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	<p>Oupa Joe (Andries van Tonder) Still serving when possible</p>	<p>Take Notice: Information supplied based on my opinion reading - The Constitution, Conventions, law, Case Law, Rules, Regulations and Standards in the Republic of Ireland only. This sheet is drafted by a lay litigant and might not be correct.</p> <p>This is not legal advice, but the opinion of the author(s). Please consult your legal advisor</p>
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Domestic Violence by Proxy - v1

11 May 2021: Andries van Tonder

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Parental Alienation is Domestic Violence by Proxy

While no enactment exists that directly address this evil, other enactments can be used if the law enforcement authority is trained to understand it.

During the process of parental alienation or parental estrangement, the perpetrator might “play the system” to achieve his / her goal. A new term emerged by professionals naming it “Domestic Violence by Proxy”, meaning the alienating party is performing the domestic violence action by using another authority e.g. an enactment or known loophole in the law to succeed.

One of the most effective measures is the obtaining of a safety, barring, or protection order.

Target parents and other victims should use the same measures to stop the alienation process and protect the child from ECAPA (emotional child abuse by parental alienation).

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Understanding Domestic Violence Orders (DVO)

(Not recreating the wheel by rewording and retyping, I copied the contents under this heading from the Law Society website)

Barring Order

A Barring Order forces the alleged perpetrator to leave the family home. It also prohibits him or her from any further acts of violence, threats of violence, and from watching or being near the family home. A Barring Order can be granted for up to three years.

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Emergency Barring Order

In exceptional circumstances, the Court can grant an Emergency Barring Order while a person waits for a full hearing on a Barring Order. This requires the alleged perpetrator to leave the family home immediately.

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Protection order

A Protection Order is a temporary Safety Order, granted when a person applies for a Safety Order or a Barring Order.

The Protection Order lasts until the full court hearing on the application for a Safety Order or a Barring Order.

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Safety Order

A Safety Order prohibits a person from using or threatening violence against another person or doing so towards that person’s children.

If the alleged perpetrator does not live with the victim, it will bar him or her from watching or being near the victim’s home. However, it does not oblige the alleged perpetrator to leave the family home.

A court can grant a Safety Order for up to five years.

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Misusing DVO's

In many cases of parental alienation or enforced parental estrangement, the perpetrators obtain a DVO to assist them in their quest. The DVO is also used as a “gold or silver bullet”. (See relevant document on bullets fired).

Many DVO's are obtained by perjury or other twisted information and the relevant facts that the judge must know, are not disclosed to the court in order to define any “SAVE AND EXCEPT” points on the order.

After the order is obtained, it is used to:

- prohibit the target parent to have any access or parenting time with the child citing the order - “following or communicating (including by electronic means) with the applicant and the dependent person(s)”
- prohibit the target parent to fetch the child for access or parenting time claiming that it is putting the alienating party or the child in fear.
- prohibit the target parent to attend a school function, sport, or other activity, even attending the same religious worship venue as it is “ watching or besetting”.

Many other examples can be given from past experiences.

- Father, who is the only plumber in the town, prevented from “entering that place”, which is his own house, to fix a water leak, having to pay another plumber.
- Medical professional had to get an exemption from the court, waiting several weeks for a hearing, to “attend at or in the vicinity”, his place of work that is adjacent to the house where his wife and children are.
- Father arrested for “communicating” with his child by sending a birthday card and a gift
- Mother charged for “putting in fear” by telling her family what is happening and the father claiming that the family might “take revenge on me”.
- Father arrested for “watching or besetting the residence” after he noted mid-winter that the house roof was fully white in comparison with houses in the neighbourhood. He asked a teacher at the school to question the child and it was confirmed that the kerosene for home heating is was depleted. He ordered and paid for kerosene to be delivered.
- And many more.

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Law enforcement and DVO's

According to my understanding, the Gardaí are compelled to arrest any target parent that is charged with a breach of a DMO, even if it is for a frivolous or vexatious reason as mentioned above. The fact that access is not mentioned as a “SAVE AND EXCEPT” on the order, is the main reason.

