



LAW OFFICE OF  
**BRYAN FAGAN**  
— PLLC —



# PARENTAL ALIENATION IN HOUSTON, TX

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## INTRODUCTION

Thank you for downloading our special report: about Parental Alienation, with information that will help you protect your assets and secure your future. For more insider divorce tips, please download our other special reports about Dirty Divorce Tricks, How to Plan and Prepare for Divorce, and Divorce after 50. We understand that you have a lot of questions and concerns about your divorce and we want to help you feel as comfortable with the process as we can. If you would like to speak to one of our highly skilled Law Office of Bryan Fagan, PLLC attorneys, we encourage you to contact us to schedule a free confidential consultation. We're here for you, always. Sincerely, Bryan Fagan, Law Office of Bryan Fagan

## PARENTAL ALIENATION ISSUES

### KNOWLEDGEABLE COUNSEL FROM A HOUSTON LAWYER

If you're a divorced parent that believes your co-parent is deliberately trying to harm your relationship with your children, it may mean that your co-parent is participating in what is known as parental alienation. Texas courts want to see parents that are ready to encourage their child's relationship with the other parent after a divorce. When the opposite occurs, legal remedies may be needed.

If you believe that your co-parent is guilty of parental alienation, then it is recommended that you speak to legal counsel immediately. The dedicated team of Houston attorneys at the Law Office of Bryan Fagan, PLLC understands that, even after a divorce, some parents continually face sensitive matters and legal challenges like parental alienation. Their team is ready to assess your case and, if necessary, seek swift and decisive solutions on your behalf.

### SIGNS OF PARENTAL ALIENATION

Parental alienation can be sometimes difficult for parents to identify. Divorce is almost always a significant transition for children and it's normal for a family to experience some temporary changes in its internal relationships. However, there are telltale signs that, if consistent and pronounced over time, can be indicative of a deliberate attempt to hinder a child's relationship with one parent.

#### Common indicators that child has experienced parental alienation include:

- ☑ Uncharacteristic disrespect (including insults, swearing, etc.)
- ☑ Echoed behaviors or words of the other parent
- ☑ Refusals to keep in regular contact (emails, phone calls, etc.)
- ☑ Negative attitudes towards the affected parent's extended family
- ☑ Knowledge of issues between parents that did not involve the child
- ☑ Destruction of gifts given to the child by the affected parent
- ☑ High Conflict Child Custody Cases in Texas
- ☑ The Dirty Trick of Using Children as Weapons in Your Texas Divorce
- ☑ Parental Alienation and its effect on Texas families

These are just some of the many signs that parental alienation has occurred. Often times, these cases require the expertise of a family or child psychologist to help substantiate any wrongdoing. The Law Office of Bryan Fagan, PLLC is ready to work with proven experts in the field and ensure that your case has the resources it needs to be resolved as quickly and favorably as possible.

## PARENTAL ALIENATION AND ITS EFFECT ON TEXAS FAMILIES

Parental alienation is, simply put, when one parent essentially makes the children of the marriage choose sides in order to undermine the relationship between the other parent and the child.

When one parent pits the child against the other parent for no justifiable reason, they are engaging in parental alienation. This dangerous behavior is more common that you would like to believe and occurs in many Texas divorces, especially those that are contentious.



Divorce causes strife and hardship in even the best situations. When one parent, or both parents, choose to engage in alienating behaviors then a bad situation goes to even worse very quickly. The child loses part of their identity because he or she is never able to form fully functional relationships with both of their parents, and the parent who is being alienated suffers as well because their ability to parent is curtailed by their spouse's behavior.

Finally, the alienator suffers as well, especially in the long run. Years after the alienating behavior occurs an older, more mature child will often come to realize that one parent was pitting them against their other parent. It is understandable that the child will not be happy and may draw away from the formerly antagonistic parent.

### **HOW TO DETERMINE IF PARENTAL ALIENATION IS OCCURRING IN YOUR FAMILY**

If you are a parent who has a good relationship with your child and all of sudden, almost overnight, that relationship begins to deteriorate then you may be the victim of parental alienation.

Signs of anger and disrespect from a child who previously would never have acted that way is a tell-tale sign that your spouse may be attempting to alienate your child from you.

### **WHAT SORT OF BEHAVIOR DOES AN ALIENATING PARENT UTILIZE?**

If you are going through a divorce an alienating parent may attempt to do things that are contrary to the rules as set forth by your Court. For example, if your court orders allow you to have visitation with your child on the first, third and fifth weekends of each month, an alienating parent may constantly harp on you and your visitation time during the week prior to your weekend visitation.

This leaves your child in a position where they've heard nothing but negatives about you and your time with the child for days prior to coming to your home. This will encourage the child to not want to take advantage of their opportunity to be with you.

