

WHEN THE LINK IS BROKEN

The Heartbreak
of Grandparent
Alienation

BY NAOMI
RAKSIN

THE EXPERTS SPEAK

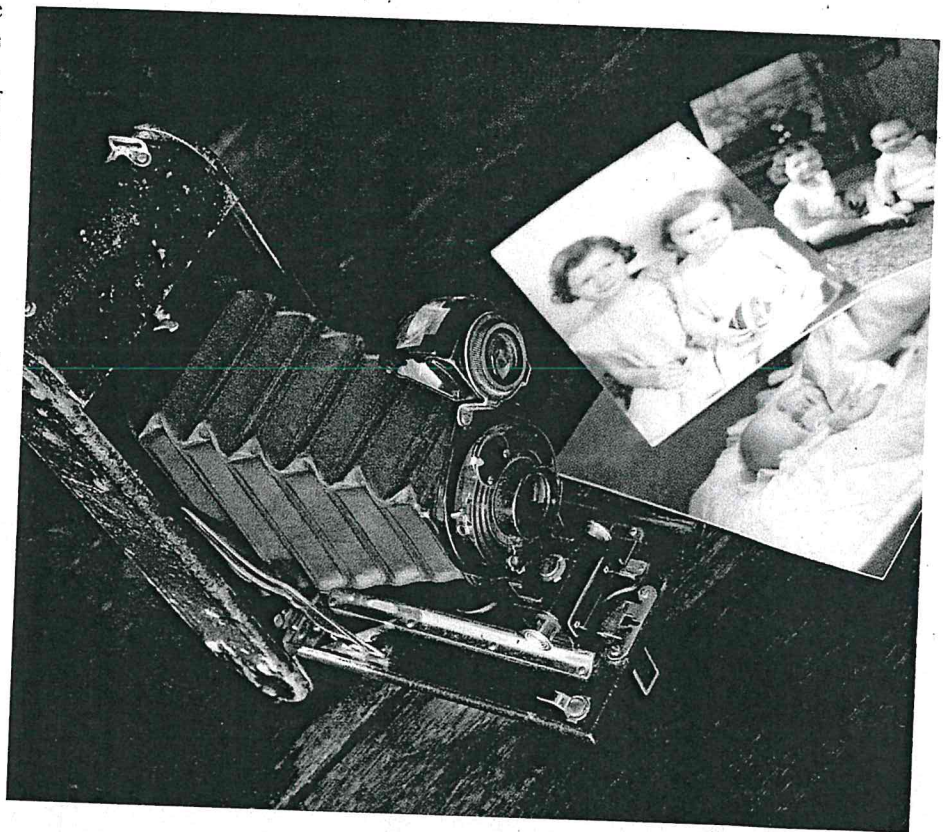
Moderated by Rechy Frankfurter

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I remember running up the steep incline of my grandmother's driveway on Friday afternoons, pulling open the front door and inhaling the sweet scent of peanut butter and marshmallow fluff. The smell guided me into the kitchen where my grandmother would serve huge slices of Rice Krispie treats, warmed in the oven so the sticky goodness melted into my fingers. As a very little girl I came for the goodies, but as I grew, my grandmother's home became an extension of my own, a sweet little nest of love. Instead of the treats, I'd come for the way her eyes lit up when I stepped through the door, as if the only thing missing in her day was my arrival, and now that I'd come her happiness was complete.

At this point in my life I know that the deep bond of my grandmother's love was not just a heart-warming display of affection, but that it contained the kind of strength that holds its own shape and builds an identity. If parents form the central influence in their children's lives, grandparents are like the layer around it, a cushion or a buffer to seal it all in. My relationship with my grandmother was like the faintest whisper, *this is who you are. This is where you come from.* With her presence came an awareness that I was not born in a vacuum. She was the link that connected me to the line of great women who came before me.

In a series of interviews, I speak with grandmothers who are alienated from their grandchildren. Every grandmother has her own story to tell and her own way of telling it, but through the pauses that stretch a little too long and the sighs that break up their words a little too often, I hear the same tale. They are all women who hold an unbreakable strength, grandmothers who have experienced the diverse angles of life; the beauty, the sorrow, the vulnerability. At a time when their days should've been filled with the richness of an uncomplicated love, they find themselves grieving instead for the grandchildren that have been roughly torn from their lives. I hear the pain they feel in holding onto a love that they cannot give, and I hear a deeper pain in their knowledge that the grandchildren they loved—and who loved them



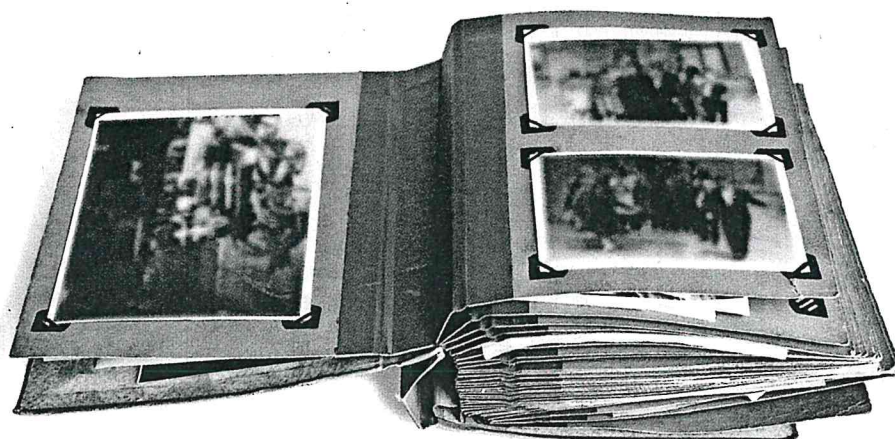
AT A TIME WHEN THEIR DAYS SHOULD'VE BEEN FILLED WITH THE RICHNESS OF AN UNCOMPLICATED LOVE, THEY FIND THEMSELVES GRIEVING INSTEAD.

back—are thinking about them and wondering where they’ve gone. There’s strength in their voices but there is also the kind of layered grief that does not soften with the passage of time. If anything it seems to strengthen, taking on an ever more desperate longing as the weeks and months slide by.

