

“Family Alienating Practices” An invisible pain in the parents' separation and divorce process in the State of de Victoria de Durango, Dgo.

“Prácticas Alienadoras Familiares” Un dolor invisible en el proceso de separación y divorcio de los padres en el Estado de Victoria de Durango, Dgo.

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Abstract

Objective: To identify the emotional effects of Parental Alienation Syndrome in the children of separated parents, in the process of divorce or divorced; of the mothers who go to the Comprehensive Family System (DIF, after its Spanish acronym) for psychological care, as well as the girls, boys and adolescents from the Casa Hogar in the city of Victoria de Durango, Dgo., also belonging to the DIF; Through the application of the ZICAP Scale in order to have the elements that allow a diagnosis to be made in the face of the manifestations of this syndrome. Methodology: With the interest to explain the phenomenon raised both in the hypothesis and in the question and the research objectives, in this study we worked under the paradigm of quantitative research oriented towards the observation of the aforementioned phenomenon (Inche, Andia, Huamanchumo, López, Vizcarra and Flores 2003, p.2). Contribution: through statistical processing, the conditions experienced by the girls, boys and adolescents surveyed were identified, which, in turn, present parental alienation.

Resumen

Objetivo: identificar los efectos emocionales del Síndrome de Alienación Parental en las y los hijos de padres separados, en proceso de divorcio o divorciados; de las madres que acuden a atención psicológica al Desarrollo Integral de la Familia (DIF) así como en las niñas, niños y adolescentes de la Casa Hogar de la ciudad de Victoria de Durango, Dgo., perteneciente también al DIF; por medio de la aplicación de La Escala ZICAP con la finalidad de contar con los elementos que permitan brindar un diagnóstico ante las manifestaciones de este síndrome. Metodología: Con el interés explicar el fenómeno planteado tanto en la hipótesis como en la pregunta y los objetivos de investigación, en este estudio se trabajó bajo el paradigma de investigación cuantitativa con orientación hacia la observación del fenómeno mencionado (Inche, Andia, Huamanchumo, López, Vizcarra y Flores 2003, p.2). Contribución: por medio del procesamiento estadístico se identificaron las condiciones que viven las niñas, niños y adolescentes encuestados, que, a su vez, presentan alienación parental.

Separation, Divorce, Parental alienation syndrome

Separación, Divorcio, Síndrome de alienación parental

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Introduction

This paper integrates the findings of the research "Alienating Family Practices. An invisible pain in the process of separation and divorce of parents in the State of Victoria de Durango, Dgo.

In this regard, the family is a group of people among whom there is a kinship of consanguinity (Oliva and Villa, 2013, p.12). In this group, according to Barrera, Galarce and Zicavo (2013), close relationships involving affective ties (parentofilial bond) are established.

In relation to the separation, divorce or divorce process, Richard Gardner described a series of alterations in the children in the face of very conflictive marital breakups where the children censured or criticized one of their parents in an unjustified or exaggerated way, which he called Parental Alienation Syndrome (Bolaños, 2002, para.1).

This situation is caused by the disillusioned couple's impulse to attack the other (Garcés, Pruneda and Venegas, 2010, p.26-30). Causing the children to censure, criticize and reject the other parent, a situation described by Richard Gardner as Parental Alienation Syndrome (Bolaños, 2002, para.1).

This inquiry leads to the need to carry out a greater number of studies with a psychological approach on this syndrome, which contribute to guarantee children and adolescents access to the welfare measures granted in international conventions, signed and ratified by Mexico, taking into account the best interests of children and adolescents.

Justification

The interest in deepening the knowledge of the different aspects of the Parental Alienation Syndrome is recent at international level. However, although research on the subject has been carried out in our country, the emphasis of the investigations has been inclined towards the analysis of legislative issues.

Without minimizing the contributions made in the legal field to identify and clarify more and more the psychological implications of this syndrome, there is a need to carry out research processes arising from the field of psychology and carried out by health professionals, emphasizing the emotional and bonding issues that revolve around the presence of Parental Alienation Syndrome.

Childhood is the stage of life in which relationships with other human beings are built, generating bonds and affection. For this reason, it is imperative that research be carried out to visualize the psychological effects of Parental Alienation Syndrome and to identify the conditions experienced by children who suffer from it, visualizing them as part of a family system that places them at the center of the abusive behaviors that one or both parents may exert.

This is expected to have an impact on the strengthening of children's rights, access to emotional stability and justice, through the application of an evaluation protocol that includes the use of the ZICAP scale, as an instrument that allows to know the emotional conditions of children, as well as family ties.

Although the children of separated, divorced or divorced parents are visualized as the center of attention in the Parental Alienation Syndrome, there are no data derived from the situation that families live in our state (Durango, Dgo.), related to the psychopathological effects and symptoms and the family bonds that the infants live.

In Durango, there are centers such as El Desarrollo de Integración de la Familia (DIF), which is in charge of promoting the defense of children and adolescents who are in a situation of vulnerability, based on the best interest of the child; At the same time it seeks the integral development of the individuals, the family and the community in general; mainly in the physical, mental and social aspects, for which it has different services (such as legal and psychological) and there are also help centers such as the Casa Hogar, to cite one of them (DIF, s/f, para. 1).

