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Affilia 2008; 23; 388
DOI: 10.1177/0886109908323999

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On Practice

Criminal Rewards

The Impact of Parent Alienation Syndrome on Families

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Since 1985, the claim of parent alienation syndrome (PAS) has represented the extreme collusion of male entitlement, the mental health profession, and family courts. PAS is a pseudoscientific theory used to prevent battered women from protecting their children from exposure to violent and abusive fathers. It asserts that children who resist parents’ visits are not legitimately seeking protection from their fathers but have been “alienated” from their fathers by their mothers. This article examines the impact of PAS on families, its admissibility in courts, and the role of social workers and other mental health practitioners in custody cases through the lens of a social worker, a social justice activist, and a mother who is involved in a PAS custody case.

Keywords: abuse in custody cases; contentious divorce; parent alienation syndrome

In 2007, parent alienation syndrome (PAS) was thrust into the national spotlight after a telephone message by actor Alec Baldwin verbally assaulting his daughter Ireland was leaked to the press (Levings & Sacks, 2007). Baldwin’s guest appearances on national television programs like The View (Walters & Geddie, 2007) and Larry King Live (Douthit & Whitworth, 2007), along with a promise of a book that would document his experiences as a father, situated him as a spokesperson for all men who have been alienated from their children in the midst of divorce. Instead of taking responsibility for his actions, Baldwin attempted to repair his damaged image by claiming the role of the victim and placing blame for his actions on his ex-wife, Kim Basinger.

The subsequent media reception that Baldwin received reflected the ongoing discourse and litigation surrounding PAS since it was introduced in the family courts more than 20 years ago. In 1985, Richard Gardner developed and promoted this concept on the basis of his personal observations while working as a paid consultant to men who were charged with sexually abusing their children; the syndrome was created as a defense theory to counter a child’s allegation of sexual abuse (Dallam, 1999). Gardner described PAS as a disorder of children arising almost exclusively in child custody disputes; one parent (usually the mother) “programs” or “brainwashes” the child to hate the other parent (usually the father). The “brainwashed” child then continues to denigrate and vilify the father (Hoult, 2006). Unfortunately, the intentionally vague and undefined diagnostic criteria for PAS shift the focus from the abusing parent to the child. A frame is set in which all negative statements made by children about the noncustodial parent become evidence of alienation by the custodial parent. In this way, the diagnosis obscures and often derails cases of domestic violence and sexual abuse. The sole intent of PAS is to pathologize and create claims of psychosis in children and mothers, not to explain the normal phenomenon that occurs as
children negotiate relationships with parents during and after divorce (Faller, 1998; Lockard, Brown, & Dressner, 2007).

Despite the overwhelming evidence against PAS, particularly its lack of recognition by any medical or psychological diagnostic body, the absence of consistent empirical and clinical evidence that PAS exists, or indications that the alienator’s behavior is the actual cause of the child’s behavior toward the target parent, it has been used by forensic psychologists, parent coordinators, and lawyers (Bruch, 2001; Dallum, 2008; First, Frances, & Pincus, 2002; Hoult, 2006). It is often recognized by judges in their depositions and used to determine visitation and custody, even when the child’s fear and reluctance is a healthy and adaptive response to documented abuse.

Jennifer Hoult, a lawyer and legal scholar, has written on the misuse of PAS in the courtroom. Hoult’s (2006) comprehensive review of PAS revealed that the continued use of PAS in the legal system is not because of a higher incidence of mothers interfering with familial reconciliation; on the contrary, it is purely a legal tactic that attorneys use to win custody for fathers with a documented history of domestic violence and child abuse. The result is that parents who are accused of abusing their children often gain access to them through increased or, in some cases, sole custody. An investigation of New York family court systems revealed that family courts retraumatize battered women by forcing them to confront men they fear and granting custody to abusers 37% of the time, despite the women’s roles as primary caregivers (Bowen, 2008). In conforming to Gardner’s PAS recommendations, judges attempt to “repair” the alleged alienation. Using the flawed PAS paradigm as a guide, custody evaluators justify placing the child with the abusive parent. Subsequently, some courts seem almost eager to punish the so-called alienating parent without regard to the immediate or long-term impact on the child (Dallam & Silberg, 2006). As a result, the courts become an extension of the abuse mothers and children fled. The patterns of coercive control and abuse do not change, only the venue.