As I listen to their pained voices, I think of my own grandmothers and how identities shift and grow new layers throughout our lives. I think of the hugs, the kisses, the running up driveways, and I know that the love flowing both ways between my grandmothers and their grandchildren did not only shape our own identities, it shaped theirs too. Grandchildren are the link that connects their grandparents to the future, to the line of people who will come from them. Our love to them is like the faintest whisper, *this is who I have become*.

This is the double-edged sword of grandparent alienation. The parent with the custody rights is in the center, the gatekeeper who refuses to acknowledge or care about cutting away an integral link in the chain.

As we get ready to welcome the Yom Tov that celebrates the connection between generations with the command to tell and retell the story of our history, the breakage in their familial link is ever more pronounced. But Pesach is also a time to celebrate redemption. Sometimes redemption comes in a sudden windfall, sometimes it crawls to the finish line through small steps. Today, there is a growing awareness and a support group for estranged grandmothers



to help soften the sharp edges of the chasm left in the wake of their grandchildren’s absence. They are small steps toward salvation, but significant ones. It is my hope that they grow into giant leaps that lead to a full and complete redemption for every estranged grandparent.

FAIGY’S STORY

Faigy Shapiro’s* story began at the tail-end of a scorching summer, on an otherwise ordinary day in the beginning of September. The call came early in the morning, waking her up from a peaceful night’s sleep with shocking and horrific news. Dassy, her 30-year-old daughter, had died in the middle of the night from a brain aneurysm.

She could barely make sense of the strangled voice of her son-in-law on the other end of the line. “What?” she gasped, grabbing onto her phone with the other hand. “What?”

Faigy had just spoken to Dassy before

she’d gone to bed, and Dassy had mentioned a headache and an early night. It was impossible to believe that mere hours later she was suddenly gone.

The loss of their beloved daughter is the heart-breaking start of the Shapiros harrowing tale, and Faigy pauses to give me a bit of background about her daughter. “There is something charming and magnetic about Dassy...” Faigy pauses again for a brief moment and then tells me she can’t use the word “was” when she speaks of her daughter. There’s a heaviness masked beneath Faigy’s gentle voice and my heart breaks to hear it. “A very pure, easygoing and uncomplicated girl. Spiritual and witty and beautiful inside and out.”

While Dassy’s happy and relaxed demeanor radiated outward to those around her, Avram, Dassy’s husband, had a more intense and uptight personality. He’d sit at the edge of his seat, watching the comings and goings with his hands tightly knotted on his lap. One Shabbos at her parents, Dassy commented to her mother, “You know, Avram has an eye for details. He notices

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everything. We should really work extra hard to make sure he's comfortable here."

Faigy tells me there were other quirks that she and her husband noticed right away about Avram. "They were small things that seemed a little odd, like the way he'd check if all the windows in the house were locked before he went to sleep. One time when I went to serve the cholent, I found the crock pot unplugged. I thought I must have forgotten to plug it in, but then Avram gave us a whole speech about how unsafe crock pots are, and we understood he'd taken out the plug before Shabbos."

But the Shapiros were a warm, close-knit family, and they had accepted Avram into their lives with open arms. Faigy and her husband Yosef shared a close bond with the young couple, and they helped them set up an apartment not too far from their own home. For the first few years, while Avram was in *kollel*, the Shapiros stepped in to help support them.

Several years later after Avram opened a business with the Shapiro's help, the Shapiros found out through the grapevine that the business was flourishing. The news came as a shock. From the way things appeared, Avram and Dassy were living in extreme financial distress. They were still in their original, tiny apartment. The Shapiros had never been a wealthy family and Dassy didn't have much interest in materialistic things, but it was painful to see the state of their deprivation knowing they could afford to live more comfortably.

"At first I thought that Avram was investing the money back into the company, or



that he was trying to save up in case of crisis. But we're not talking about throwing money around carelessly. We're talking about the basics. Each kid owned one pair of threadbare pajamas. Dassy was wearing the same clothes and shoes she'd come into marriage with. They were buying day old bread and cakes. The situation was confusing, but the Shapiros had been helping the couple financially since their marriage, and Faigy continued to give them money for birthdays, *Yomim Tovim* and as random gifts in between. Faigy would also buy toys and treats for their children.

"Money isn't for wasting on unnecessary things," Avram commented one day, looking straight at his mother-in-law standing in the entrance of their home with a new doll for their eldest. "No one really needs any of this, you know what I mean?"

One of the most painful and unsettling parts of Avram's attitude was the way Dassy was dragged into it. "There's no need to give us money or gifts for the kids," Dassy told her mother. "*Baruch Hashem*, we have everything we need." It made sense that pure and trusting Dassy would view her husband's stinginess through the lens of holiness

instead of what it truly seemed to be.

But no matter how Avram chose to spend—or not to spend—his money, Faigy and Yosef kept up a good relationship with the couple. "We never asked them any questions," Faigy tells me, "and we never judged."