The outcomes in the resulting hearing differ, depending on the sitting judge.

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Receiving a DVO

Your first experience is usually receiving a Notice of an upcoming Safety – or Barring Order hearing, together with a Protection Order or an Emergency Barring Order.

1. If you are guilty, do not oppose it.
2. Study the order and/or notice received and discuss it with your legal representative or paralegal.
3. Apply to the court for a copy of the information given to the court in case of an Emergency Barring Order or a Protection Order.
4. Note all the discrepancies

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Addressing problems with initial DVO's

Emergency Barring – and Protection orders are usually granted during ex parte hearings. If the applicant did not inform the court of existing access or parenting time orders or agreements, the order will not address it.

To prevent the alienating party to misuse the DVO, you have to address any problem observed IMMEDIATELY.

- Does it contain a “SAVE AND EXCEPT” allowing you your access and parenting time, referring to palpable, video, audio or other forms of access?
- Can you communicate with the alienating party regarding the welfare of the children?
- Does the Barring Order prevent you from entering the house if a “Bird’s Nest” order or agreement is in place?
- Can you attend functions where the children are present?
- And more.

If not-

- Keep a copy of the original access order or agreement at hand.
- Apply to the court for a variation of the order. (See example elsewhere in this article).

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Preparing for and attending Barring – or Safety Order hearings

Again, take note: If you are guilty, do not oppose it, just ensure that your child will not suffer by being denied a relationship with you.

Do not accept the opinion of a legal representative that you should not oppose it.

Obtain a copy of the information supplied during the ex parte hearing, if any, and study it.

Prepare your refuting and counter argument.

If you observe any perjury, prepare evidence to prove it to the court.

If you managed to prove perjury, you should remind the judge of section 19 of the Criminal Procedure Act, 1851 - Prosecution for perjury by direction of the court

Draw the court's attention to existing custody, access and parenting time orders and the need to address it in the order if it is granted.

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Applying for a DVO to protect yourself and your child

During a Zoom meeting of some professionals, this suggestion was made beginning May 2021 and it was immediately attempted in Ireland and two other jurisdictions. In two of the matters, it was an immediate success. We are awaiting the outcome of the third matter that was remanded.

It is important to understand the Irish enactment and the relevance to parental alienation.

In the table hereunder, the relevant section of the act is copied with known examples that might be applicable to insert in your information, in the [Example information](#) section of this document.

Domestic Violence Act 2018 – (Section 5 copied)

Factors or circumstances to which court shall have regard in determining applications for specified orders

5(1) Nothing in *subsection (2)* shall be construed as limiting the power of a court to make a specified order under this Act.

(2) In determining an application for a specified order, the court shall have regard to all the factors or circumstances that it considers may have a bearing on the application including where relevant:

- (a) any history of violence inflicted by the respondent on the applicant or a dependent person;
- (b) any conviction of the respondent for an offence under the Criminal Justice (Theft and Fraud Offences) Act 2001 that involves loss to, or is to the prejudice of, the applicant or a dependent person;
- (c) any conviction of the respondent for an offence that involves violence or the threat of violence to any person;
- (d) whether any violence inflicted by the respondent on the applicant or a dependent person is increasing, or has increased, in severity or frequency over time;
- (e) any exposure of any dependent person to violence inflicted by the respondent on the applicant or any other dependent person;
- (f) any previous order under this Act or the Act of 1996 made against the respondent with regard to any person;
- (g) any history of animal cruelty by the respondent;
- (h) any destruction or damage caused by the respondent to—
 - (i) the personal property of the applicant, the respondent or a dependent person, or
 - (ii) any place where the applicant or a dependent person resides;
- (i) any action of the respondent, not being a criminal offence, which puts the applicant or a dependent person

in fear for his or her own safety or welfare;

(j) any recent separation between the applicant and the respondent;

(k) substance abuse, including abuse of alcohol, by the respondent, the applicant or a dependent person;

(l) access to weapons by the respondent, the applicant or a dependent person;

(m) the applicant's perception of the risk to his or her own safety or welfare due to the behaviour of the respondent;

(n) the age and state of health (including pregnancy) of the applicant or any dependent person;

(o) any evidence of deterioration in the physical, psychological or emotional welfare of the applicant or a dependent person which is caused directly by fear of the behaviour of the respondent;

(p) whether the applicant is economically dependent on the respondent;

(q) any matter required to be considered by the court under, and in accordance with, *subsections (2) and (3) of section 29* ;

(r) any other matter which appears to the court to be relevant to the safety or welfare of the applicant and any dependent person.

