

OKLAHOMA CLE — 1.0 ETHICS CREDIT

Ethical Obligations of Attorneys Given Allegations of Parental Alienation

A CLE Program for Family Law Attorneys & Judges

Presented by Ron Gore of Coparent Academy™

Oklahoma Bar Association | 2026

Learning Objectives

- 1 Define parental alienation and understand how courts and mental health professionals describe it in Oklahoma
- 2 Identify the specific Oklahoma Rules of Professional Conduct implicated in parental alienation cases
- 3 Navigate the tension between zealous representation and duties of candor and competence
- 4 Recognize ethical red flags when a client is the alienating or targeted parent
- 5 Apply practical strategies to fulfill ethical obligations while effectively representing clients
- 6 Apply 43 O.S. § 111.4 to evaluate PA claims when domestic violence is at issue, and use § 111.3 enforcement remedies when visitation is being withheld

What Is Parental Alienation?

“A pattern of behavior in which one parent systematically undermines the child's relationship with the other parent — through denigration, manipulation, or interference — leading the child to reject the targeted parent without legitimate justification.”

Common Behaviors

- Negative talk about the other parent in front of the child
- Interfering with calls, visits, and communication
- Making false allegations of abuse or neglect
- Undermining the targeted parent's authority
- Encouraging the child to spy or report back

Oklahoma Recognition

Judges may act on specific conduct establishing alienation — regardless of clinical label.

Statutory Authority: 43 O.S. § 109(I)(2)(b) defines “domestic violence” to include “coercive control” — encompassing PA behaviors. The Duluth Power and Control Wheel identifies “Using Children” as coercive control.

Before the Ethics Rules – The Science and Controversy

Competent representation requires understanding the research — not just the label

1980s

Gardner's PAS

Dr. Richard Gardner introduced Parental Alienation Syndrome — based on his own clinical observations, self-published through his company Creative Therapeutics. Not peer-reviewed.

1990s–2000s

PAS in Courts

PAS spread into family courts worldwide. Major organizations — APA, AMA, WHO, NCJFCJ — declined to recognize it. Gardner's research never independently replicated.

2001+

Reformulation

Kelly & Johnston (2001) proposed a 'resist-refuse' spectrum. PAS was reframed as Parental Alienation (PA) — shifting focus to behaviors rather than syndrome.

Key legal question: If courts and attorneys use the term "parental alienation," what scientific standard supports that use?

Current Scientific Status: Two Perspectives

EVIDENCE SUPPORTING PA

- 213 peer-reviewed empirical documents across 10 languages (Harman et al., *Developmental Psychology*, 2022)
- ~40% of PA literature published since 2016 — an expanding, maturing field
- Baker Four-Factor Model (2018): reliable inter-rater agreement across mental health professionals
- 17 alienating behaviors reliably identified; 8 child manifestations consistently described
- Prevalence estimates range from 13%–39% across studies; one U.S. sample found nearly 1 in 4 divorced parents with at least one moderately to severely alienated child (Harman et al., 2022)

SIGNIFICANT CRITICISM

- WHO removed PA from ICD-11 (2020): “not a health care term”
- APA Presidential Task Force (1996): lack of data; raised concerns about custody use
- NCJFCJ (2021): PAS theory “has been discredited by the scientific community”
- APSAC (2023): called endorsing a PA diagnosis “negligent, even reckless”
- No controlled studies; no reliable method to distinguish PA from justified estrangement
- UN Special Rapporteur on violence against women and girls: PA is a “pseudo-concept” (2023)

The Four-Factor Model of Parental Alienation

Baker, Journal of Family Therapy, 2018 — All four factors must be present simultaneously to conclude that a child is alienated rather than realistically estranged from a genuinely harmful parent.

1 Prior Positive Relationship

The child and the now-rejected parent had a close, loving bond before the alienation. This precludes parents who were habitually absent or uninvolved from claiming victimhood.