On Dassy's 30th birthday, Faigy bought her daughter a gold bracelet. Avram was furious and brought it back to his in-laws' house the next day. "Dassy doesn't want it," he told Faigy. "She doesn't want any of it." "Okay," Faigy said in a quiet voice. "If she doesn't want it, then *she* can give it back to me."

Avram stared at her for a long moment and then threw the bracelet into the house and stalked off.

"Avram," Faigy called after him.

He turned around, hands fisted tightly at his sides.

"Please, I don't want this to come between us. Let's discuss your rejection of our gifts with a *rav* or a third party."

"I don't need any *rav* or third party," Avram said. "I trust myself."

Looking at her son-in-law—head lifted with pride, eyes shuttered—Faigy felt the

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first prick of fear. Who was this person her daughter had married? If he didn't trust anyone, nothing would ever penetrate the thick walls he'd built around himself and guide him to a change of perspective.

Eventually, Dassy told her mother the name of a *rav* whom Avram respected and they went together to present their sides.

After hearing them both out, the *rav* told Faigy that she was allowed to continue giving gifts to her daughter and grandchildren. Then he turned to Avram and begged him to seek help.

Faigy stared at the floor, horrified to witness Avram's shame. Avram fled from the room, and as she followed quietly behind, Faigy knew that the *rav* was right. Avram's bizarre attitude toward money—and his attempt to control the way his family spent it—were both reflections of something that was not quite right, but she also knew that Avram's wounded pride would be the beginning of the end.

Several weeks later, Dassy called her mother. "Mommy," she said. "I'm sorry. I'm just so sorry about everything."

There was a quiet brokenness in Dassy's voice and Faigy closed her eyes, wishing she could take her in her arms and make it go away. It wasn't the first time since Dassy's marriage that she wished she could peek into Dassy's heart and see what was in there. Dassy didn't stay on the phone for long. She had a headache and told her mother she was going to sleep early.

Sometime in the middle of that night, Dassy quietly slipped away.

The *levayah* and *shivah* passed in a blur of shock and pain. But even through the haze of grief, it was impossible not to notice Avram's odd behavior. When he stood up from his low chair, he'd walk into the kitchen and start stacking the cakes and food that people had brought onto high, unreachable shelves.

"We don't need this," he said, placing a platter of sushi above the fridge. "This is just wasted money."

After *shivah* was over, Faigy wanted to



visit the children. She was very close to Dassy's kids and she'd hosted them many times throughout the years. She was especially close to Dassy's eldest, a sweet eight-year-old girl named Minna. With their mother suddenly torn from their lives, Faigy knew they were confused and in pain and she longed to give them comfort—and in turn be comforted—at the time of such devastating loss.

But suddenly, like a switch of a button, Avram had grown cold. "You can't come here," he told Faigy when she called and asked to visit.

At first she assumed Avram's attitude was born of his own shock and grief, but as the weeks went by, Avram still refused to allow Faigy and Yosef to visit their grandchildren.

Unsure of what else to do, Faigy drove to the girls' school one afternoon to see Minna and her younger sisters.

"Bubby!" Minna's eyes lit up at the sight of her grandmother and she ran toward her, wrapping her arms tightly around her waist.

Faigy knew that Avram had been telling

his children that their grandparents didn't have time for them anymore, and all she wanted in the brief moments she had was to pour the entirety of her love into her grandchildren so they would never doubt it was there. Faigy bent down to Minna's eye level and blinked back tears. "I want you to know how much I love you, Minna. I love you so much, and I always want to be with you and spend time with you."

When Avram came to pick up his children and saw his mother-in-law, he marched over to her, his eyes hard. "Take this as a warning. If you ever come again, you'll regret it."

As the weeks bled into months, Faigy and Yosef didn't know what to do. They had hoped that with time Avram would allow them back into his children's lives. Aside from his extreme opposition to his in-laws' gifts, they'd had a wonderful relationship throughout the years and they'd always treated him with kindness and respect.

"We never had a single argument, no raised voices, nothing." Faigy assures me of this several times during our conversation, and from her voice alone I know it is true. Like the gentle warmth she describes in her daughter, Faigy speaks softly and from her heart, with thoughtful pauses between her sentences. I cannot imagine her speaking in a raised voice to anyone. "The only issues were about giving gifts, but even then, we never got hurt or upset when he didn't accept."

The Shapiros eventually realized that Avram would never back down. With no other alternatives, and after Beis Din gave them permission they brought their case in

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front of a judge. They asked for visitation rights to their grandchildren. They were advised that their chances of winning their lawsuit was slim, but it was their only hope of ever seeing them again.

During the trial, Avram made bizarre claims against his in-laws and tried to paint them in a negative light. He said that Dassy was never interested in her parents, and the many gifts they were given over the years were their feeble attempts to buy her love. He also claimed that his in-laws were irresponsible and that their home was unsafe. To the Shapiros, his claims only seemed to highlight his own instability, but still, the case dragged on.

Over a year has passed since their initial court date, and the Shapiros have been subjected to numerous evaluations and checks. Even though all the evaluations have come back clear, the court still seems resistant to giving them any rights.

"Does it make sense for you to keep fighting in court?" I ask Faigy. "Is there anything else you can do aside from that?"

Faigy's sigh is louder and heavier than her words. "I don't know. I really don't know. I'm starting to think of dropping the case. Avram's animosity is only continuing to grow, but the children need us. They need the love only a grandparent can give them."

There's a moment of quiet over the line, and I understand that for now, this is where the story ends. There is nothing to say. The end to the Shapiros story is as abrupt as its heart-breaking beginning, and the many layers of their tragedy break my heart. I shake my head, feeling the heavy burden of too many questions and too few answers. I fish for something, anything, even the tiniest ray of hope for a happier conclusion.