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Example information.

I suggest that you enlist the help of a Parental Alienation Professional (PAP) – legal or law enforcement, to assist you in identifying the relevant points.

If you have the knowledge, you can draft the information document yourself.

In the area [Set out in detail the facts supporting the application.] you should add the applicable information.

It is now widely acknowledged that an alienating party will be diagnosed, if assessed, with one or more psychological conditions. It is important that you list it.

In the documentary "Erasing Family (2020)" at 1:02:30 Attorney Mary Roby Sanders remarked, "My theory on litigation is if any custody case gets in front of a judge, there is a mental health problem. Either one or both litigants have mental issues or possibly the lawyers".

If you ask the court clerk to assist or appear in front of the judge, you can list the information as per examples hereunder, as identified over several years by the authors in other cases.

DO NOT COPY AND PASTE IF IT IS NOT APPLICABLE IN YOUR CASE. Remember, your allegations will be grounded under oath and if you commit perjury, you can face up to 7 years imprisonment and not have any relationship with your child.

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Some examples, referring to the relevant sub-sections or the act:

Subsection 5.- (2)(a) History of violence inflicted

- the respondent physically assaulted me with a rolling pin.
- the respondent attacked me and I had to use controlled force to restrain him.

- the respondent inflicted verbal violence on my child after the child expressed her enjoying the access with me, earlier that day.

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Subsection 5.- (2)(b) Conviction for Theft or Fraud Offence

- the respondent was convicted after he used my mother's bank card without her permission

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Subsection 5.- (2)(c) Conviction for an offence that involves violence or the threat of violence

- the respondent was fined €50 for common assault
- the respondent was convicted after procuring an assault on me that left me disabled
- I reported my husband's verbal violence and the threat of violence to the police but it was not investigated and I was informed that it is a civil matter.

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Subsection 5.- (2)(d) Violence inflicted is increasing or has increased

- initially the verbal violence were mere cursing. It escalated over time to insults, public humiliation and physical assault on me.
- the emotional abuse on my daughter increased from behavioural expressing disapproval of our relationship to violent verbal outbursts towards the child.

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Subsection 5.- (2)(e) Exposure of any dependent person to violence

- my child is constantly exposed to several of the "17 Strategies", (as outlined later in the document). This is now part of the defined "domestic violence by proxy", proven to be child abuse.
- my child has witnessed verbal or physical assaults on me or my family, including the grandparents.
- My child is at risk of my abandonment of the child procured by the respondent.

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Subsection 5.- (2)(f) Previous similar previous order

-

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Subsection 5.- (2)(g) Animal cruelty

- the respondent left a Bolognese lap dog that my daughter cared for, in a cardboard box outside during the winter night.
- when I purchased a new hamster for my daughter after her previous one died, the respondent grabbed the animal out of her hands shouting that no gifts from me are allowed in the house, and threw it against the wall. The hamster did not survive.

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Subsection 5.- (2)(h)(i) Destruction of personal property

- the respondent prohibited my child to have any memorabilia or presents from me and when she find any item. e.g. photo, it will be destroyed
- the respondent burned the new first communion dress I had made at a high cost and forced my child to attend in a mediocre dress the respondent purchased
- the respondent found my child's photo album and cut all the photo images of myself or members of my family out

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Subsection 5.- (2)(h)(ii) Destruction at residence

- the respondent forcefully destroyed parts of the new kitchen cupboards and told my child that it was "low-quality junk" I installed

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Subsection 5.- (2)(i) Other action causing fear and welfare concerns

- the respondent is constantly gaslighting me in front of the child, family and friends
- the respondent implanted false memory syndrome of sexual abuse on my children and it is now believed by some friends that threatened me with violence
- The respondent applied to the court to have my guardianship revoked and her new husband being granted guardianship. If it is granted by the court it will have a serious psychological pain on me.
- The constant frivolous litigation has bankrupted me to an extent where I can not afford to consult my G.P. or the dentist

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Subsection 5.- (2)(j) Recent separation

- I am recently separated from the respondent after the respondent obtained a barring order by perjury.