2 Absence of Maltreatment

The rejected parent has not engaged in abuse, neglect, or seriously deficient parenting that would justify the child's rejection. The rejection must be out of proportion to anything the parent actually did.

3 Alienating Behaviors by the Favored Parent

The favored parent has engaged in multiple, observable alienating behaviors — the 17 primary behaviors — that fostered the child's unjustified rejection of the other parent.

4 Eight Behavioral Manifestations in the Child

The child exhibits the eight specific behavioral signs of alienation (campaign of denigration, lack of ambivalence, borrowed scenarios, etc.) that distinguish alienation from realistic estrangement.

Eight Behavioral Manifestations of Alienation in the Child

Gardner (1998); Baker, Journal of Family Therapy, 2018 — Factor 4 of the Four-Factor Model. Their presence, combined with the other three factors, distinguishes alienation from estrangement.

1 Campaign of Denigration The child persistently and unreasonably criticizes, demeans, or hates the targeted parent — far beyond any justification.

2 Weak, Frivolous Reasons for Rejection The reasons offered for rejecting the parent are vague, trivial, or absurd — often inconsistent with the child's prior relationship.

3 Lack of Ambivalence One parent is seen as all-good; the other as all-bad. Normal ambivalence about parents is absent.

4 Lack of Remorse The child shows no guilt or remorse for cruel, rejecting, or humiliating behavior toward the targeted parent.

5 Automatic Support for Favored Parent In every conflict, the child reflexively sides with the favored parent — regardless of the facts.

6 “Independent Thinker” Phenomenon The child insists the decision to reject the parent is entirely their own — strenuously denying any influence by the favored parent.

7 Use of Borrowed Scenarios The child uses adult words, phrases, or specific stories clearly sourced from the favored parent, not from the child's own experience.

8 Spread of Animosity to Extended Family The child's rejection spreads beyond the targeted parent to that parent's siblings, grandparents, and longtime friends.

The 17 Alienating Behaviors – Factor 3

Baker, Bone & Ludmer (2014); Baker & Chambers (2011) — Observable behaviors by the favored parent. Must be demonstrable, repeated, and linked to the child's unjustified rejection.

Poisoning the Relationship

- 1 Denigrate the other parent to create impression of being unsafe, unloving, or unavailable
- 2 Tell the child the other parent does not love them
- 3 Claim the other parent is dangerous
- 4 Withhold love/affection when child shows warmth toward other parent
- 5 Allow child to opt out of contact, framing it as optional and undesirable
- 6 Force the child to reject the other parent
- 7 Confide personal/legal matters to induce the child's hurt and anger

Limiting Access & Connection

- 8 Limit the child's contact so parent and child cannot share meaningfully
- 9 Interfere with calls and communication during separations
- 10 Make it difficult to think about, talk about, or view photos of the other parent

Erasing & Replacing

- 11 Ask the child to spy on the other parent
- 12 Ask the child to keep secrets from the other parent
- 13 Refer to the other parent by first name instead of 'mom' or 'dad'
- 14 Refer to a new partner as 'mom' or 'dad'
- 15 Change the child's name to remove association with the other parent
- 16 Withhold information from the other parent
- 17 Undermine the other parent's authority

PA as a Form of Family Violence

"[PA] entails a parental figure engaging in the long-term use of a variety of aggressive behaviors to harm the relationship between their child and another parental figure ... Like other forms of family violence, parental alienation has serious and negative consequences for family members, yet victims are often blamed for their experience."

— Harman, Kruk & Hines, *Psychological Bulletin*, 2018

Hostile & Instrumental

PA behaviors are both hostile (anger-driven) AND instrumental (strategic). Like IPV, they are premeditated and designed to achieve control over the other parent through the child.

Mental Health Impact

Adults alienated as children show elevated rates of: depression, anxiety disorders, PTSD, substance abuse, suicidal ideation, and intergenerational transmission of alienation (Verhaar et al., 2022; N=20 qualitative).

Societal Denial

The denial of PA mirrors the historical denial of child abuse and domestic violence. Recognition as family violence is the first step toward legal protection.