"I'm waiting for the hand of Hashem," Faigy tells me with a steadfast faith that comes through the line in the strengthening of her voice. "Only Hashem can get us out of this. He will."

JUDY'S STORY

The first time I tried to call Faigy, she was unable to speak because she was attending a meeting for alienated grandparents arranged by Judy*, a fellow grandmother who is also battling for the right to see her grandchild. I speak to Judy to hear her story of how she has channeled her own pain into easing the pain of others through her support group for alienated grandparents.

Judy's story begins like the other alienation stories I have heard, with rotting roots festering beneath the surface for years prior to the alienation. Like the others, the roots were only seen in retrospect. For Judy, the sudden disappearance of her grandson, Shimmy, was abrupt. One day he was there, and the next day he was not.

Judy's energetic personality comes through in the way her words flow fast and thick.

The saga began with the divorce of her son Moishe and daughter-in-law Devora. Judy and Devora shared a great relationship throughout Moishe and Devora's marriage to the extent that even after the divorce, Devora would often bring her son to Judy's house to spend the night.

But slowly, as Judy picked up on the dysfunction in Devora's home, everything began to unravel.

"Shimmy is the sweetest boy." There's a sob in Judy's voice when she says that, and as our conversation continues I notice it is there every time she mentions his name.

"He had some trouble in school and he was on medication, but as the weeks went by, the medications increased. He was on a cocktail of who-knows-what and suffering from all sorts of side effects."

Judy tells me that she started to notice that Shimmy would fall asleep everywhere—at the dinner table, while doing his homework and randomly in the middle of conversations. He was also rapidly gaining weight. When she broached the topic to her daughter-in-law, Devora simply shrugged it off. "He's gaining weight because he has a healthy appetite."

With the increase of medications, Shimmy's behavior worsened. To deal with it, Devora took him back to doctors for more medication. Shimmy was soon kicked out of his school and Devora barely looked for another suitable option for him. Instead, she enrolled him in a special program at a public school in a bad neighborhood in town.

"The situation was spiraling out of control," Judy says. "It was somewhere around that time that I learned of the mental health condition called Munchausen Syndrome by Proxy, where parents thrive from the attention they receive by having a sick child in their care. They often create and exaggerate symptoms in order to deceive professionals and gain their sympathy."

After learning of this syndrome, Judy knew it described her daughter-in-law. When Shimmy was with her he seemed completely fine and did not need his medications. Problems only arose after he went back to his mother's home.

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Judy took Shimmy to his doctor and requested that he take him off his meds. She also worked to get Shimmy accepted back into a Jewish school, but Devora refused to speak to Shimmy's new teachers to give them some background about her son nor did she coordinate the services he would need in order to succeed.

"That seemed to reinforce it for me. It was like Devora didn't want him to do well. She wanted him to fail. She wanted him to be unwell. She was happiest when things weren't working out." I imagine the pain and frustration in watching a loved one's downward spiral and knowing it could be prevented. "What did your son feel in all of this?" I ask her.

Judy sighs. "Sadly he has given up. He had tried to talk to Devora about appropriate special needs schools for Shimmy, but she wouldn't listen. He says that there is no chance to win over Devora."

Without Devora's help to ease Shimmy into his new school, things quickly turned sour. Judy tried to get Shimmy accepted into another Jewish school, but they refused to take him unless Shimmy was no longer in his mother's home. Being that this wasn't an option, Judy tried again, paying an outrageous amount of tuition upfront in order to get Shimmy accepted.

But once Shimmy was settled in his new school, the saga was not nearly over.

A few short weeks later, Devora decided to pull Shimmy out and enrolled him in a non-Jewish boarding school in Cleveland. The school catered to low-income families with special needs children who could not afford better alternatives. Shimmy's new classmates were non-Jewish children who suffered from an assortment of physical and mental challenges.

Knowing that her mother-in-law would try to get Shimmy out, Devora took Judy to court for interfering with her school preferences and undermining her authority.



my grandchildren on trips all the time, and we get together for all the *Yomim Tovim*. Meanwhile, Shimmy... is stuck in a non-Jewish school miles away, completely cut off from his extended family. I think about him every day when I wake up in the morning, and I see his sweet face every night before sleep comes. Just mentioning the name Shimmy makes me cry."

Judy's pain is cutting, and I wish there was something to say to make it better.

"I was so close to him. When he manages to call me, he hardly has to say anything. He just says, 'Bubby I love you and I miss you so much.'" Judy pauses, and I hear her ragged breathing. "I try to stay strong, I really do, but I just can't stop crying." I shake my head, hoping that at the very least Judy knows that there is no weakness in her tears. It's just pure love I hear, carried by her tears straight through the line.

"I want the smallest things. It's his birthday this week, and I want to send him a present, a card, something, but I can't. I want to connect him to Chabad so he can join them for some semblance of Shabbos, and I can't even make that phone call."

Judy tells me a little bit about the court system and how much frustration they've endured during the process. "The courts will always give parents the final authority over their children unless there is clear proof of abuse. But abuse comes in many forms, and abusers are very skilled at covering their tactics."

I ask Judy where things are holding now, and what her plans are for the future. "This has dragged on enough in court. I can't understand why we're still there. I'm paying lawyer fees and suffering the pain and frustration while I know this likely won't be resolved until Shimmy is 18 and no longer under his mother's authority."