Problem

This section integrates the data emanating from the different researches found on Parental Alienation Syndrome, for which information was compiled from electronic and physical sources, which allowed classifying and categorizing the information, with the purpose of obtaining a vision of the situation prevailing in this field, as well as the different forms and approaches with which the researches on this syndrome have been treated.

In this search only the concept "Parental Alienation Syndrome" was included, most of this process was carried out in databases such as: Redalyc, Scielo and Google Scholar, which yielded a total of 30200 results.

Since not all the articles appeared in the search, some were restricted by the authors, others could not be downloaded from the database or the article was under revision, only about 100 were retrieved, from which those whose objectives, theoretical contributions and results were related to the alienating practices of separated, divorced or divorcing parents were selected.

The sources finally selected were 20, of which 66% presented international references, 32% national references and 2% state references (Annex 1 "Data analysis matrix"), material that allowed the problem statement to be made.

International background

Of the 20 articles selected, 11 of them correspond to studies conducted in Spain and South America; these were carried out from 2004 to 2019. The first publications were found in Spain, where more information has been generated to date, as well as in other countries such as Colombia, Chile, Ecuador, Peru and Uruguay.

The research found was carried out in psychology (family, child and clinical counseling), law (family and criminology) and medicine (legal and forensic, psychiatry and pediatrics) 86% from the qualitative paradigm with a descriptive scope and the remaining 14% from the quantitative paradigm with a descriptive scope and in one case correlational.

The following are the objectives, contents and results obtained from the contributions of Reyes, Sánchez and Vallejo (2004), Segura, Gil and Sepúlveda (2006), Alascio (2006), Bautista (2007), Jarne and Arch (2009), Maida, Herskovic and Prado (2011), Espinosa (2014), Zegarra (2015), Beniscelli and Giorgi (2016), Cutada (2016), Cáceres (2016), Balaguera (2018), Arroyo, Carrillo and Vergara (2018) and Contreras (2019).

The research objectives have ranged from describing the phenomenon and its legal and psychological implications, to the lack of scientific recognition of Parental Alienation Syndrome, proposals to regulate alienating behaviors and jurisdictional regulations.

Likewise, the topics developed in the investigations analyzed are related to:

- The definition of Parental Alienation Syndrome and the need for its inclusion in diagnostic manuals such as the DSM or the ICD.
- The differences, similarities and relationship between Parental Alienation Syndrome and Parental Interference.
- The absence of physical mistreatment or abuse in Parental Alienation Syndrome.
- The symptoms associated with Parental Alienation Syndrome.
- The negative consequences of Parental Alienation Syndrome on children or the effects of Parental Alienation Syndrome on minors.
- The psychopathological consequences of Parental Alienation Syndrome.
- The abusive behaviors in the Parental Alienation Syndrome.
- The emergence of Parental Alienation Syndrome in the judicial field.
- The legal implications of Parental Alienation Syndrome.
- Legal measures, such as joint custody, in Parental Alienation Syndrome.

- Arguments supporting and rejecting the application of Parental Alienation Syndrome from the legal point of view.
- The ways of intervention (legal and psychological) in Parental Alienation Syndrome.
- Therapeutic and judicial violence in Parental Alienation Syndrome.
- The parentofilial bond.
- Types of conflicts in the family system.
- Family care approaches (systemic and structural) in Parental Alienation Syndrome.

From these investigations, results such as the need to include the Parental Alienation Syndrome in the DSM and the ICD were obtained; that is, to be recognized by organizations such as the World Health Organization (WHO).

Parental Alienation Syndrome arose in a judicial context, especially in divorce cases, and in these spaces psychologists have been especially urged to be guarantors of human rights, especially those of women, children and adolescents (children and adolescents).

Likewise, the debate between those who defend the convenience of shared custody and those who criticize it as an ideal solution is exposed. At the same time, the lack of legal guarantees for minors to maintain their affection and emotional ties with their parents and relatives, which is considered a form of abuse that damages their well-being and emotional development (for this reason an approach from a therapeutic perspective is needed and not only to force a judicial system of visits).

Regarding the diagnosis of Parental Alienation Syndrome, it is clear from the consultation that maximum certainty is required, since this is the only way to successfully defend the best interests of children and adolescents and the need to raise issues of research from psychology, education and family law, for the prevention and intervention in cases of domestic violence.

Multidisciplinary intervention is also required among them; pediatricians, teachers and health professionals (psychologists and family therapists).

It is also considered important to carry out early prevention of risk behaviors in children and adolescents, as well as in their parents, through the management of relationships in family ties.

National antecedents

In addition to the above, 5 of the 20 articles selected were the result of research carried out in our country (in Mexico City, the State of Mexico, Sinaloa and Yucatan). They were elaborated from 2002 to date, which shows that in our country there has been interest in researching this topic since more or less the same time as it has been investigated in other countries, as shown in the articles by Bolaños (2002), Dzib (2016), Montoya and Rivas (2017), Aguilar (2018) and Reyes (2018).

