her when she was four and again when she was seven.” After three separate CPS investigations into allegations of sexual abuse against the father, none of which were substantiated, the court found the child to have been “coached” and never asked her about her custodial preference during a best interests change of custody hearing). *Note*: Unpublished opinions are not precedentially binding, MCR 7.215(C), but they may be cited by a party if relevant to the issues presented. At times, published opinions on propositions of law, unique facts and mental health issues involving parental alienation are just not available. In the author’s experience, courts usually welcome not only unpublished opinions but also opinions from sister states if they are significantly pertinent to the issues presented before the court.

58 *Farris v. McKaig, supra*, *3.

59 In contrast, an attorney for the child, if appointed, advocates for the child’s wishes or interests, regardless of what those interests are.

60 *Farris v. McKaig, supra*, at *5.

61 *See* Ann Haralambie & Deborah Glaser, *Practical and Theoretical Problems with the AAML Standards for Representing “Impaired” Children*, J. Am. Acad. Matrimonial Law, Vol. 13, 57, 75 (Summer 1995).

62 *Id.*

63 *Id.* at 89.