Witnessing the battering of women and children in private (families) and public (courts and media) situations is challenging, both personally and professionally. It is disheartening to know that people are being violated and tortured by the very mental health and legal systems that should promote healing and justice. As a clinician, researcher, and social justice advocate, I felt compelled to create a forum to give voice to those who are engaged in PAS cases as both litigants and social justice advocates fighting for the rights of women and children. I conducted hour-long semistructured interviews in an effort to answer some key questions: What is PAS? If PAS is junk science, then why does it continue to be used in the courts? What is the impact of PAS on families? What is the role of social workers and clinicians in addressing this issue? With these questions in mind, I sought the vantage points of three colleagues and authorities on this matter: Lisa Dressner, LCSW, a founding member and co-director of Affinity Counseling Group, a community-based mental health agency in New Jersey; Amy Meckeler, a social justice advocate, an educator–administrator at Kean University, and a member of the Alliance for Racial and Social Justice, which, among several projects, houses a grassroots court monitoring action–research efforts in Middlesex County, New Jersey; and Ms. Thomas (a pseudonym), a mother and activist who is involved in a PAS case. Dressner and Meckeler gave permission to use their names in the article, but Thomas participated under the promise of confidentiality to maintain her safety and the anonymity of her case, which is still pending.
Speaking Truth to Power: Interviews

Brown: When and how did you first become aware of PAS?

Dressner: There was a period in my private practice when there were several clients who were in divorce and custody cases, and their ex-husbands used PAS... During that time, I began to research and get supervision on this issue. I had to research why PAS was being used in the courts as a mental health diagnosis when it is not a credible diagnosis or recognized by any of the mental health fields. I began to understand it more as a legal strategy for fathers who lost custody because they had abused or neglected their children.

Meckeler: I first became aware of PAS when it appeared in a report that the forensic psychologist in my legal complaint submitted to the court. At that time, I met a woman whose daughter had been sexually abused by her father. Although the mother had a permanent restraining order against the father for domestic violence and had submitted evidence of the abuse that was accepted and responded to by the courts, the father managed to convince a new judge to appoint a new psychologist who ultimately used this PAS diagnosis to overturn all the protections that had previously been given to the mother. The mother was an African American woman at the mercy of a White judge who did not consider the history and had a track record of supporting fathers' rights at the expense of children... I currently work as an advocate and social activist for families who are affected by domestic violence, for women who are protecting their children from domestic violence, for reform in services to families who are affected by violence, and for better services for batterers.

Thomas: Well, I would say that it broadsided me because I really didn’t know about it. It came up during the process of filing for divorce. My ex-husband initially filed, and I countersued him for divorce. He then amended his complaint to include a tort claim. A tort claim is basically a claim for money. The judge allowed him to do it. I tried to file a tort under the Tevis claim (a marital tort in which the New Jersey Supreme Court allowed a wife to sue her husband for physical beatings during their marriage; Tevis Claim Tevis v. Tevis, 1979), which is not unusual in a divorce when there has been documented domestic violence. I was not allowed to file the Tevis claim... but he (the judge) allowed my ex-husband to file a tort claim... on the basis of parental alienation or PAS. My ex-husband claimed that I should pay him money for his emotional and mental distress over the poor relationship he had with the children—that it was my fault... This was done despite documented abuse that the judge had in evidence, [which included] testimony from child protective services, restraining-order proceedings, and granted restraining orders.

Brown: Why do you think PAS is allowed in court and used as a legal strategy when there is no psychological basis for it or recognition of it in the medical profession?

Meckeler: I think that even before PAS, courts and defendants in custody and abuse cases were beginning to use an “alienation of affection” tort. This is an old tort that allowed husbands to sue men with whom their wives had committed adultery, charging them with “alienating” the husbands from the “affection” of their wives... (The only states where this lawsuit can still be brought are Hawaii, Illinois, Mississippi, New Mexico, North Carolina, South Dakota, and Utah. Some states have replaced this claim with claims of intentional infliction of emotional distress.) Part of the problem is that there are not enough people in power challenging PAS;... it’s somehow serving the status quo, and I think it is mostly about the money generated for mental health, social services, and legal communities that are going unchecked.