All the investigations found in our republic, have been carried out from the legislative position with objectives such as: to describe the psycho-legal approach in the Parental Alienation Syndrome, to discuss the practice of the psychology professional in support of the judge, to examine whether the lack of scientific recognition of Parental Alienation as a syndrome or if, in its case, an excess in its sanction, is or not, sufficient reason to omit its regulation in the national legislation.

In addition to the investigative intentions carried out in Mexico, the analysis of the auxiliary theoretical framework of the jurisdictional organ in the decision making in a process of separation or divorce in a case of separation or divorce and the reasoning that the computer law should be the one that regulates the conducts derived from the illicit use of computer media to carry out family violence, causing the Parental Alienation Syndrome, are added to the intentions. All these investigations were carried out under the qualitative paradigm with a descriptive scope.

The theoretical perspective that has accompanied the investigations carried out in our country in the last 20 years, on the mentioned syndrome are based on contents related to:

Parental Alienation Syndrome.

- Brainwashing by the alienating parent.
- The unconstitutionality of Parental Alienation Syndrome for the suspension or loss of parental authority over the child.
- The role of the judge and legal positions (including pragmatics) in Parental Alienation Syndrome.
- The involvement of family law and computer law in cases of family violence by electronic means, causing Parental Alienation Syndrome.
- Psychological diagnosis in Parental Alienation Syndrome in support of the legal process.

The results obtained in the investigations found, carried out in the last two decades in our country, on the Parental Alienation Syndrome are summarized in the following paragraphs.

Lack of scientific knowledge of the Parental Alienation Syndrome for which there is a need for its regulation. At this moment it can be corroborated through psychological tests.

The Supreme Court of Justice of the Nation has declared unconstitutional that the consequence of parental alienation is the suspension or loss of parental authority of the parents over the minor and additionally the minor is considered as an introducer of chaos (emerging complexity) in the legal-procedural relationship and the parental alienation produced in him/her, as well as the approach of complexity in legal matters that allow the judge to establish complex thinking (philosophical presupposition) as an auxiliary tool in his/her judicial decision.

The professional practice of the psychologist is recommended to assist the judge in his decision making, the need to create a cooperative family context is observed, which contributes to transform the conflictive process.

Computer law should be the one who regulates the conducts derived from the illicit use of computer media to carry out family violence, bringing as a consequence the presence of Parental Alienation Syndrome.

State antecedents

Regarding the information derived in Durango, Dgo. Mexico and made known to the community, only one source was found that comments on the initiative in the State Congress to reform the State Criminal Code and the Law for the Attention, Prevention and Eradication of Violence. Management with which it is intended to typify in the Penal Code a cause for the crime of Parental Alienation in what refers to Family Violence, in which six months to four years of imprisonment and a fine of 36 to 288 days of salary are stipulated, in addition to the loss of the right to alimony and in its case, the prohibition to communicate by any means with the victim (El siglo de Durango, 2017).

Parental Alienation Syndrome began to be known in the works of Garnerd in 1985 (Bolaños, 2002, para 1). Although the research on this topic, according to the articles consulted, has had a greater boom at the dawn of the 21st century.

To date, the greatest interest has been observed in the legal sphere, where there have been legal initiatives to regulate the actions of the alienating spouse. However, on the psychological effects that children with this condition present, there are few studies that have been dedicated both in our country and in other latitudes and perhaps sounding a little daring, it could be said that this is a little known topic among the specialists who attend to children in our federal entity.

Likewise, in the data found there are gaps in relation to the way in which the rights of children are affected when Parental Alienation Syndrome occurs, the need to start from an expert diagnosis that includes a formal weighting of the psychological effects on children with Parental Alienation Syndrome, emphasizing the emotional state of children with this condition, especially in our country where to date research has been conducted only from the legal point of view.

Moreover, in the case of Durango, it is specified in the Penal Code as a cause for the crime of Parental Alienation in what refers to Family Violence, in which six months to four years in prison and a fine of 36 to 288 days of salary are stipulated, in addition to the loss of the right to alimony and in its case, the prohibition to communicate by any means with the victim (El siglo de Durango, 2017), however, it would be convenient to analyze who is visualized between the lines as alienator and who is visualized as alienated in this code.

Research questions

What protocol should be followed to make a reliable diagnosis of suspected Parental Alienation Syndrome in the children of mothers who attend psychological care at the Integral Development of the Family (DIF), as well as the children and adolescents of the Casa Hogar in the city of Durango, Dgo, also belonging to the DIF?

What instrument(s) can facilitate the identification of emotional problems and bonding difficulties in children with Parental Alienation Syndrome, who attend psychological care at the Integral Development of the Family (DIF), as well as children and adolescents at the Casa Hogar in the city of Durango, Dgo, also belonging to DIF?

What emotional problems and bonding difficulties do the children with Parental Alienation Syndrome of the mothers who attend psychological care develop in the children of the mothers who attend psychological care at the Integral Development of the Family (DIF), as well as the children and adolescents of the Casa Hogar in the city of Durango, Dgo, also belonging to the DIF?