It's time to finish our call, and it is a terrible way to end it. I'm left with a

The case dragged on for two long years. Devora was manipulative and articulate, and she pinned her in-laws as the controlling types that were sabotaging Shimmy's best interests. There was a restraining order against Judy for the duration of the court case, and while she waited for a conclusion that would never come, Judy could not reach out to Shimmy. If she did, it would come back to haunt her in court.

Shimmy occasionally snuck a phone call to his grandmother from his boarding school, but most of the time he was too afraid.

"His mother doesn't let him have contact with anyone," Judy tells me. "Shimmy... was so close to his cousins, but he's not allowed to call them either. You have to understand, we're a close-knit family. I take

SHIMMY OCCASIONALLY SNUCK PHONE CALLS TO HIS GRANDMOTHER, BUT MOST OF THE TIME HE WAS TOO AFRAID.

nagging void that comes from no resolutions. We agree to speak in several days time for a follow up conversation. In the interim Judy emails me some pictures. There's one of Shimmy, a bright-eyed child with a full, eager grin, and I smile when I see it, finding the sweetness in Shimmy that Judy described. The next picture is an image of Shimmy sitting on the floor in his winter coat, his head resting on the edge of a table, deeply asleep. A third image is a picture of a dark building taken through ominous black spikes of a fence. It's hard to see it clearly, but the building looks decrepit, a box of concrete with small, blackened windows. Beneath it, Judy has written, *Shimmy's school*.

I shudder, imagining the sweet boy in the first image secluded inside that building, isolated from his family and friends and the life he's always known.

BROKEN TIES

In our follow up phone call I ask Judy to tell me about the support group she has founded.

"After everything with Shimmy, I started hearing about other grandparents in our circles who are enduring similar

THERE ARE ALL KINDS OF VARIATIONS, BUT EVERY ONE OF THEM IS SUFFERING, AND I THOUGHT THAT MAYBE THERE WAS SOMETHING I COULD DO TO HELP.

types of alienation. Sometimes they're estranged from their own children and by extension their grandchildren, and sometimes their children got divorced and the parent with custody cut off all contact. There are all kinds of variations, but every one of them is suffering, and I thought that maybe there was something I could do to help. That was the idea of the support group. I called it Broken Ties. Reconciliation after alienation is a very long, detailed process, just like it was a long, complicated process to get to this point. Although it is the ultimate hope for everyone, in the meantime my goal is to relieve some of the stress and trauma that we're all going through."

Judy tells me that through her research she found a lot of information and resources available for parents who are alienated from their children, and as she sifted through it, she came across a non-

profit organization based in Florida called Alienated Grandparents' Anonymous (AGA), which focused specifically on the grandparent angle of alienation. AGA has support groups in 22 countries and all 50 states, and many stories of facilitating successful reconciliation between estranged grandparents and grandchildren. Judy learned that one of AGA's missions in establishing world-wide support groups was to minimize the shame and self-blame that many grandparents feel due to their non-existent relationships with their grandchildren. Alienation is a common phenomenon, but because it was not previously addressed, grandparents hid their pain deep inside themselves in fear of judgment.

Judy spoke to Amanda of AGA, and as she discovered more about AGA's global mission to bring awareness and positive change both to the lives of suffering in-

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dividuals and in the court system at large, she decided to join the umbrella of AGA.

"It's the same support group that I initially started, but now our original group, Broken Ties, is under the umbrella of AGA which gives us access to support and guidance from professionals who have dedicated themselves to studying the various implications of grandparent alienation. We generally meet once a month, and these professionals give us resources, advice and coping skills. At our last support group meeting, which was our second meeting, Amanda spoke to us on a video call and then she spoke to everyone individually to give them guidance about their particular circumstances. We also plan to have *rabbanim* and *frum* mental health professional address our group shortly."

While grandparent alienation is about manipulation and asserting a measure of mind control within the family, every case presents its own challenges and the next step is different for everyone. There are certain suggestions that work across the board such as gathering items and writing letters to the estranged grandchild/grandchildren so that when they are reunited, the grandparent can show them how much they were thinking of them over the years of separation. For those in court, consultants for the support group have specific advice on how to navigate the system with the best chances of a positive outcome.

"There were 11 people here at our last



meeting, our second one, and everyone left on a high. It wasn't just support and validation, the guidance given made everyone feel like there was somewhere to go from here. We all walked away armed with enough practical advice to give us hope."

Judy tells me that Broken Ties has become so much more than gathering together to grieve for the grandchildren taken from their lives. "At first I thought that even if one grandparent can be reunited with one grandchild then it's worth the effort. But it's more than that. Even before reconciliation, there are the small steps we take individually and as a group that move us closer to our goal. It isn't only about the solution; it's also about figuring out how to cope within our current situation. I see how needed this is because people are coming out of the woodwork. I get calls all the time from people who are suffering. And I see from the feedback that everyone feels the same way. We strengthen each other."

As Judy speaks, I know that this is the answer I was hoping for. Her story—like

Faigy's story and others I have heard—revolves around a heartbreak, but it is also the story of creating change in the perspectives of those who may have never understood grandparental alienation, and creating change in the lives of the ones suffering by giving much-needed support and direction. Her support group was born of the ragged edges of pain, but it has become a beacon of hope.

It is not conclusive, it is not perfect, but for now, it's the best we have.

Like the last time, an email arrives in my inbox shortly after our phone call is over.

There's a single image of a little boy with striking green eyes looking straight into the lens of the camera. Above his head reads the caption, "In order to survive I had to make you believe you erased my grandparents from my mind. The truth is I've always kept them deep inside my heart."