Thomas: I think it may be a function of the courts being uninformed... [For example,] even though my ex-husband was representing himself, he had a good friend who was a matrimonial attorney who gave him advice on the side. So, in some sense, he was represented; the guy just wasn’t physically there. And my ex-husband had the resources to hire people (PAS experts) to legitimize PAS... These men often have more financial resources than women do... Judges run the continuum. Some are well intentioned but overwhelmed with their workloads. They have...
to demonstrate knowledge of finances, mortgages, pension plans, and custody. It’s a lot for anyone to know everything. And then there are those judges on the bench who just hate women. I believe I have one of them. So I think it’s a way for them to control, manipulate, and abuse women. The courts are largely made up of men, from the sheriff officer to the judge. It’s kind of a function of society in general. Without sounding paranoid, there is a lot of that going on. I don’t know that the general community is aware of it (systemic abuse of women in the courts) because I initially thought that I just had a really crazy, bad judge and I was the only person experiencing this [abuse]. It wasn’t until I was able to get myself together and do my research did I realize that I was not alone. Absolutely not. They are a minority, but a large number of women and children are going through it—to the point that there’s been a complaint filed with the Inter-American Commission on Human Rights (which provides recourse to individuals who have suffered violations of their rights and works with states to help strengthen the laws and institutions that provide human rights protections; see http://www.oas.org/oas-page/humanrights.htm).

Brown: How would you help someone who is unfamiliar with the politics of divorce differentiate between highly contentious divorce and custody cases and PAS cases?

Thomas: I think it’s really important to make a distinction among human nature, immaturity, frustration, anger,…and PAS. [For example,] there are times when one or both parents say negative things about each other, sometimes in front of their children, especially when they are in highly stressful situations. I think a lot of people have experienced it. It’s unfortunate, but it happens. What we’re talking about (PAS) are cases when the man is saying that there is a severe, deliberate pattern of this. His claim is, “My soon-to-be ex-wife is making up all these allegations, has made these claims, and has even gotten a restraining order against me as a way to denigrate me as a parent. It’s not true that I’m an abuser. I’ve never abused my children or my wife. She is making the whole thing up because she hates me and wants to ruin my relationship with my children.”…For the abuser, this is a legal strategy to deflect attention away from him, so as far as I’m concerned, PAS doesn’t exist. Parental alienation in the terms of parents saying bad things about each other in the course of a divorce, I would agree exists, but PAS as a syndrome, as some kind of psychological illness, I don’t believe exists. It’s something that’s been created by attorneys who represent abusers.

Brown: What has been the impact of PAS on women?

Dressner: Initially, women in treatment present as overwhelmed and distraught because of the pressures of the case. They live under the real threat of losing custody of their children to the men, [whom] they may have had to escape from to survive. They are constantly taking off from work to attend evaluations and long and intense court hearings. They are also under tremendous financial strain from defending themselves against PAS. An untrained therapist or a therapist who is not aware of the impact of domestic violence on women may say that they are “crazy” and are completely incompetent….But once they get support and have people validating their experiences, they move from feeling overwhelmed and frustrated to a more empowered position. They get organized and move forward with a plan to advocate for themselves and their children in the courtroom. Women in PAS cases are in a peculiar position; they have to walk a fine line. They don’t want to keep their children from their fathers, but they also have to protect them.

Meckeler: Women are at a disadvantage from the outset because of gender oppression.….If they don’t report child abuse, they are seen as unfit parents, and social services can take their children away. If they do report abuse, strategies like PAS set them up to be seen as evil, alienating parents, rather than as parents who are protecting their children. The burden lies too heavily on women to prove the abuse and to hold the courts accountable for doing their jobs. It seems that there are more tools available to avoid creating appropriate services than there are really to protect and advocate for families…like ordering proper risk assessments before scheduling unsupervised parenting time with fathers. When someone throws PAS into the mix, like a psychologist hired by the opposition or carelessly appointed by the court, it is debilitating financially, emotionally, and
spiritually for women and their children. It puts them in a no-win situation. I’ve seen three women lose their jobs, including me, as they tried to navigate this situation.