When PA Allegations Become a Litigation Tool

*Research shows a troubling correlation between PA allegations and documented domestic violence — with PA claims frequently functioning as a strategy to redirect attention from abuse allegations. (Meier, 2019; Head, 2026) *Treat Head, 2026 very skeptically - see footnote.*

How PA Allegations Can Be Misused

- Abusive parent raises PA claim to reframe the child's legitimate fear as "programming"
- Protective parent who documents abuse is labeled the "alienator"
- Courts credit PA claims → children placed with abusive parent (Silberg & Dallam, 2019)
- Reunification camps ordered based on unvalidated interventions
- PA allegations frequently arise after DV allegations are raised

The Ethical Takeaway

- AFCC consensus: PA is overused; many cases involve both alienating behaviors AND domestic violence — not an either/or
- Screen for DV in every case — before invoking PA
- Focus on specific behaviors and their effect on the child; avoid the label as a litigation shortcut
- OKRPC 3.1: Do not assert positions lacking factual basis — the science must support the claim

** Head (2026) published in Integrated Journal for Research in Arts and Humanities. Submitted Dec. 27, 2025; accepted Jan. 3, 2026 (7 days). Rapid publication timeline is inconsistent with traditional peer review. Verify current status before citing as authoritative.*

S e c t i o n 1

The Ethical Framework

Oklahoma Rules of Professional Conduct — What applies, and why

What Does Competence Require? – OKRPC Rule 1.1

OKRPC Rule 1.1 — Competence: “A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”

Know the Science

Understand how courts and experts define parental alienation. Ignorance of the psychological literature is not a defense. Competence requires knowing both supportive research and significant criticisms.

Know the Case Law

Oklahoma courts evaluate specific conduct. Know what evidence has been persuasive.

Christian v. Gray, 2003 OK 10, 62 P.3d 311 — Oklahoma adopted the Daubert reliability standard for expert scientific testimony. PA experts must satisfy this standard. Key appellate decisions: Hilfiger v. Hilfiger, 2023 OK CIV APP 15 (PA pattern → custody modification affirmed); In re Marriage of Jones, 2018 OK CIV APP 68 (OUCCJEA jurisdiction; § 111.4 DV visitation protection; fn.20: PA not recognized when DV at issue) — see Slides 13–17.

Know Your Expert

Rule 1.1 requires you to vet any expert who will testify on alienation — methodology, credentials, and vulnerability to Daubert challenge. An unqualified expert can expose both attorney and client to sanctions.

Oklahoma Case Law: Parental Alienation in the Courts

Christian v. Gray, 2003 OK 10, 62 P.3d 311

Oklahoma Supreme Court

Daubert Standard Adopted in Oklahoma

Oklahoma adopted the federal Daubert reliability standard for expert scientific testimony. Expert opinions must rest on sufficient facts or data, reliable principles and methods, and reliable application of those methods. PA expert testimony is directly subject to this standard — attorneys must vet methodology before retaining any alienation expert.

In re Marriage of Jones, 2018 OK CIV APP 68, 430 P.3d 544 (No. 115481)

Oklahoma Court of Civil Appeals

OUCCJEA Jurisdiction — § 111.4 DV Visitation Protection

REVERSED on jurisdiction — Massachusetts had proper OUCCJEA jurisdiction, not Oklahoma. PA was not adjudicated on the merits; the trial court raised PA as a concern about Mother not returning children at rotation start. Critical footnote 20: Citing 43 O.S. § 111.4, the Jones court stated that parental alienation is not a recognized factor for custody determination when domestic violence is at issue. Note: § 111.4's actual text authorizes good-faith visitation refusal when DV or child abuse is at issue — see Slide 15. Court also extensively analyzed 43 O.S. § 109.3 DV rebuttable presumption. Also note: In re BTW, 2010 OK 69 — treating psychologist declined to make PA determination; insufficient evidence. PA question left unresolved at Oklahoma Supreme Court level.