I stare at the image for a long time and I know this to be true: Grandparent alienation is the double-edged sword of grief for both grandparent and grandchild, the painful removal of an integral part of oneself. But within that dual pain, there is also the double-edged hope that one day soon, when grandparent and grandchild reunite, both of them will heal. ●

**Due to ongoing court proceedings, all names have been changed.*

"Judy" can be reached through Ami Magazine.

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ALIENATING GRANDPARENTS: THE CAUSES BEHIND THE PAIN

Grandparent alienation presents itself in any situation where a daughter, daughter-in-law, son or son-in-law limits, restricts or completely cuts off their child's relationship with their grandparents. Although one party is often responsible for the alienation, the layers of familial denigration are always deeply complex. There may be an unhealthy marriage involved between the alienator and their spouse, a divorce, a death or an emotionally unhealthy child who is locked in dispute with his parents/in-laws and reacts by restricting or cutting off contact. Often, the party inflicting the alienation is disturbed in some way, suffering from a personality disorder, narcissistic tendencies or unresolved childhood issues. Whatever they may be going through on a pathological level, there is usually delusional thinking and fear driving their behavior. They may be jealous of their child's love toward the grandparent or the love their spouse feels toward his/her parents and they try to pull their spouse or children away in order to exert control.

As the subject of alienation, the grandparents are left confused and afraid. While they would normally walk away when being treated abusively by someone they didn't love, their relationship with their children and grandchildren is important to them, so they continue walking on eggshells, blaming themselves while looking for ways to mend and repair. The grandchildren are confused and afraid as well. If they show love toward their grandparent, the alienating parent may withhold love and affection, forcing the child to "choose" between their parent and grandparent. The alienating parent may also feed age-inappropriate misinformation about the grandparents to push the child into fearing the relationship and viewing

their grandparents as unsafe or scary.

Whether the alienation is coming from a son, son-in-law, daughter or daughter-in-law, it is a form of abuse for both the grandchildren and grandparents. While physical abuse shows clear external signs, forms of emotional abuse and neglect are much harder to detect. Children who are cut off from a loving relationship to a grandparent are severed from a form of unconditional love and connection, and their fractured familial life is detrimental to their sense of self and wellbeing. While the death of a grandparent is excruciating, the severing of a relationship with a living relative cannot be explained nor soothed. For the grandparent, the denial of seeing and spending time with their progeny causes extreme emotional distress. They often display physical signs of illness and lack joy and a sense of meaning and fulfillment in their lives.

Although the roots of alienation are usually based on delusions, fears or conflicts within the family that do not legitimize the alienation, there are rare cases where children are forced to cut off contact from a grandparent due to physical or emotional abuse on the grandparent's part. In general, a healthy mind will look for ways to repair a relationship while an unhealthy mind will find ways to destroy it; however, there are times when a healthy mind will understand that a relationship needs to end.

These are the murky and tricky waters of alienation, where each side will claim the other is the abusive party. The unhealthy person is often able to paint the other as the unhealthy one and use that to gain leverage against them.

But because parents are the ones with the rights to make decisions about their children's lives, the parent is the



THERE'S AN IMAGE OF A LITTLE BOY WITH STRIKING GREEN EYES. ABOVE HIS HEAD READS THE CAPTION, "IN ORDER TO SURVIVE I HAD TO MAKE YOU BELIEVE YOU ERASED MY GRANDPARENTS FROM MY MIND. THE TRUTH IS I'VE ALWAYS KEPT THEM DEEP INSIDE MY HEART."

party that holds the power, whether in a personal dispute or in a court of law or third-party setting. The scales are naturally tipped in their favor, and although the parent may be the unhealthy one—and not the grandparent—the parent's portrayal of the situation is most often the one that carries weight. An unhealthy parent is aware of this power and uses their children as pawns to exert control over the grandparent whom they wish to delete from their family tree.

The Lawyer's View

WITH ATTORNEY JAMES L. KARL, II

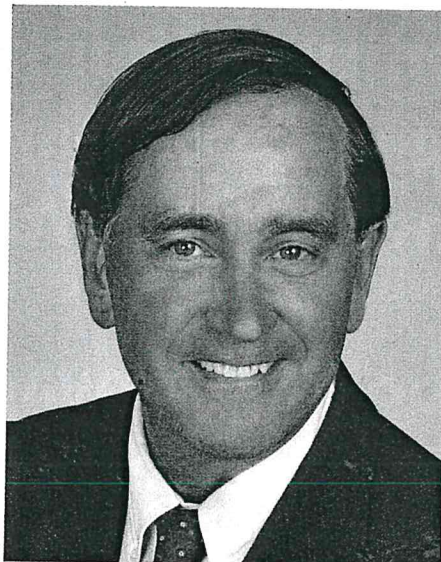
What are the legal recourses—if any—for a grandparent who isn't allowed to have access to their grandchild? Would an attorney even take the case? Is there any legal standing here?

The answer depends on the state you're in. Standing or access to a successful judicial hearing would depend on whether there's a statute that would allow you to bring an action and get in front of the court. Once you do that, the substantive case law would kick in and determine the result of that action.

Let's start by discussing New York and New Jersey.

The New York law is somewhat complicated. The statutory law is short, but the interpretation of the statute is complex and highly based upon the facts of each case. If you look it up you can find a statute that would give you standing, but when you start digging deeper in terms of case law and the nuances to that law, it becomes somewhat complicated. The court may look to whether there was a prior relationship between the grandparent and grandchild, or whether there is a broken or dysfunctional family unit caring for the child. The court will also consider whether the child is in imminent danger.