Thomas: It’s a no-win situation….You either have to say this person is abusing my child, or you have to keep your mouth shut and let the child be abused. If you speak up and say that abuse occurred in the past or is active it is used as one or more piece of evidence for the PAS proponent that you’re alienating your child by saying negative things about your ex-partner. So it’s a catch-22 situation. I actually know a woman who has a court order in which a judge said that an allegation or report of abuse is PAS. The judge got it right in the court order. So it effectively shuts the mouths of women….PAS creates a system in which it becomes punitive to be what is actually a protective parent. The message is sent loud and clear: If you try to protect your children, you and your children are going to be punished!

Brown: How have you seen PAS have an impact on children?

Dressner: Many of the children I work with have seen several therapists and psychologists and have participated in multiple court-ordered evaluations. Initially, much of my work focuses on addressing and trying to undo some of the damage from their negative experiences with therapists and court systems….In family therapy, especially when dealing with a volatile divorce, you must assess for domestic violence. When people use PAS as the overarching framework, the domestic violence gets hidden beneath it. It then becomes difficult for children to understand their place and role in the context of what is happening around them. So, they become defensive, angry, and standoffish because they feel pressure from the courts to rebuild the relationship with the person who has harmed them, without the acknowledgment that any wrongdoing has occurred. It leaves them thinking that there’s something wrong with them. The children feel helpless. PAS definitely affects their ability to function in school, act age appropriately in relationships, and seek support. I think that most children do not feel that it’s something that they can explain easily to other people because their experience is different from children of “normal divorces.” They also feel guilty that they somehow caused the problems between their parents.

Brown: How have you seen therapeutic communities respond to PAS?

Meckeler: In my case, I filed a complaint with the board of psychological examiners, which found neither concern nor reason to put a psychologist on notice for using this unethical diagnosis….Now, I sit on a state mental health board, and I can say that, in general, the profession is clueless about this damaging “diagnosis” and trend. Some find it valid just because they are poorly trained and easily jump on labeling families in crisis as just going through “nasty divorces.” Some critics still seem to believe that PAS could and does happen. That’s why I think Gardner didn’t need much credibility and valid research to gain popularity and cultivate this PAS culture. All state professional boards get regular updates on legislative measures in the pipeline. In the 2 years that I’ve been [on the board], I have yet to see a representative or state assembly member bring the PAS danger to light in terms of safety to consumers….The therapeutic communities that I have seen handle PAS as a social justice issue have responded by empowering families and communities to recognize systemic oppression, mobilize, and demand reform.

Thomas: It is powerful when therapists at least acknowledge that an abusive situation is occuring….It is also extremely supportive when a therapist commits to providing ongoing support because anyone who fights for women and children in these cases gets attacked in some manner. The therapist may be threatened with lawsuits and get dragged into court. I know that’s hard for therapists to deal with, but that’s the type of support I have received from my therapeutic community. They (therapists) wrote letters to the court regarding the whole flawed PAS diagnosis and about my experiences throughout the whole process. It didn’t change the judge’s mind, but it was important to have on the record. It is really important psychologically, if you will, for me to keep doing what I need to do to get through this situation. That level of commitment has been important to my kids and me.

Dressner: Many times, the PAS therapists (therapists who claim to specialize in diagnosing and treating women who suffer from PAS) provide testimony, evaluations, and recommendations
that put the responsibility not on the offending parent but on the children. The children sometimes feel like they’re not being listened to and are misunderstood because they’ll provide information, and it may be interpreted differently by evaluators and judges. The responsibility is misplaced, and the children feel set up. So when I see families for therapy, I have to redefine the problem and validate their experiences in context. I focus on healing the past trauma and holding the parents accountable for negotiating or repairing the relationships. I always take the position of advocating for the well-being and safety of the children, even when there is great pressure to sacrifice them.

*Brown:* How would you respond to the statement that PAS is not about custody and children—it is about destroying women?