Hilfiger v. Hilfiger, 2023 OK CIV APP 15 (No. 120232)

Oklahoma Court of Civil Appeals

PA Pattern = Grounds for Custody Modification

Father proved Mother conducted “a pattern of parental alienation” adversely affecting the father-daughter bond, failed to facilitate visitation, and blocked Father’s communication. Court applied 43 O.S. §112(3)(a) — who is more likely to facilitate relationship with the other parent. Awarded Father sole legal and physical custody; Mother’s visitation supervised pending psychological evaluation. Most recent Oklahoma appellate PA holding.

PA & Coercive Control: Examining the Academic Debate

Harman, Kruk & Hines (2018 meta-analysis) | Meier (2020, J. Social Welfare & Family Law) | Duluth Power & Control Wheel

Points of Behavioral Overlap

- Interfering with the child's relationship with the targeted parent
- "Using Children" spoke: weaponizing child to demean/isolate other parent
- "Isolation" spoke: restricting child's access to extended family network
- Monitoring and controlling communication between child and other parent
- Inducing fear, distrust, or rejection of the other parent in the child

Points of Distinction

- Coercive control: systemic adult domination; PA: child-relationship disruption — different primary harms
- Duluth Wheel designed for intimate partner dynamics; child-parent bond is a distinct context
- Harman, Kruk & Hines (2018): PA confirmed as real psychological harm — Psychological Bulletin meta-analysis
- Meier (2020): PA claims raised more often against DV-survivor parents — empirical concern for courts
- 43 O.S. § 111.4: good-faith visitation refusal authorized when DV or abuse is at issue — Jones (fn.20): PA not a recognized custody factor when DV established

Rule 2.1 — Competent candid advice requires knowing both frameworks. Document behaviors, not diagnoses. PA and coercive control can coexist, be confused, or be raised strategically. Courts need behavioral evidence — not labels.

43 O.S. § 111.4 – Visitation Protection: Domestic Violence & Child Abuse

(A) A parent who, in good faith and with a reasonable belief supported by fact, determines that the child of that parent is the victim of child abuse or neglect, or suffers from effects of domestic violence, may take necessary actions to protect the child, including refusing to permit visitation.

(B) In cases in which there is evidence to substantiate suspected or confirmed child abuse or neglect, visitation shall be suspended.

— 43 O.S. § 111.4 | Laws 2009, HB 1739, c. 307, § 4 | Cited in Jones, 2018 OK CIV APP 68 (fn. 20); Jensen v. Poindexter, 2015 OK 49

§ 111.4(A) — The Good-Faith Visitation Defense

When a parent is accused of PA for refusing visitation:

- § 111.4(A) is the statutory authorization — if the refusal was in good faith and supported by fact
- “Good faith” is not a blank check: the factual basis for believing abuse or DV is occurring must be real
- Conduct labeled as “alienating” may be legally protected conduct under § 111.4(A)
- Rule 3.1: Before asserting PA, investigate whether the refusal had a DV or child abuse basis

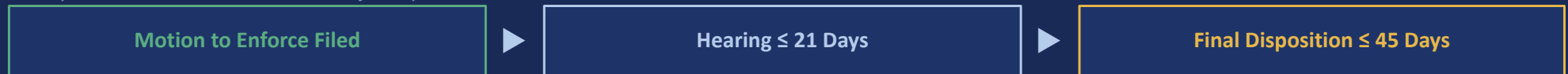
§ 111.4(B) & Jones — Mandatory Suspension & Custody Limits

When abuse is substantiated AND when DV has been established — not merely alleged:

- § 111.4(B): visitation SHALL be suspended — mandatory, not discretionary
- Jones (fn. 20): citing § 111.4, the court stated PA is not a recognized custody factor when DV has been established by evidentiary showing — an extension of the statutory language
- § 109.3: DV creates rebuttable presumption against custody with perpetrator
- Rule 2.1: These combined tools require candid advice to the PA-alleging client