Maybe the most egregious example I can think of is from a former client of the Law Office of Bryan Fagan, PLLC. Unfortunately, this gentleman had the misfortune of having to "co-parent" with an ex-spouse who had no intention of allowing their young son to have any relationship with his father.

Our client would be denied his son at the ordered drop off/pick up location each Friday prior to their scheduled weekend visitation. When I say each Friday, I mean each and every Friday our client would be denied a 6:00 p.m. pick-up of his son. His ex-wife may have been 10 minutes late or she may have been 50 minutes late. But rest assured she would be late.

Another example of what our client had to go through just to see his little boy would be the continuous changes to doctor and dentist appointments by the child's mother without consulting with our client first.

Our client would often times take off work in order to attend pre-scheduled doctor appointments only to find out that the appointment had been changed the day prior without alerting him first.

This would understandably upset and frustrate our client who not only didn't get to see his son but would take off work to do so.

Finally, our client would be denied access to his son's medical records, attendance charts from daycare as well as the opportunity to even pick up his son from daycare in an emergency. The child's mother listed her boyfriend as well as her own mother as the child's emergency contacts.

Our client was left in the cold and on more than one occasion had to move mountains to remove his child from daycare on days when family situations made this necessary. Our client had to put up with all of this for a year, but then decided to do something about it.



## WHAT YOU CAN DO IN ORDER TO PROTECT YOUR RIGHTS AS A PARENT FROM ALIENATION ATTEMPTS

When the other parent to your child is attempting to alienate your child from you and is doing to against the orders of a court, you have the option to file an enforcement suit against him or her.

This enforcement suit notifies the court of the specific violations of its orders that have been undertaken by the other parent and the dates that these violations have occurred.

The enforcement will seek damages for attorney's fees, court costs and out of pocket expenses (if any) incurred due to the alienating behaviors of the other parent.

Finally, an enforcement action seeks to have the other parent held in contempt of court which carries penalties of as much as six months in jail. At the very least, a court can assess a dollar value against the alienating parent for each violation of its order.

In our story above about our former client, the opposing party would tell our client in no uncertain terms that she would violate the court's order until a judge told her not to. Well, it took hiring our office and dragging his ex-wife to court but the judge sure enough did tell this mother to straighten up her act- and forced her to pay a hefty sum to our client for having committed those wrongs against him.

## HIGH CONFLICT CHILD CUSTODY CASES IN TEXAS

In many divorces, both spouses just want to get out of the marriage without too much bloodshed from either side. Maybe they've been divorced before and know the toll that a divorce can take.

Maybe they don't have a lot of money and realize that the more they spend on lawyers and court costs the less they will have to rebuild their lives after the divorce is finalized. In some situations, the parties have children and just want to maximize their time with the kids and not expend any more energy than they have to on their soon to be ex-spouse.

Unfortunately, there are divorces where an amicable settlement of the issues is not possible. In some instances, one or both spouses have deep set issues with the other spouse and the only way (at least in the parties' minds) to deal with those issues is to hire a divorce lawyer and go to Court.

The divorce attorneys with the Law Office of Bryan Fagan, PLLC understand that no two divorces are the same and that each client our office represents demands and deserves personalized treatment and counsel.

This blog post will detail some instances from our years of family law experience in southeast Texas of when divorces can shift into high conflict divorces. By far the most typical example of a high conflict divorce is when the child custody issue is front and center.

## COURTROOM COMBAT WHEN IT COMES TO CHILD CUSTODY SHOULD BE AVOIDED WHENEVER POSSIBLE

Resolving, mediating and settling issues related to child custody can be the difference between a manageable 3-4-month divorce and a divorce where the case lasts longer.

These types of divorces are more expensive, due to each party having to pay their lawyers to do more work and spend more time on their case, and can be emotionally draining as well. If you are a person who is contemplating divorce or are facing the prospect of your spouse filing for divorce against you then the next few paragraphs should be especially important to you.



Ultimately, I must say that if your current thought process is to lawyer up and take your spouse to court every week in order to “get” your child then that is probably the wrong mindset to have. I’m not trying to tell you that you’re not justified in feeling that way. I’m also not going to attempt to convince you that it’s not worth it, that “the juice isn’t worth the squeeze.”

What I will state at the outset of this section of the blog is that I have walked out of courtrooms with clients who have had judges rule in their favor, and I’ve walked out of courtrooms with clients who have had judges rule in their spouse’s favor.

You may be surprised to learn that their faces look fairly similar no matter the result. Most folks at that point are just happy to be done with the fighting and are ready to deal with their new realities. It is rare that any one party is completely satisfied with the results of their divorce case, especially when it comes to child custody.