*Meckeler:* I don’t think it’s about destroying women. It is certainly about misogyny and subordinating women and putting them at a disadvantage. I think it’s about destroying any hope for violence prevention and accountability on the individual and institutional levels and derailing any movement toward awareness and accountability about White male privilege.

*Thomas:* I absolutely agree with that. I think that if my ex-husband really wanted custody and a relationship with the kids, he would acknowledge that he has abused them, try to take some responsibility, and work on healing their relationship. I don’t see that at all. He never has….Second, if you want custody of your children, then you take advantage of the time you have. He shows up late for visits. There’s been a couple times he hasn’t shown up at all. He never asks them what is going on in their lives….I was suspicious that he was looking through school records to see if he could get confidential information about me. It became obvious when he tried to use it for his advantage in court….My lawyer, trying to keep a sense of humor in the midst of all the stress, calls it “courting.” You know, my ex-husband is court-dating me because he keeps this thing going, and that’s how he’s able to see and interact with me despite the restraining order. He’s actually able to speak, harass, question, and name-call me in court.

He would not be allowed to do so in the community, but it is allowed in the courts.

*Brown:* What has been the economic effect on the families?

*Meckeler:* The cost is exponential….Forensic psychologists and other professionals who use PAS have seriously cashed in on all of us….to the tune of at least $7,000 per family. And because of the psychological damage to the family, it keeps these and other members in the pipeline for future psychological and legal services. There is so much verbiage, writing, and opinion about the effect of divorce, family “discord,” and domestic violence. What’s never talked about are all the professionals for whom keeping the status quo has been extremely profitable. Now we can add unethical parent coordinators with complete discretion to the mix. I don’t think we can measure the cost of this unnatural disaster.

*Thomas:* I told the judge in my divorce case, “I might lose my job; I can’t just be here day after day.” He said “Well, lots of people lose their jobs when they get divorced.”…Money that may otherwise go for child support by either parent is taken up by legal fees, traveling to court, paying for attorneys, and paying for filings and expert witnesses—not to mention the therapy that I am mandated to pay for. For example, I have been ordered into reunification therapy. I was mandated to use a psychologist who wants a $2,500 retainer and $12,000 from each of us for a year. And that’s just to have a session probably once a week to “reunify” my daughter with her dad, not realizing that the reason that they don’t have a good relationship is a function largely of what he does and doesn’t do and what he did….I have over $100,000 in legal bills right now that I have not paid. I have a gracious attorney who continues to represent me even though I can’t pay. I’ve probably paid out to the attorney in excess of about $6,000….And I’ve got about a $30,000 judgment against me, which, of course, affects my credit and ability to buy. Let’s say that at some point I was able to buy a house instead of rent, which, of course, would be more stable….I can’t do that because he could put a lien on the house and take it away or make me lose money if I were ever to sell it.

*Brown:* How have you seen PAS affect men in the court system?
**Meckeler:** Overall, I think it does a disservice to men as much as to women and children. They may win custody rights, but they continue to be abusive, and the cycle continues. They don’t get help for their abusive patterns, which, in turn, hurt them in the long run. I think PAS also promotes hate and entitlement. Fathers’ rights groups that keep PAS alive, for example, have been tied to White supremacy groups, conservative family values groups, and antigay groups… I inadvertently went to a fathers’ rights conference once and saw firsthand how men, [attendees] are coached to use PAS as a strategy without any thought given to whether these fathers are safe or not. [Participants] learn that they have rights to their children like property. They learn how to appear to be better parents, rather than actually be better parents! It is very sad.

**Thomas:** For men who are deliberately using PAS as a strategy of harassment and control, the defense enables them to remain irresponsible for their abusive behaviors and lack of relationship with their children. It enables them to continue abusing their ex-partners and children through the court system. As far as men who aren’t abusers per se, but have a difficult relationship with their ex-spouses, unfortunately, I think some of them get drawn into the same radical pattern. Instead of trying to resolve the issue in a more productive and healing way, they make the situation worse.

**Brown:** How would you advise or work with fathers who earnestly feel as if their ex-partners are sabotaging their relationship with their children?