Court Remedies Under 43 O.S. § 111.3 – Visitation Enforcement

Duty to Facilitate Visitation — Motion to Enforce by Noncustodial Parent



Court SHALL Order One or More — 43 O.S. § 111.3(D)

1 Specific Schedule

Court sets precise dates, times, and exchange conditions going forward

2 Make-Up Visitation

Same type and duration as each instance of visitation that was denied

3 Post Bond

Financial surety to secure future compliance with the visitation order

4 Counseling / Education

Concerning the impact of visitation deprivation on the child's welfare

5 Supervised Visitation

Third-party supervision imposed on the non-compliant parent's time

6 Any Other Remedy ★

Including an order modifying a prior custody order — § 111.3(D)(6). The court's broadest tool.

★ *If hearing set beyond 21 days: note on record — potential mandamus basis in Court of Civil Appeals | Proportionality: first violation → make-up time; pattern of violations required for custody modification*

Knowing this remedial framework is a Rule 1.1 competence baseline for Oklahoma family law practitioners

Prevailing party entitled to attorney fees, mediation costs & court costs — 43 O.S. § 111.3(E)

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Navigating Overlapping Claims: PA & DV in the Same Case

Practical strategy when both parental alienation and domestic violence are alleged

Representing the Parent Alleging PA

Document specific behaviors — not conclusions:

- Log dates, incidents, exact words and actions observed
- Seek GAL or parenting coordinator appointment early
- File under § 111.3 for enforcement + make-up visitation time
- Request psychological evaluation of child if warranted
- Rule 2.1: advise client that Jones (fn.20) + § 111.4 may limit PA argument if DV/abuse is established
- Rule 1.1: know Hilfiger — sole custody available if PA pattern is proven

Representing the Parent Facing PA Allegation

Assess whether DV/abuse at issue — invoke § 111.4 and Jones:

- § 111.4(A): good-faith, fact-supported visitation refusal is legally authorized when DV or child abuse is substantiated by evidence
- Jones (fn.20): PA is not a recognized custody factor when DV is established — move to exclude or limit
- Invoke § 109.3 rebuttable presumption proactively
- Recognize potential DARVO litigation pattern if present (Deny, Attack, Reverse Victim/Offender)
- Rule 2.1: advise client on Hilfiger reality — courts can award sole custody on PA grounds when DV is not established

In all cases: behaviors are the evidence. Labels are for experts. Your Rule 1.1 / 2.1 obligation is to present documented facts and let the court draw conclusions — not to import a diagnostic framework into your pleadings.

The Duty to Act – OKRPC Rule 1.3

OKRPC Rule 1.3 — Diligence: “A lawyer shall act with reasonable diligence and promptness in representing a client.”

Diligence IN Action

- Document every instance of alienating conduct
- File timely motions for enforcement of parenting plans
- Pursue contempt proceedings when warranted
- Request guardian ad litem or custody evaluator promptly
- Follow up consistently — alienation cases move fast

Diligence LIMITS

- Diligence does not mean pursuing every baseless claim
- Inflaming a volatile family dispute is not zealous advocacy
- Counsel clients: unnecessary escalation can harm both children and their case
- Diligence in harm prevention: see also Rules 3.1 and 3.3

Only Advance Claims You Can Support — OKRPC Rule 3.1

OKRPC Rule 3.1 — Meritorious Claims: “A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous...”

△ Parental alienation claims are high-stakes. Asserting alienation without adequate factual support may expose your client — and you — to sanctions.

Before You File or Argue Alienation, Ask:

- ? Is there documented, repeated conduct — not isolated incidents?
- ? Can I distinguish alienating behavior from a child’s legitimate preference?
- ? Do I have or need expert support for the claim?
- ? Has the conduct been corroborated by a third party (therapist, teacher, GAL)?

You Cannot Mislead the Judge — OKRPC Rule 3.3

OKRPC Rule 3.3(a)(1) — Candor Toward the Tribunal: “A lawyer shall not knowingly: (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer...”