Hypothesis

The alienating practices of separated, divorced or divorced parents generate emotional problems and bonding difficulties in the children of the mothers who come for psychological care to the DIF, as well as to the children and adolescents of the Casa Hogar in the city of Durango, Dgo, also belonging to the DIF; which can be evaluated by means of the application of the ZICAP Scale, with the purpose of having the elements that allow us to provide a diagnosis of the manifestations of this syndrome.

Variables

Independent variable: Alienating practices of separated, divorcing or divorcing parents.

Dependent variable: Emotional problems and bonding difficulties developed in the children of mothers attending psychological care at the Integral Family Development (DIF), as well as children and adolescents at the Casa Hogar in the city of Durango, Dgo. also belonging to the DIF.

Sociodemographic variables: age and gender.

Objectives

General objective

To identify the emotional effects of Parental Alienation Syndrome in the children of separated parents, in process of divorce or divorced; of the mothers who come for psychological attention to the Integral Family Development (DIF), as well as in the children and adolescents of the Casa Hogar of the city of Durango, Dgo., also belonging to the DIF; by means of the application of the ZICAP Scale, with the purpose of having the elements that allow providing a diagnosis in the face of the manifestations of this syndrome.

Specific Objectives

To apply an evaluation protocol that allows the issuance of a formal and reliable diagnosis of suspected Parental Alienation Syndrome in the children of mothers who come for psychological care to the Integral Development of the Family (DIF), as well as children and adolescents of the Children's Home in the city of Durango, Dgo. also belonging to the DIF.

To identify the type of emotional problems and bonding difficulties presented by the children of the mothers who come for psychological care to the Integral Family Development (DIF), as well as those of the children and adolescents of the Casa Hogar in the city of Durango, Dgo. also belonging to the DIF.

Theoretical framework

The following is a summary of the theoretical framework on which this research is based, which integrates information related to the family, the dissolution of the family bond, Parental Alienation Syndrome, the legal framework of care in case of Parental Alienation Syndrome and the psychological diagnosis.

The Family

According to Oliva and Villa (2013) the family is a social group, where the social risks of its members are shared and managed, likewise the family is the group of people among whom there is a blood relationship however distant it may be, it is the group with which solidarity bonds are shared among its members (deeply observed at the level of psychology) given the feelings of convergence and affection that are created as group dynamics and that go beyond a relationship based on consanguinity (p.12).

The parent-child bond

Barrera, Galarce and Zicavo (2013) assure that a bond is the relationship that exists between people, this is presented by ties of consanguinity or affinity. The bond implies a close relationship that entails rights and duties; the dynamics of this type of relationship implies that each person can function in isolation, but the action of one impacts the other.

In the case of the parentofilial bond is the relationship established between parents and children and involves an affective bond that brings them together in space and endures over time, which takes into account feelings, memories, expectations, desires and intentions (p.15-16).

Even Linares (2015) considers that parentofilial abuse is the clearest exponent of the failure of love as a relational phenomenon defining the human condition (p.15).

Dissolution of the marriage bond

The marriage bond is an act of will of a man and a woman, it is born of mutual consent and its strength lies in the freely established union (Pan-Hispanic Dictionary, 2001, para.).

In legal terms, a marriage is dissolved by the death of one of the spouses or by legally decreed divorce (UNAM, s/f. para. 1).

Separation

Marital separation, as defined by Llona, Levit, Donoso and Salgado (2003) cited by Barrera, Galarce and Zicavo (2013) is the result of the end of a common life project that two people set out, regularly to procreate children and for life. Therefore, the end of this process has implications at the family, personal and social levels (p.15).

Separation implies acceptance of the loss of the couple's relationship and the family unit. Faced with the separation of the couple, disorientation and the need to reconfirm affections and bonds that existed prior to the separation, which must now function as support networks (Garcés, Pruneda and Venegas, 2010, p.18).

Divorce

For Garcés, Pruneda and Venegas (2010) the etymological origin of the term "divorce" comes from the Latin word *divortium* and the verb *divertere*, which means to go one's own way. Divorce can be full or binding, which dissolves the marital bond and is the only one that leaves the couple in true aptitude to enter into a new marriage. Divorce is a dissolution of married life when trust and love in the person who shares life has been lost. Nowadays the marital relationship is becoming more and more difficult and divorces are becoming more and more frequent (p.11).

In itself, divorce is the definitive legal dissolution of a marriage issued by a judge, that is, the legal separation of the spouses and is carried out through the civil registry or in some family, civil or mixed court; depending on whether it is an administrative or judicial divorce (INEGI, 2019, para 5).

Divorce brings with it the breaking of emotional, legal and social ties, likewise, it is considered as an experiential crisis, due to the high impact it generates, since this process refers directly or indirectly to a process of loss (Barrera, Galarce and Zicavo, 2013, 19).

Prevalence of Divorce

According to the press release, made by the National Institute of Geography Statistics and Informatics (INEGI) in 2019; in our country, divorces have been increasing (the national rate per 10 thousand inhabitants went from 7.4% in 2008 to 12.5% in 2018) and in this case, Durango reached in 2018, 11.3%. (para. 5-36).