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Subsection 5.- (2)(k) Substance abuse

- I was accused of alcohol abuse and stopped drinking 2 years ago
- the respondent has been observed under the influence of alcohol, as early as 9 a.m.
- while we were together, we both abused substances. I recovered after our separation but the respondent is still using cocaine and alcohol.

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Subsection 5.- (2)(l) Access to weapons

- the respondent might not have access to other weapons but is using lack of enforcement of offences committed, pathogenic parenting, gaslighting, 17 Strategies, DVO's obtained by perjury and more as weapons.
- the respondent is using friends and a new partner as weapons and I have suffered physical and emotional attacks
- the respondent incited her new partner to assault me with a machete and I suffered amputations and permanent disability to practise my profession
- the respondent is using the law as a weapon, attempting to deprive me of my guardianship and parental rights.

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Subsection 5.- (2)(m) Applicant's perception of the risk

- my child is at a high risk of the well documented effects and outcomes of alienation
- as a victim of alienation, my child is at a high risk of also becoming an alienating party or a target parent
- to protect my health I will be compelled to abandon my child
- as experienced in the past, I am at risk of more assaults, insults and other effects and outcomes for a target parent

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Subsection 5.- (2)(n) Ages and state of health

- my child is 7 years old and is exhibiting several symptoms of psychological damage
- I am 35 years old and am suffering from stress induced medical conditions
- I am 65 years old and suffering from a heart condition

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Subsection 5.- (2)(o) Evidence of deterioration in the physical, psychological or emotional welfare

- due to an assault that was procured by the respondent, I am physical disabled from practising my trade after the loss of my right leg
- my child's psychological and emotional welfare deteriorated to a point where she had to be placed in special education while she was classed as a gifted child in her previous school
- my child is showing several "models" outlined in the " Five-Factor Model" and several of the "8 manifestations symptoms" which is an indication of "caregiver-child relationship problem (IDC-11 QE52.0)
- I developed stress induced myocardial conditions (broken heart syndrome) and suffered an infraction in 2020
- I am on permanent stress medication due to the legal abuse syndrome, a form of post traumatic stress disorder

- my youngest child committed suicide due to the alienation and the effects on the elder child is not known
- due to the inhumane and degrading treatment I deteriorated psychologically to a degree where I lost my business with 24 employees losing their employment. The respondent, who had a 50% interest in the business did not attempt to salvage the business.

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Subsection 5.- (2)(p) Economical dependence

- I am not economically dependent on the respondent
- the respondent created a picture of total economical dependence on me. It came to light that the respondent shows all the signs of a “Piranha Parent”

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Subsection 5.- (2)(q) Matters to be considered by the court

- I suggest that the court compel everyone involved in the life of the child, to attend a relevant course outlining the negative effects and outcomes for my child
- I suggest that the respondent be compelled to seek treatment for the psychological conditions
- I suggest that the court compel the caregiver of my child to ensure that the child receive therapeutic intervention by a registered relevant professional. (A professional that is not well versed in this problem may cause permanent psychological injury to the child)

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Subsection 5.- (2)(r) Other Relevant Matter

- the respondent *has been diagnosed with / shows the symptoms of* one or more of the following conditions Narcissistic Personality Disorder, Sociopaths, Borderline Personality Disorder, Antisocial Personality Disorder and / or more
- the respondent managed to persuade the Child and Family Agency to issue a report depicting me in a bad light. The opposite is now proven with criminal charges pending against the respondent
- due to 7 years of court hearings and €32 000 legal fees, I abandoned the fight, effectively abandoning my child who I have not seen in 11 years. I am now attempting again to get access to my child
- the respondent is using my ethnic background, insultingly me
- the respondent continuously state that I am treating my child badly, without evidence, but the court accepted it in terms of the report by a report writer

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Parental alienation: “17 Strategies” (For information only)

This checklist should be used by legal and other professionals and a copy should be made available to the court.