Scenario A

Client Minimizes Their Own Conduct

Your client denies their own alienating behavior. You have evidence to the contrary. Rule 3.3 may prohibit you from presenting their account as unqualified fact.

Scenario B

Expert Testimony You Doubt

You’ve retained a parental alienation expert whose conclusions outrun the evidence. Presenting unsupported expert testimony may violate candor obligations.

Scenario C

Child’s Stated Preference

The child says they hate the other parent, but evidence suggests coaching. Presenting this as spontaneous preference without disclosure may be misleading.

Play Fair — Even in High-Conflict Cases — OKRPC Rule 3.4

OKRPC Rule 3.4(a) — Fairness to Opposing Party: “A lawyer shall not: (a) unlawfully obstruct another party’s access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value...”

Common Rule 3.4 Issues in Parental Alienation Cases

Discovery Obstruction

Delaying or withholding records of therapy, school communications, or documented parenting time interference

Evidence Coaching

Advising a client how to document alienation in a misleading way or what not to write in communications

Witness Preparation Overreach

Coaching children or third parties to characterize events in a particular way

Interfering with GAL Access

Creating barriers to the guardian ad litem’s independent investigation

Conduct Before the Tribunal – OKRPC Rule 3.5 + OBA Professionalism

Rule 3.5 — Impartiality & Decorum

- Do not seek to influence a judge, juror, or other official by means prohibited by law [Rule 3.5(a)]
- Do not communicate ex parte with a judicial officer during the proceeding unless authorized by law or court order [Rule 3.5(b)]
- Do not engage in conduct intended to disrupt a tribunal [Rule 3.5(d)]
- For general courtroom dignity and civility, see also Rule 8.4(d): conduct prejudicial to the administration of justice

OBA Standards of Professionalism

“Ill feelings between clients shall not dictate a lawyer’s attitude, demeanor, or conduct.” — OBA Standard 2.7

“We will always look for opportunities to de-escalate controversy and bring the parties together.” — OBA Standard 2.8

S e c t i o n 11

Zealous Representation vs. Your Ethical Duties

Where the line is — and what happens when clients push past it

Where Is the Line?

✓ Zealous Advocacy IS...

- Aggressively documenting all instances of alienation with evidence
- Pursuing contempt motions when orders are repeatedly violated
- Retaining qualified experts and challenging opposing experts
- Advocating forcefully at hearing for modification of custody
- Counseling your client to protect the child's wellbeing

✗ Zealous Advocacy is NOT...

- Filing motions without a factual basis to harass the other party
- Encouraging your client to engage in retaliatory alienating behavior
- Presenting expert testimony you know lacks evidentiary foundation
- Making inflammatory statements about the opposing party to the media
- Allowing client hostility to dictate your professional demeanor

When Your Client Is the Alienating Parent

This is the scenario most attorneys encounter — and the one most fraught with ethical risk.

1

Counsel, don't enable
[Rule 2.1]

Your duty under Rule 2.1 is to give candid advice, not just what the client wants to hear. If a client's behavior is harming their case or their child, say so — clearly and in writing.

2

Advise of legal consequences

Courts view alienating behavior as a negative credibility factor. Continued alienation can result in modification of custody, reduced parenting time, or contempt sanctions.

3

Refuse to advance false claims [Rule 3.3]

If a client asks you to make representations you know to be false — about the other parent's conduct, or the child's preferences — Rule 3.3 prohibits it.

4

Document your advice

If a client refuses to heed your counsel, document your warnings in writing. This protects both you and the attorney-client relationship.

5

Know when to withdraw
[Rule 1.16]

Under Rule 1.16(a)(1), withdrawal is mandatory if continued representation would itself violate the Rules. Under Rule 1.16(b)(4), withdrawal is permitted if the client insists on action you find fundamentally objectionable.