Effects of separation or divorce on spouses and children

In the disillusioned couple appears the impulse to assault the other, since the partner was to be the complete satisfier, the unique object that had the obligation to know by intuition any of their needs, the most hidden desire and satisfy it immediately. Just as the declaration of love was given, after the divorce a declaration of war is given, which is accompanied by hostilities, in order to make the other dependent on him. For that reason in the spouses both physical and emotional consequences can be presented: the emotional ones have as starting point the deviation of the conduct, motivated by the divorce, manifested in alterations of the pattern of life and structure of the personality; externalized by the sensation of anguish, restlessness, incapacity to take decisions, irritability, sadness, insomnia, lack of appetite, emotional gluttony, fatigue and lack of interest in the work or in the questions of the environment that surrounds them. Likewise, the physical consequences are a consequence of the emotional problems, causing suffering, tension and headaches among other ailments (Garcés, Pruneda and Venegas, 2010, p.26-30).

Parental Alienation Syndrome (SAP)

Parental Alienation Syndrome was proposed by Richard Gardner in 1985. This syndrome was described as an alteration that occurs in some very conflictive marital breakups, where children censure, criticize and reject one of their parents in an unjustified and/or exaggerated manner (Bolaños, 2002, para. 1).

According to Linares (2015), Loredó (2011), EcuRed (n/d) and Medline Plus (2019) alienation has given rise to numerous controversies, from the naming of the syndrome to the definition of parental alienating dynamics; in relation to Parental Alienation Syndrome, others related to it have been described such as:

- The Syndrome of Sexual Allegations in Divorce (SAID) described by Blush and Ross in 1987, referred to as the allegation of sexual abuse for revenge, including luxury of details, in which, the alienating parent is more concerned with the punishment of the abuser than with the welfare of the child.
- The Medea syndrome, described by Jacobs in 1988 and by Wallerstein and Blakeslee in 1989, describes a picture of characteristic symptoms in the mother and sometimes in the father, in response to the conflicts and stress derived from the relationship with his partner (aggressiveness towards his offspring, even using his son or daughter as an instrument of power and revenge towards his partner, to the point of taking his life).
- The syndrome of the malignant mother in divorce contexts referred to by Turkat in 1994 and 1995 describes the custodial parent as blind with rage and ready to take revenge on the other, even at the cost of sacrificing his or her children.
- Munchausen syndrome by proxy has also been related to SAP by numerous authors such as Sinanan in 1986, Meadow in 1992, Bools, Neale and Meadow in 1993, Rand in 1993 and Jones, Lund and Sullivan in 1996. It is a form of child maltreatment, in which the child's caregiver, often the mother, invents false symptoms or provokes real symptoms to make it appear that the child is ill.
- The Solomon's Judgment Syndrome or the child split in two; pointed out by Giovanazzi and Linares in 2007 and Barbero and Bilbao in 2008 as the one in which there are situations prior to the alienation itself, in which the child is pulled by both parents to lock him/her in a biased one-sided coalition.

In the syndromes described, the idea in common with Parental Alienation Syndrome is that parents risk the maturation and mental health of their children for the sake of malignant marital conflict, depriving them of their access to the other parent.

In this regard, they may not hesitate to subject them to the consequences of forced medicalization, with harmful and painful examinations and treatments, in order to prove that everything is due to the bad influence of the other parent.

Cartwright (1993), cited by Linares (2015) emphasizes that in Parental Alienation Syndrome, conflicts over child custody can reach quite trivial matters, as a delaying tactic in favor of the alienator (the slowness of judicial proceedings aggravates the problem). Similarly, the alienator frequently resorts to false accusations of sexual abuse (p.30).

Characteristics of the alienating parent

Linares (2015), taking up Reich (1949), underlined the way in which some parents would defend themselves from the narcissistic wounds received during the divorce by fighting for the children and denigrating the other parent in order to make him/her lose access to them. In this sense, the alienating behavior of some parents will serve to hide or compensate for their parental shortcomings, associated with various problems, such as alcoholism and other addictions, a history of abuse and neglect or even criminal activities (p.31).

In a study promoted in 1991, by the American Bar Association, it was found that in most divorce cases in which there is animosity and conflict between parents, there is some degree of brainwashing and programming of the children that includes accusations of sexual abuse that exclusively in 50% of the cases were sentenced as valid (Linares, 2015, p.30).

Characteristics of children in the face of SAP

SAP can develop when the stress is too high around the contentious divorce and the child, panicked may be caught in the crossfire, flees by alienating one of the disputants; certain deficits in the parenting skills of the non-custodial parent may also contribute to the problem. For example, a distant, rigid, authoritarian style in contrast to the more warm and indulgent one of the custodial parent (Lund, 1995, cited by Linares, 2015, p.30).

Consequences of alienating practices, on minors

Children become very worried when they realize that there are problems between their parents (they see their future threatened, they feel vulnerable and powerless). Their world is their parents, who look after them, who take care of them, who educate them, who provide them with well-being and the effects that children show are very diverse (Garcés, Pruneda and Venegas, 2010, pp. 23-24).

In this regard, the regulations currently indicate that the rights of children and adolescents must be respected above any other interest, such as the exercise of parental authority. A parent cannot obstruct the cohabitation of the child with the other parent because in addition to causing harm to the ex-partner, it causes irreparable harm to the child (CNDH, 2011, p.29).