You have to remember—and this applies in every state—that there is an overriding US Constitutional right to privacy that essentially says that parents have the right to raise their children as they see fit. The latest thing in the news in this regard was the vaccinations. The prevailing view is that non-vaccination is harmful to children, but parents have been able to not vaccinate for



the most part, because there has to be a compelling or overriding state interest in order to override the fundamental right of privacy for the parents to raise their children the way they see fit. That's in every state, so you always have that option.

About 15 years ago Florida passed a law that was very beneficial to grandparents, but it was struck down by the courts because it violated both the federal right to privacy and the Florida Constitution's right to privacy. Most states don't have an independent constitutional right to privacy, but almost every state will have some case law interpreting the right of privacy. There are Supreme Court cases that have been handed down confirming that right of privacy, and they are binding on all 50 states, which means that you first have to have a compelling state interest, and then you

have to have a state law that is narrowly designed to just deal with that specific state interest. The magic word that lawyers use is that the law has to be viewed with strict scrutiny, because if the law is too broad it will still be struck down—even if there is compelling state interest.

A compelling state interest is something like imminent harm to the child. In New York and New Jersey if you have facts that, for example, show imminent harm to the child and a dysfunctional family, and the grandparents were involved in the child's life and then were suddenly cut off—alienation of a grandparent is also a kind of harm—then you might be able to establish a cause of action or standing (the first step in getting relief).

In Florida, however, you will not get into court, because after the law from 15 years ago was struck down, the Florida legislature thereafter passed a very narrow law that almost never applies. In order to get into court one parent has to be missing, and the remaining parent has to be convicted of a violent crime. New York is a little better than that from a grandparent point of view.

It's a challenge in every state, but you have to have particular facts, and there's really no way to set out a general set of rules that would get the result you want in court, because every case is different. And then there's also the judge's interpretation of those facts in light of whatever the law is, both the statutory law and the case law. When you get that entire smorgasbord together that will determine whether or not you'll have any success.



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If a grandparent has an issue they have to go to lawyer who specializes in this type of custody or time-sharing law; you can't just go to a general practice lawyer. It's too specialized for that. You have to go to someone who is a family lawyer or is at least familiar with the difficulties presented by the parents' right of privacy.

In some states, one of the obstacles to getting a law passed to grant standing to grandparents has been that the legislature says that we already have a law—it's called Dependency Court. Every state has a branch of the executive that protects children from being exposed to severe home circumstances. Nearly every case that ends up in Dependency Court comes along with involvement of the grandparents. I've seen judges many times in Dependency Court saying, "Thank goodness we have these grandparents involved, because otherwise these children would be in jail or dead." However, Dependency Court is very different from Family Court. Family Court is where the grandparents want access to the child, usually because they had a relationship that was cut off. The typical case is where the grandparent says, "I had a great relationship with my grandchild that they depended on, and then I was suddenly cut off."

Do I understand correctly that the number one issue in US law is privacy, while dependency and the child's welfare are second and third?

Yes, it's sort of like that. The United States Supreme Court has held, and most state courts have followed this, that what we call the best interests of the child test is not enough of a compelling state interest when it comes to a grandparent. They have to go further and show that there is a demonstrative and imminent harm presented to the child. It isn't just a balance of what's best for the child, the child has to actually be in imminent danger. ●

The Psychologist's Stance

WITH PARENTAL ALIENATION EXPERT, ABE WORENKLEIN, PHD

We've interviewed you in the past on the subject of parental alienation. We are now covering the topic of grandparental alienation. Are you finding it more of a phenomenon than ever?

Absolutely.

Grandparental alienation is occurring a lot more now than in the past. The sad part is that visits to grandparents are a very important part of a child's experience in that a child gains a lot from his relationship with his grandparents. Grandparents play a very significant and enriching role in the development of their grandchildren, and then all of a sudden, the child's parents divorce and now these children can't see their grandparents.

I always say if the two parents would love their child half as much as they hate each other in high-conflict divorces, the child would be in wonderful shape. It's the animosity between the parents that causes them to not want their children to see their ex-spouse's parents. Just because the parents are splitting up isn't a reason for the children to have to suffer another divorce from the grandparents. The child is already going through a significant upheaval, and the grandparents can compensate for the emotional turmoil these children are dealing with. It is very sad when even that is taken away. Researchers found that the bond between a grandparent and grandchild is more influential than any bond aside from the one between the children and their parents. But parents so immersed in their animosity and antagonism towards each other refuse to take that into account. It is very sad, because the parents are only looking out for their own best interests, not the best interests of the child.

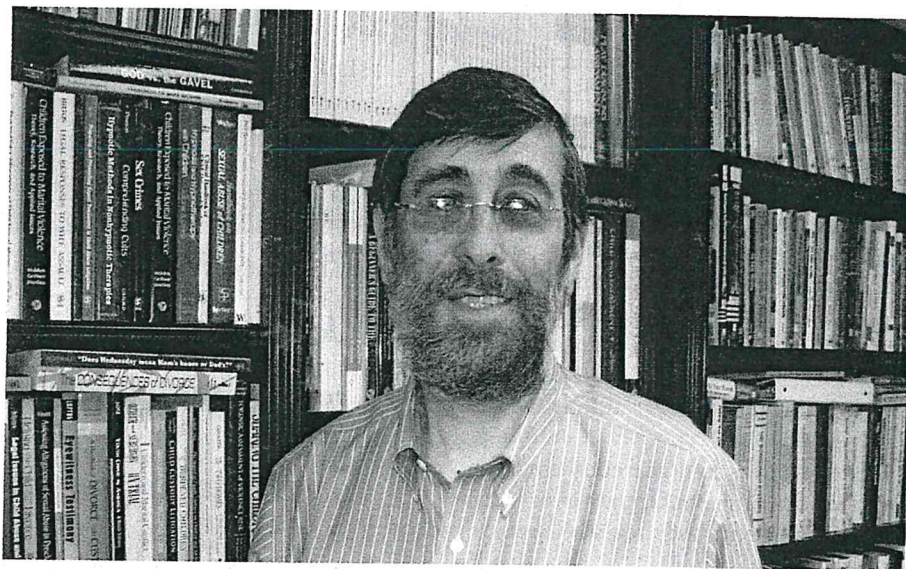
Some grandparents resort to the courts for intervention. There was a case in Florida