### **COMPLICATED ISSUES IN CHILD CUSTODY CAN LEAD TO CONFLICT**

What sort of issues bring about these high conflict child custody cases? A lawyer’s favorite answer to give a client is, “Well, it depends.”

There are situations that involve physical danger either to a child, a spouse or both. Those are instances where high conflict persons put themselves in high conflict situation and a high conflict divorce and child custody contest is easily foreseeable. Examples of the sort of issues that lead to high conflict custody disputes include family violence and drug/alcohol abuse.

### **PARENTAL ALIENATION A HUGE CAUSE OF HIGH CONFLICT CUSTODY CASES**

While situations involving family violence or parental drug use catch your attention with ease, they are fortunately uncommon compared to other issues that lead to high conflict custody situations for divorcing parents. What does cause a very high percentage of these sort of disputes are situations that involve one parent attempting to alienate the child from the other parent.

The behaviors involved in parental alienation include any kind of purposeful behavior the goal of which is to draw the child closer to the alienating parent and away from the other parent. A divorce offers a perfect opportunity for the alienating parent to discuss the issues of the marriage with the child.

By doing so, the child receives a one-sided view of what is happening in the relationship and in the family. The real issue is that a child is not mature enough to understand the complex relational issues the family is facing and there is a risk of doing long term damage. In the short term, the alienating parent can anger their soon to be ex-spouse with their behavior in a way that can lead to a contentious and conflict filled divorce.

A former client of the Law Office of Bryan Fagan, PLLC hired our office after his wife filed for divorce against him around Christmas time last year. This gentleman told his attorney of how his wife had flown her parents down to Houston to have them with her when she told the children about how their parents were getting divorced.

The grandparents were ready to swoop in and buy Christmas presents and just generally help make the holiday more “normal.” The children were told that if not for Grandma and Grandpa there would not have been a Christmas in that year.

This is textbook alienating behavior. Our client felt the brunt of the children’s anger for an extended period of time during the divorce and the relationship with his children still has not recovered.

It took a lot of conversation and counseling with our office to allow him to understand that going tit for tat with his wife on these issues would not serve a higher purpose. In fact, exacerbating an already conflict rich environment by engaging in similar behavior would have been detrimental to the children and himself.



## THE DIRTY TRICK OF USING CHILDREN AS WEAPONS IN YOUR TEXAS DIVORCE

One of the saddest things I have observed during Texas divorce proceedings is when parents start to use their children as weapons. This can take several different forms:

- ☑ Withholding the children altogether from the other parent
- ☑ Making visitation contingent on paying support or some other factor
- ☑ Running away with the children to another city or state
- ☑ Engaging in parental alienation
- ☑ Crying Regarding Family Violence
- ☑ Coaching the children to lie

In today's blog we will discuss some of these dirty tricks as well as the steps that can be taken should your ex start to do some of these things.

### WITHHOLDING YOUR CHILDREN

Unfortunately, during Texas divorce proceedings, parents can let their feelings toward their ex cloud their judgement. Sometimes these feelings cause them to play games to punish their ex out of anger or fear. The thing I observe most frequently is parents withholding the children from the other parent and failing to consider what is in the best interest of their children.

The excuse I hear for this is generally they do not want to let the other parent have the children because they are afraid that the other parent will not give them back. They engage in the very same activity they fear from the other parent.

### YOU REACT TO SPOUSAL STARVING

Maybe you decide to react to your spouse's bad behavior of cleaning out the joint bank account and leaving you broke. As you result, you decide to get back at them by not allowing them time with the children.

First, if a court order that addresses custody and visitation rights is in place and a spouse does not comply with the order, he or she can be held in contempt and even end up in jail.

Withholding children by either parent is not a good idea:

- ☑ The court does not like when parents withhold children from each other
- ☑ It violates standing orders in counties that have them
- ☑ If there is an existing temporary order, this would be a violation of that order

When there is no order or agreement in place things become more complicated. This is usually the problem at the beginning of cases. If a parent engages in using the children as pawns prior to an order being in place, a judge will take that into account and there very well may be consequences.

### Extreme Circumstances

Withholding children should be avoided unless there are extreme circumstances. These circumstances could include family violence or other concerns regarding a parent endangering children.

Other activities may rise to the level where withholding the children may be permissible. It would be a good idea to discuss any concerns with a Texas divorce lawyer.





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## **WE'RE HERE FOR YOU**

When it comes to your financial future, your peace of mind matters. No matter where you are in the divorce process, we are always available to help you protect your assets and safeguard your future. As a Texas law firm exclusively devoted to divorce and family law, our experienced divorce attorneys will explain your options and support you throughout the process. Please contact us at (281) 810-9760 if you would like to schedule a free confidential consultation

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