Legal Framework for SAP care

Before starting with the development of these points, it is necessary to take into account that the behavioral pattern that defines SAP opens the range of legal possibilities to achieve its development. Parental alienation, being a form in which the emotions of minors are played with, can be located as a form of family violence, which can be linked to the inadequate use of legal resources that prolong the conflict (CNDH, 2011, p.25).

International standards

Important antecedents regarding the advances in family law and specifically in the regulations regarding syndromes such as Parental Alienation according to Torrecuadrada (2016) are found in:

- The Geneva declaration made in 1924, where it was proclaimed that humanity must give to the child, the best it has.
- The general assembly of the United Nations Organization (UN), held in 1959, where it was enacted in the seventh principle of the Declaration of the Rights of the Child, that their best interests should be the guiding principle of those who have the responsibility for their education and guidance, among them, parents (p. 324).

- The conventions made by the UN from 1989 to 1993, which mark the entry into force of international treaties on the best interests of children and adolescents (p. 4).

The best interests of children and adolescents

According to the CNDH (2011) this concept refers to all those actions and processes that are deployed to guarantee children and adolescents a dignified life, with the material and affective conditions that allow them to live fully and achieve the maximum possible well-being (p.29).

The best interest of children and adolescents is a fundamental legal principle that protects minors due to their inability to direct their lives autonomously. This principle indicates the need to specify interpretations that respond to the specific condition in question, for example, a child who is an orphan, disabled, refugee, a child soldier or victim of an armed conflict, an indigenous person, a victim of sexual or school abuse or children of parents peacefully separated or not (Torrecuarta, 2016, pp. 8-9).

National norms

"The Mexican body of norms has incorporated the basic principles of the best interests of children and adolescents, both in matrimonial proceedings and in disputes between parents by signing and ratifying the United Nations conventions. Likewise, it has made reforms to the Constitution, among which stands out the one made to Article 4, which elevates to constitutional rank the right of children and adolescents to the satisfaction of their needs for food, health, education and healthy recreation for their integral development. In turn, the seventh paragraph of this same article, regarding parental alienation, establishes the obligation of ascendants, guardians or custodians to preserve the rights of minors and in a subsidiary manner, through the intersection of the State" (CNDH, 2011, pp. 29-30).

Civil Code of the State of Durango

In Chapter III of the Civil Code of the state of Durango, reformed in 2018; the ways in which parental authority can be terminated or suspended are indicated, explicit in the following articles:

(a) Article 439.- Parental authority is lost when:

- I. The parent exercising parental authority loses it for committing a crime to the detriment of the minor.
- II. The divorce decree includes security measures, monitoring and therapies to prevent and correct acts of family violence or parental alienation.

One of the parents carries out, in a repeated and serious form, in the children, conducts that cause parental alienation, with impact in the harmonic development of the minor, accreditable by means of opinion that orders the judge or expert specialized in the matter. The loss will cease when the aligner demonstrates, to the Judge who knows the matter and that he/she underwent therapy; assuring with this, to have a healthy relationship with the minor (pp.71-72).

b) Article 442.- The parental authority is suspended when:

VI.- One of the spouses performs conducts that cause parental alienation that seriously impacts the harmonious development of the minor (accreditable by means of an opinion ordered by the judge to an expert specialized in the matter). The loss will cease once the alienator justifies, to the judge hearing the case, that he/she has undergone treatment that allows him/her to have a healthy relationship with the minor (pp. 73-74).

Legal implications of Parental Alienation

Regarding the custody of the children, by mutual agreement and looking for the welfare of the children, it will be necessary to choose the ideal person for the custody of the children. It is important not to deny the party who is left without custody the right to live in predetermined days with their children, if that is their wish (Garcés, Pruneda and Venegas, 2010, p.29).

However, in the context of custody disputes as stated by Gardner in 1988, cited by Linares in (2015); a defamation campaign against one of the parents by the child may become present, a campaign that has no justification. This situation results from the combination of the systematic indoctrination of one of the parents and the child's own contributions, directed at the parent who is the object of that campaign, which is called as already pointed out, Parental Alienation Syndrome (p. 29).

In these cases it must be taken into account, as recommended by Cartwright (1993) in Linares (2015) that to counteract the force of alienation, clear and powerful sentences are required in which the possible existence of abuse is ruled out by means of evaluations carried out by experts in child abuse and gender violence. Therefore, alienation claims should only be taken into account when the child is hostile and resistant to contact with the other parent and if there is manifestly alienating behavior and if specific behaviors can be identified (pp.30-33).

Consequently; currently the best interests of the child must prevail over any other interests, including those of the parents. Parental authority and parental responsibility take on dissimilar dimensions (children and adolescents have the right to be cared for by their parents) and a parent cannot hinder the cohabitation of minors with the other parent because in addition to causing harm to the ex-partner, it causes irreparable harm to the child (CNDH, 2011, p.29).

Psychological diagnosis

The psychological diagnosis refers to symptoms or mental-emotional functioning that have no observable organic basis. The diagnosis is inferred by the patient's behaviors or by what he/she says is happening to him/her, it is an evaluation that aims to know the consultant better in order to determine the possible existence of some kind of disorder (in this case SAP). It is a tool to know the way in which a subject organizes and processes the information that comes from the outside world and the way in which it is valued (Blanco, s/f. pp.1-8).