where the grandparents sued for the right to see their grandchildren, and the judge did grant visitation rights to them saying, "We're here to do what's in the child's best interests." The children already have to adjust to the fact that their parents are not together, and they are being forced to lose one set of grandparents as well. The court recognized that depriving children of their grandparents is detrimental to the child.

I spoke to a lawyer who told me that the law in Florida is weighted against

grandparents in favor of the parents' right to privacy rather than what is in the best interest of the child. But I'm assuming that judges have discretion.

In 1984, the Florida Legislature created chapter 752, F.S., which was designed to give grandparents the right to petition for visitation with their grandchildren, and that is current Florida law. Chapter 752.01 states that grandparents can petition for reasonable rights of visitation when it's in the best interests of the minor child under certain circumstances: Such as when the marriage



IF THE TWO PARENTS WOULD LOVE THEIR CHILD HALF AS MUCH AS THEY HATE EACH OTHER IN HIGH-CONFLICT DIVORCES, THE CHILD WOULD BE IN WONDERFUL SHAPE.

of the parents of the child has been dissolved; the parent of the child has deserted the child; or the parent has been incapacitated as the result of substance abuse. However, in 1996 the Supreme Court ruled that this law is unconstitutional. I am the co-author of an article called the "The State of Grandparents' Rights: Psychological and Legal Arguments." We had people from Florida, New York, England and Montreal go through all of the issues and reasons why grandparental visitation rights are so important. In an alienation case the parents are so immersed in fighting with each other that they cannot find anything positive about the other parent. One of the characteristics of alienation is that the parent will turn the child against other members of the family. There was another case where the court found that when a custody dispute is between two parents who are fit, it is proper to use the best interests of the child, but when a dispute is between a fit parent and a third party there must be a showing of detrimental harm to the child in order for custody to be denied to the parent.

We had a case recently where the grandparents were fighting to have the child. It got really messy, but the bottom line is what is best for the child. Even if one parent wants to alienate the child from his grandparents, it is up to the court to do what is right for the child. There is another very interesting Supreme Court case called *Troxell v. Granville*, where the paternal grandparents petitioned to expand their visitation. The Court found that the Wash-

ington State law was unconstitutional, because the due process clause does not permit a state to infringe upon the fundamental right of parents to make child-rearing decisions simply because a state judge believes "a better decision could be made." The Court didn't hold that all non-parental visitation statutes were unconstitutional. It is a well-known law, and again, the Court is supposed to do what is best for the child.

Do you help people deal with this psychologically?

I do. Imagine the suffering. The child has just lost having his parents living together, which is devastating for the child. I am not talking about grandparents who are 4,000 miles away and only see the child once every 20 years, I am talking about a child who is extremely close and enjoys spending time with the grandparents. When that happens the whole world crashes down for the child. Now you're making them lose their grandparents as well.

Do you get to mediate between the parties?

I do, but sometimes, as I said before, it is difficult to get past the hate. This is not the majority of situations, but the venom that I see people having is shocking. It is not the child who counts, it is about getting even with the ex-spouse. And they are robbing the child of his childhood.

It is time for the parents to think not about what is good for them and how to be vindictive and take revenge on the other

parent. The child is a child and has suffered enough. Why do you have to add another *pekel* on him?

There are so many problems and illnesses that we can't heal, but this is something that we can heal, and it's sad that people don't realize what they're doing to their own children.

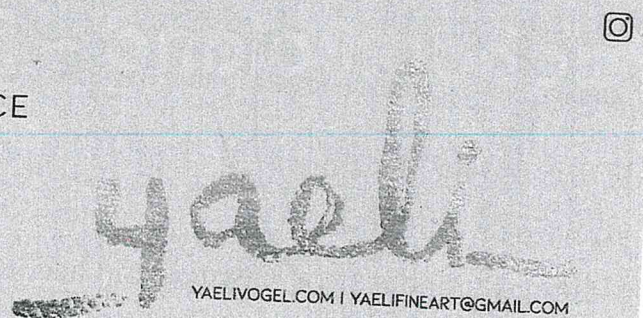
Your passion on the injustice of denying grandparents their grandchildren and grandchildren their grandparents comes through. All we can do is put it out there and hope we can make some difference; that the people who need to realize how wrong this is, do. At least those who aren't aware of the support group are aware now, and also that you can help them emotionally, psychologically, with mediation, and with advice about their legal recourse.

I appreciate that you are bringing this to people's attention, because it is very important. I never knew my grandparents, but I see the love that children get from their grandparents, and when that gets taken from them it is heartbreaking. ●

Abe Worenklein, Ph.D. is a clinical and forensic psychologist in private practice in Montreal and a professor at Dawson College for the past 43 years as well as having been a lecturer at McGill University and Concordia University. In addition to his practice in clinical and forensic evaluation and psychotherapy, he is certified as a family mediator.



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