

My Ex is Turning The Children Against Me

Separation can be difficult enough without feeling like your ex is turning your children against you.

If your ex is making negative comments about you, discussing adult issues with the children or encouraging them to take sides, it is understandable to feel angry, hurt or worried about your relationship with them. This is often considered “parental alienation”.

It can be a serious issue in parenting disputes. However, parental alienation is not a standalone offence or legal claim under Australian family law. The Court is more concerned with what has happened, the impact on the child and what parenting arrangements are in the child’s best interests.

What can parental alienation look like?

Parental alienation can be obvious, or it can develop gradually through repeated behaviour.

Examples may include:

- Speaking negatively about the other parent in front of the child
- Encouraging a child to reject or fear the other parent
- Preventing or unnecessarily interfering with time or communication

- Involving the child in adult disputes
- Asking the child to carry messages or report on the other parent
- Withholding important information about school, health or activities
- Pressuring a child to choose between parents
- Making unfounded or exaggerated allegations about the other parent

One isolated disagreement does not necessarily amount to parental alienation. The circumstances, pattern of behaviour and reasons for a child's reluctance to spend time with a parent all need to be considered.

What if my child does not want to see me/my ex?

A child's refusal to spend time with a parent does not automatically mean they have been alienated.

There may be genuine reasons for a child's views, including concerns about family violence, abuse, conflict or their experiences with a parent.

This is why it is important to look beyond the label of "parental alienation". The Court will consider the evidence and the individual circumstances of the child rather than simply accepting that alienation has occurred.

How does the Court deal with parental alienation?

The Court's primary consideration in parenting matters is the best interests of the child.

The Court considers factors including the child's safety, views, developmental and emotional needs, each parent's capacity to meet those needs, and the benefit of the child having a relationship with their parents and other significant people where it is safe to do so.

Where there is evidence that a parent's behaviour is harming a child's relationship with the other parent, the Court can consider that behaviour when determining appropriate parenting arrangements.

Depending on the circumstances, this may include changing existing parenting arrangements, making more detailed orders or considering how parental responsibility and time with each parent should operate.

What can you do if you are concerned?

Keep your children out of the conflict

Children should not feel responsible for their parents' separation or be placed in the middle of adult disagreements.

If your children repeat something negative your ex has said, try to avoid responding with criticism of your former partner. Speaking negatively about the other parent in return can place your children under even greater pressure and may ultimately make the situation worse.

Instead, reassure your children that they do not need to choose between their parents and that it is okay for them to love and have a relationship with both of you.

Don't interrogate your children

It can be tempting to ask your children exactly what your ex has been saying. However, repeatedly questioning them or asking leading questions can make them feel like they are caught between you and your ex. A leading question is one that tells them the answer, for example "did your dad say he hates me?".

Give your children the opportunity to talk to you if they want to, listen calmly and let them know that they can speak openly about their feelings.

Keep a record of what is happening

If the behaviour is ongoing, keeping a factual record may be helpful.

You might record dates and details of concerning incidents, relevant communications from your former partner, disruptions to parenting arrangements, or significant changes in your child's behaviour.

Try to keep your records objective and avoid speculation or emotional commentary. If the matter eventually requires legal intervention, clear and factual information can be important.

When should you seek legal advice?

Not every disagreement between separated parents requires legal intervention. However, if your former partner's behaviour is persistent, is affecting your children's relationship with you, or involves breaches of existing parenting arrangements or Court orders, it may be time to seek advice.

Depending on the circumstances, there may be steps available to address concerns about parenting arrangements and the children's relationship with each parent.

If you are concerned about your child's relationship with you or believe the other parent may be undermining that relationship, speak with one of our experienced family lawyers. We can help you understand your options and the steps that may be available to address your concerns.

We offer a 90-minute initial meeting to develop a “Family Road Map” tailored to your personal situation.

All your concerns will be addressed in this appointment, and your lawyer will explain the process and outline a plan for next steps. All of a set fee.

For more information or to book your 90 minute “Family Road Map” appointment, please call 8238 6666 or complete our **Contact Form**.

The information in this article is general in nature and was accurate at the time of publication. Laws and circumstances can change. For advice specific to your situation, please seek professional legal advice.