However, before the diagnosis of Parental Alienation Syndrome, it is important to take into account what Darnall highlighted in 1998, 2008 and 2010 when conducting a thorough review of Gardner's work, according to Linares (2015).

- Alienation is a dynamic process in which both parents are caught up.
- It is better to focus more on the parent's behavior and less on the child's behavior.
- It is not a question of a bad guy versus a good guy. Roles change and today's alienator may be tomorrow's alienated.
- It cannot be assumed that the victim parent is blameless. Alienation is a process, not a person.

Linares (2015) suggests abandoning dichotomies of the guilty-innocent, victim-victimizer type by moving to the circularity of family systems where triangulations, alliances, coalitions and loyalties intersect. Remedies for confirmed alienation must be aimed at healing the child's relationship with the alienated parent, bearing in mind that children are resilient and not easily brainwashed into rejecting a parent, not without active mistreatment, coercion or terror (pp.13-30).

ZICAP Scale

The ZICAP scale is an instrument designed for application, in case of suspected parental alienation syndrome, consisting of 33 items. The estimated application time is 7 minutes and it is recommended for the assessment of this syndrome in children and adolescents between 9 and 15 years of age. It is suggested that it be applied in a comfortable and bright place, where the child or adolescent can support him/herself to answer the scale, away from the gaze of an adult; likewise, it is necessary that they have a pencil and eraser to be able to answer it. The application can be individual or group (in the case of a group, it is necessary that there is enough space between one respondent and the other, so that the answers of one respondent do not interfere with the other (Arroyo, Carrillo & Vergara, 2018, p. 10-101).

Implications of psychological diagnosis in parental alienation

According to Borja-Ortega and Rivera-Lugo (n/d), it is important to explore the emotional consequences, of SAP on children. They state that the main criterion are the behaviors of rejection of parentofilial interaction towards one of their parents and their family, manifested in symptoms such as:

- Disqualification.
- Unjustified arguments for rejection.
- Negative attitude towards the rejected parent.
- Denial of third party influence.
- Positive attitude towards the accepted parent
- Arguments that do not correspond to the child's age.
- Among others (pp. 6-9).

Research methodology

In the search to explain the phenomenon stated in both the hypothesis and the question, and the objectives of this research. In this study it was proposed to work under the quantitative research paradigm, with the orientation to the observation of the mentioned phenomenon (Inche, Andia, Huamanchumo, López, Vizcarra and Flores 2003, p.2).

Type of study

The purpose of this research was to identify the relationship between alienating behaviors (hostility, censorship and criticism) and the attitudes of denigration, ambivalence, contempt, rejection and indifference on the part of the children; therefore, the design of this study was outlined as a field study, cross-sectional, non-experimental, in which the variables of the phenomenon to be studied were not manipulated.

The aforementioned relationships were observed as they occur in their natural context, so that no situation was constructed, but rather existing situations were observed through the application of the ZICAP scale (Fernández, Baptista and Hernández, 2014, p.153 and Cortés and Iglesia, 2004, p. 27).

Scope of the study

The purpose of this inquiry was to construct an interpretation of the action of the variables investigated in order to then make a description of the relationship that exists between them, testing the presumption of relationship between the weighted dimensions (Inche, Andia, Huamanchumo, López, Vizcarra and Flores 2003, p.10).

Sample

In order to analyze the relationship between the variables proposed in this research, a careful selection of the type of sample of the participating population was made; defining for this process the use of the non-probabilistic sampling technique "By convenience".

As Otzen and Manterola (2017) recommend, those cases that accepted to be included were selected after sending the call to different local institutions that provide psychological care to women and their daughters and sons. Accepting to participate, on this occasion the beneficiaries of the DIF and Casa Hogar del DIF services, selecting those children and adolescents with separated parents, in the process of divorce, or divorced, whose age fluctuated between 9 and 15 years of age, as marked on the ZICAP Scale (Annex 2), after signing a letter of consent (Annex 3) (p.230).

Procedure

A procedure designed exclusively for this research was followed for the elaboration of this article as shown in Figure 1: Research procedure.