**Meckeler:** I would advise a father to strengthen his relationship with the children before going to “war” over suspicions and feelings. The more open and consistent he is with his children, the more likely they will self-report their concerns and he will be able to come up with informed solutions. He could very well need the court at some point, but he could do that by filing a motion to request more parenting time or for litigant’s rights if the current schedule isn’t being followed. I would encourage him to work with a family therapist with expertise in cultural context (that is, therapists who explicitly examine issues of culture, race, class, gender, sexual orientation, abilities, and power in relationships and power analysis). He should expand his community of support to ensure that there are positive people and safety nets for him and his children. If he wants peace, sanity, and real long-lasting changes for his family, he must stay away from the PAS Web sites!

**Thomas:** I would try to educate the father about the background of PAS. I would explore if he really wanted to use PAS and the subsequent protocols to remove the children from the other parent as Gardner suggests. I would talk to him about alignment in divorces and how it’s quite common for children to align with one parent or another without the wrongdoing of any parent. And how, in cases in which there is no abuse, these kinds of things work themselves out with therapy and over time. I would really acknowledge him and say, “I understand you’re upset, you’re angry; this is not a good situation, but is this really what you want to do? Do you think this person is a bad parent to the children, or is it that she is saying bad things about you, and that’s what’s disturbing you?” And I would encourage the father to get help and support, strategize how he may be better able to communicate with his ex-spouse.

**Brown:** This interview will be read by social workers, therapists, and other mental health professionals: What message would you want to make sure they get?

**Meckeler:** If I could speak to them directly, I’d say, “Please, by all means, uphold the ethical responsibility you have to make all people better. Question such a superficial, unmeasured, unstandardized ‘protocol’ and who is cashing in by using it. Make the investment to educate yourself about power and control issues and interventions with batterers and put what you learn into practice. Cultivate a collective of professionals who are committed to do so. I believe this is your responsibility to consumers of your services as much as it is to your own well-being.”

**Thomas:** I would say, first, get yourself educated about domestic violence and child abuse and what domestic violence is really about—it’s about power and control. Learn all there is to know about PAS and stand up against it because it is just devastating.
Call to Advocacy

If you are not familiar with families who are involved in PAS cases, you may not believe that these types of egregious acts occur. While listening to the stories of women and children, I have felt overwhelmed and dumbfounded because the deck seems to be stacked against truth and justice. Ironically, the horrific abuses that occur in the marital relationship are comparable to the systematic oppression that is sanctioned by the state through the family courts after divorce. The legal system and its officers create kangaroo courts in which civil liberties and human rights are arbitrarily violated (Waller, Waller, & Shin, 2001). There is no oversight and accountability for judges, lawyers, and mental health professionals who collude with the batterers and abusers.

The need for a nationwide policy that bans PAS from family courts is long overdue. In 2006, the National Organization of Women moved toward this goal by denouncing PAS and resolving that any professional whose mission involves the protection of the rights of women and children denounce its use as unethical, unconstitutional, and dangerous. Social workers and other social justice advocates who are compelled to take action should, therefore, educate themselves about the perils of PAS and validate the experiences of, and create safe spaces, for victims of this oppression to speak their truth. Furthermore, there must be a concerted effort to challenge the agents of the family courts and mental health professionals to stop perpetuating the abuse and violence against women and children. This is a call for advocacy and social change. Silence by social workers and other change agents maintains the status quo and emboldens the proponents of PAS. The abuse demonstrated in the Baldwin–Basinger case only scratches the surface of what happens in the lives of families of all ethnic and socioeconomic levels across the United States. Outcry, critique, and debate must be linked to accountability, empowerment, and action to achieve social justice.

To be clear, PAS is not a legitimate diagnosis and should not be admitted into the courts. Overwhelmingly, it is used against mothers to raise suspicions of their psychosis and unfitness as parents. Users of this strategy do not seek custody for the safety and welfare of children. Instead, their sole mission is to create a legal shield of protection and silence and an unobstructed pathway to continue their abuses of power. When PAS is used as a legal strategy in divorce cases, families are negatively affected; the women are demonized, and the children are at a grave risk of further abuse.

References


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