When Your Client Is the Targeted Parent

Building a Competent Case

- Document everything: calls, texts, missed parenting time
- Preserve school, therapy, and communication records
- Request a parenting coordinator or GAL early
- Consider a psychological evaluation or custody evaluator
- Use Rule 3.4 to resist obstruction of your evidence gathering
- Recommend reunification therapy as both remedy and evidence

Managing Emotion + Ethics

- Targeted parents are often traumatized — counsel accordingly under Rule 2.1
- Avoid over-promising outcomes — alienation is hard to prove and reverse
- Advise against retaliatory or counter-alienating behavior
- Do not advance claims your client cannot substantiate

Remember: your ethical duties run to the client — not to their pain. Help them effectively without becoming a weapon in their war.

Expert Witnesses in Parental Alienation Cases

01 Selecting a qualified expert (Rule 1.1)

Competence requires vetting expert credentials, methodology, and published opinions. Retention of an unqualified expert can expose both attorney and client to sanctions. Apply *Christian v. Gray*, 2003 OK 10, Daubert standard.

02 Knowing what your expert will say (Rule 3.3)

You cannot call an expert whose testimony you know to be false or unfounded. Prepare thoroughly and understand the full scope of your expert's opinions.

03 Dealing with hired-gun concerns (Rule 3.4)

Courts are skeptical of paid experts. Avoid coaching experts on the conclusions they should reach — this may violate Rule 3.4(b)'s prohibition on false testimony.

04 Challenging opposing experts (Rules 1.1, 1.3)

Competent representation includes challenging experts who rely on junk science. PA claims are fertile ground for Daubert/*Christian v. Gray* challenges in Oklahoma.

S e c t i o n III

Practical Application

Hypotheticals, strategies, and tools for everyday practice

HYPOTHETICAL 1 – The Coached Child

HYPOTHETICAL

Facts: Your client (Father) tells you that his 10-year-old daughter has started saying she “never wants to see” Mother and that Mother is “scary.” Father wants you to submit a motion detailing the child’s statements as evidence of the child’s preference. Father admits he had “a few conversations” with his daughter about the case before she started making these statements. A school counselor has noted no prior concerns about Mother.

Discussion Questions:

- 1 Does submitting this motion raise Rule 3.3 candor concerns? Why or why not?
- 2 What investigative steps should you take before relying on the child’s statements?
- 3 What obligations do you have to counsel Father about the “conversations” he had?

HYPOTHETICAL 2 – The Aggressive Client

HYPOTHETICAL

Facts: Mother is your client. Father has primary custody. Mother believes Father is alienating her teenage son. She instructs you to file a motion for emergency custody modification, to subpoena Father's employer and all of his family members, and to send a letter to the child's school alleging Father is abusive. She says: "I don't care if it's true, I just want him to feel what I feel."

Discussion Questions:

- 1 Which of Mother's instructions, if followed, would violate the Oklahoma RPC?
- 2 How do you counsel a client who is emotionally dysregulated and making unethical demands?
- 3 At what point does Rule 1.16 (withdrawal) become appropriate or required?

Ethics Checklist: Every PA Case

Before you file, argue, or advance a position in a parental alienation matter, confirm each item:

Rule 1.1	I have reviewed the relevant case law and psychological literature on parental alienation before advising my client
Rule 1.3	I have a documented plan for timely pursuing all available remedies on behalf of my client
Rule 2.1	I have exercised independent professional judgment and given my client candid advice, including any concerns about their own conduct
Rule 3.1	Every claim and motion I file has a factual and legal basis that is not frivolous
Rule 3.3	I have not made — and will not make — statements to the tribunal I know to be false
Rule 3.4	I have not unlawfully obstructed, and will not unlawfully obstruct, the other party's access to evidence
Rule 3.5	I have not sought to improperly influence any judicial officer and have not engaged in ex parte contact or conduct intended to disrupt the tribunal

Working with Parenting Coordinators & Guardians ad Litem

Parenting Coordinator

Ethical obligations when interfacing with a PC:

- Do not attempt to circumvent the PC's process or manipulate the PC's findings
- Cooperate fully and encourage your client to do the same (Rules 3.4, 3.5)
- If you believe the PC is biased, seek relief through proper legal channels — not by coaching your client to be uncooperative
- The PC is not your ally — they are the court's tool. Treat them accordingly.