Amy J.L. Baker, PhD and Paul R. Fine, LCSW compiled a list of 17 strategies that parents alienate their child from the other parent in an article called Beyond the High Road.

The 5 categories

The 17 strategies are used in 5 main categories –

- | | |
|---|---|
| <ul style="list-style-type: none">• Isolation,• Fear,• Undermining authority, | <ul style="list-style-type: none">• Reprogramming, indoctrinating, erasing memories and• Encouraging betrayal. |
|---|---|

This is used as an ultimate tool to persuade the target parent(s) to abandon the child.

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Strategies

- **Strategy 1:** Badmouthing
- **Strategy 2:** Limiting Contact
- **Strategy 3:** Interfering with Communication
- **Strategy 4:** Interfering with Symbolic Communication
- **Strategy 5:** Withdrawal of Love
- **Strategy 6:** Telling Child Targeted Parent(s) Does Not Love Him or Her
- **Strategy 7:** Forcing Child to Choose
- **Strategy 8:** Creating the Impression that the Targeted Parent(s) is Dangerous
- **Strategy 9:** Confiding in Child
- **Strategy 10:** Forcing Child to Reject Targeted Parent(s)
- **Strategy 11:** Asking Child to Spy on Targeted Parent(s)
- **Strategy 12:** Asking Child to Keep Secrets from Targeted Parent(s)
- **Strategy 13:** Referring to Targeted Parent(s) by First Name
- **Strategy 14:** Referring to a Stepparent or caring parent as “Mom” or “Dad” and Encouraging Child to Do the Same
- **Strategy 15:** Withholding Medical, Academic, and Other Important Information from Targeted Parent(s) / Keeping Targeted Parent(s) Name off of Medical, Academic, and Other Relevant Documents
- **Strategy 16:** Changing Child’s Name to Remove Association with Targeted Parent(s)

- **Strategy 17: Cultivating Dependency**

This checklist could be used by the attorneys and the judge in understanding the situation and also the proof as presented by the alienated parent(s).

Listen to Kelly Baker explain Amy Baker's points here <https://www.youtube.com/watch?v=IUeINu2G9RU>

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Parental alienation: “Five-Factor Model” (For information only)

The identification or diagnosis of PA is based on the Five-Factor Model. If the following factors are present, it is highly likely that the family is experiencing PA:

Factor One: the child actively avoids, resists, or refuses a relationship with a parent.

Factor Two: presence of a prior positive relationship between the child and the now rejected parent.

Factor Three: absence of abuse or neglect or seriously deficient parenting on the part of the now rejected parent.

Factor Four: use of multiple alienating behaviors by the favored parent.

Factor Five: exhibition of many or all of the eight behavioral manifestations of alienation by the child.

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Parental alienation: “Eight behavioural manifestations” (For information only)

THE EIGHT BEHAVIOURAL MANIFESTATIONS OF PARENTAL ALIENATION

These are the symptoms of parental alienation that appear within alienated children.

Generally, the more symptoms present and the more severe the symptoms, the more severe the alienation; all manifestations do not need to be present in order for alienation to exist.

1. Campaign of denigration: Strong or utter rejection of one parent, willingness to tell others, erasing past positive aspects of relationship and memories.
2. Weak, frivolous, absurd reasons for the rejection: When pressed to explain the rejection will give reasons that do not make sense or explain the level of animosity, are false memories (proclaiming to remember something from a very young age), or are patently untrue.
3. Lack of ambivalence: For the most part, one parent is seen as all good while the other is viewed as all bad.
4. “Independent thinker” phenomenon: The child strongly emphasizes that the favored parent played no role in the child's rejection of the other parent.
5. Reflexive support of the alienating parent in the parental conflict: Almost always taking the favored parent's side in almost all disagreements.