Guardian ad Litem

Ethical obligations when a GAL is appointed:

- Do not obstruct the GAL's independent access to your client, the children, or third parties (Rule 3.4)
- Furnish information requested by the GAL in a timely manner
- Do not coach your client on what to say to the GAL
- If the GAL's report is adverse, challenge it through evidence and argument — not intimidation
- Remember: the GAL represents the child, not the court. Treat them with professional respect.

Managing Client Expectations Ethically

“In a parental alienation case, your most important ethical act may be telling your client the truth — even when they don’t want to hear it.”

Be honest about outcomes

Courts rarely strip custody solely on alienation grounds without strong evidence. Tell clients what realistic relief looks like.

Warn against self-help

Clients who retaliate with their own alienating behavior often hurt their case more than the other parent did. Document this warning.

Explain the child’s interest

Remind clients that courts prioritize the child’s best interest. A parent who “wins” at alienation may still lose custody.

Set communication norms

Establish clear expectations about how you’ll communicate — and what conduct by the client you will and will not advance.

Quick Reference: Oklahoma RPC in PA Cases

Rule 1.1	Competence	Know the science, case law, and expert standards before advising or filing
Rule 1.3	Diligence	Act promptly; document and pursue all legitimate remedies
Rule 2.1	Advisor	Exercise independent judgment; give candid advice even when painful
Rule 3.1	Meritorious Claims	Only advance claims with factual and legal basis; not isolated incidents
Rule 3.3	Candor	Never make false statements to the tribunal; correct prior false statements
Rule 3.4	Fairness	Do not unlawfully obstruct evidence or counsel a witness to testify falsely
Rule 3.5	Decorum	No improper influence on judicial officers; no ex parte contacts; no disruptive conduct
Rule 1.16	Withdrawal	Mandatory if representation would violate RPC [1.16(a)]; permissive if client insists on repugnant action [1.16(b)]

Resources & Further Learning

Oklahoma Bar Association

- Ethics Counsel: (405) 416-7055 | okbar.org/ethics
- Oklahoma Rules of Professional Conduct: Okla. Stat. tit. 5, ch. 1, App. 3-A
- OBA Standards of Professionalism: okbar.org/ec

Parental Alienation Research

- Harman, Warshak, Lorandos & Florian (2022) — Developmental Psychology
- Baker, A.J.L. (2018) — Journal of Family Therapy (Four-Factor Model)
- Harman, Kruk & Hines (2018) — Psychological Bulletin (PA as Family Violence)
- Verhaar, Matthewson et al. (2022) — Children (Mental Health Impact)

Oklahoma Statutes & Case Law

- Christian v. Gray, 2003 OK 10, 62 P.3d 311 — Daubert standard in Oklahoma
- In re Marriage of Jones, 2018 OK CIV APP 68, 430 P.3d 544 — OUCCJEA jurisdiction; fn. 20: PA not recognized when DV at issue (court language citing § 111.4)
- Hilfiger v. Hilfiger, 2023 OK CIV APP 15, 530 P.3d 879 — PA pattern → sole custody modification affirmed
- 43 O.S. § 111.3 — Duty to facilitate; enforcement motion; 21-day hearing; 45-day disposition; custody modification available
- 43 O.S. § 111.4 — Good-faith visitation refusal authorized when DV or child abuse at issue; visitation suspended when abuse substantiated (Laws 2009, HB 1739)
- 43 O.S. § 109.3 — DV rebuttable presumption; § 112(C)(3)(a) — facilitating relationship standard

Thank You.

Questions & Discussion

CLE Credit Information

1.0 Ethics CLE Credit | Oklahoma Bar Association
Course ID to be assigned upon accreditation

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