6. Absence of guilt: Appearing to have no qualms about cruel and harsh treatment of the rejected parent.
7. The presence of borrowed scenarios: Use of words and phrases that mimic or parrot those of the favored parent.
8. Rejection of extended family of rejected parent: Refusal to spend time with or acknowledge formerly beloved family members.

Amy J. L. Baker and S. Richard Sauber, editors, Working with Alienated Children and Families: A Clinical Guidebook (New York: Routledge, 2013), 62.

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Example application to vary a DVO

The example hereunder was used with success in the past.

YOU ARE HEREBY REQUIRED to appear at the **District Court** sitting at **The Court House, XXXXXXXXX** on the xxxxxxxx **2021 at 10:30 a.m.**, (or other time determined in terms of the COVID-19), to answer the application of the applicant to have the safety order varied as follows:-

- Dismissing of the order or,

in the alternative, to prevent the order being used by the respondent to “play the system” to inhibit or prevent a meaningful relationship between the applicant and his children, **to add -**

SAVE AND EXCEPT

- Electronic or any other communication regarding information, the care and welfare of the children and
- Access and parenting time with the children, including, but not limited to “absent parent”, video, audio, messaging, palpable and full contact and
- Entering the premises where the child resides or are present, to fulfil any parenting obligation, parenting time or other access as allowed or ordered by the court and
- Any action that is classed as physical, emotional, moral or cultural parenting of a child, as allowed in law.

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Domestic Violence Orders (DVO’s), information etc.

This table shows the links to the different DVO forms used in the District Court in Ireland

No:59.1	Summons For A Safety Order - Domestic Violence Act 2018 Section 6(2)
No:59.2	Safety Order - Domestic Violence Act 2018 Section 6
No:59.3	Summons For A Barring Order - Domestic Violence Act 2018 Section 7(2)
No:59.4	Barring Order - Domestic Violence Act 2018 Section 7
No:59.5	Notice Of Motion For An Interim Barring Order - Domestic Violence Act 2018 Section 8
No:59.6	Information - Domestic Violence Act 2018 Section 8
No:59.7	Interim Barring Order - Domestic Violence Act 2018 Section 8
No:59.8	Information - Domestic Violence Act 2018 Section 10
No:59.9	Protection Order - Domestic Violence Act 2018

No:59.10	<u>Summons To Vary A Safety / Barring / Interim Barring / Emergency Barring Order / Protection Order - Domestic Violence Act 2018 Section 6 / 7 / 8 / 9 / 10</u>
No:59.11	<u>Order Varying A Safety / Barring / Interim Barring / Emergency Barring / Protection Order - Domestic Violence Act 2018 Section 6 / 7 / 8 / 9 / 10</u>
No:59.12	<u>Summons To Discharge A Safety / Barring / Interim Barring / Emergency Barring / Protection Order - Domestic Violence Act 2018 Section 21</u>
No:59.13	<u>Order Discharging A Safety / Barring / Interim Barring / Emergency Barring / Protection Order - Domestic Violence Act 2018 Section 21</u>
No:59.14	<u>Notice That Interim Barring / Emergency Barring / Protection Order Has Ceased To Have Effect - Domestic Violence Act 2018</u>
No:59.15	<u>Application For A Stay On The Operation Of A Safety Order / Barring Order - Domestic Violence Act 2018</u>
No:59.16	<u>Order Staying Operation Of A Safety Order / Barring Order - Domestic Violence Act 2018</u>
No:59.17	<u>Summons For An Emergency Barring Order - Domestic Violence Act 2018 Section 9</u>
No:59.18	<u>Information - Domestic Violence Act 2018 Section 9</u>
No:59.19	<u>Emergency Barring Order - Domestic Violence Act Section 9</u>

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Thank you

The author wish to express his gratitude to all the target parents, therapists and legal professionals that gave suggestions and opinions.

Comments and suggestions to andy at aps dot ie

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