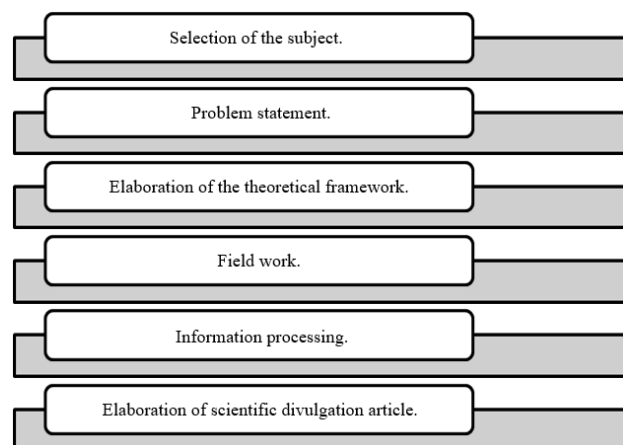


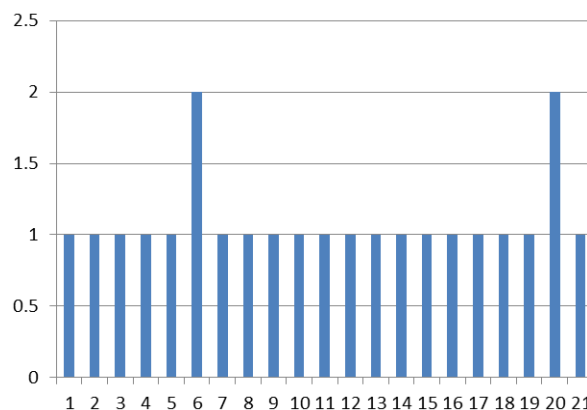
Figure 1 Research procedure
 Source: Own elaboration

Results

For the purposes of this research, the ZICAP scale was administered to 21 children and adolescents of both sexes, daughters or sons of mothers who attend the psychology service at the DIF or children and adolescents of the Casa Hogar del DIF located in the city of Durango, Dgo.

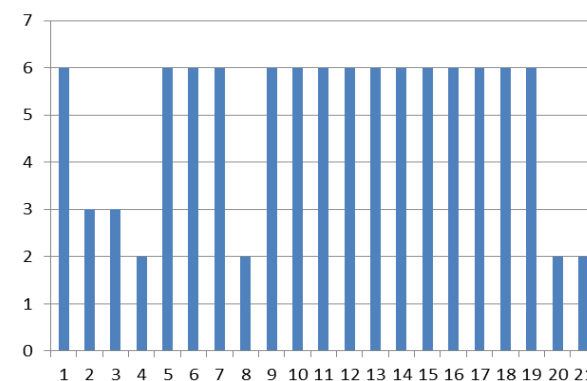
The statistical analysis was carried out using the SPSS program version 20.0, verifying with this program, the statistics that assessed the distribution of the measures of central tendency that expose the description of the variants investigated.

Following the recommendations of Otzen and Manterola (2017), for the conformation of the sample a non-probabilistic procedure "By convenience" was followed, being integrated by those cases that accepted to participate. Of the 100% of the children and adolescents surveyed, with separated parents, in the process of divorce or divorced parents interviewed; the trend indicates a greater participation of the male gender (marked with the number 1, in the following graphic), representing 90.47% of the sample population.



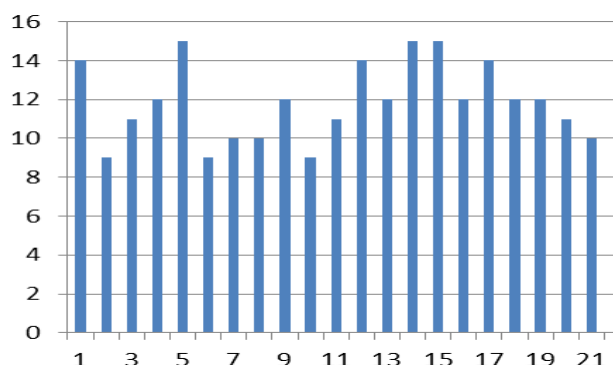
Graphic 1 Gender of the participants
 Source: Own elaboration

100% of the parents of the participating children and adolescents live separated (either divorced or not). In the case of the selected sample, 71.42% live in the DIF shelter (marked with number 6 in Graphic 2: Person with whom the respondent lives"), 19.04% live with their father (marked with number 2 in the same graph) and 9.52% live with their mother (marked with number 3).



Graphic 2 Person with whom the respondent lives
 Source: Own elaboration

The ZICAP scale is the instrument applied in this research: "Alienating Family Practices". An invisible pain in the process of parental separation and divorce in the State of Durango, Dgo. This scale marks an age range of the participants from 9 to 15 years old. As can be seen in Graphic 3: Age of participants. Respondents are within the suggested age category; finding that the median is 12 years of age.



Graphic 3 Age of participants
Source: Own elaboration

The items of the applied scale (ZICAP) were weighted with the following values:

- Never = 0
- Almost never = 1
- Sometimes = 2
- Almost always = 3
- Always = 4

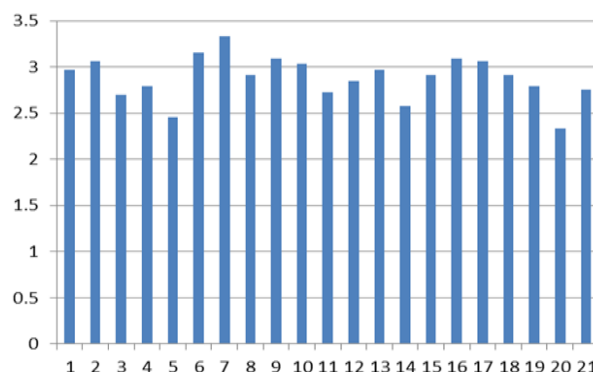
With which a tabulator was elaborated to measure the level of Parental Alienation, resulting in the following weighting.

Value	Level of Parental Alienation
0	Nonexistent
1-2	Under
3	Medium
4	High

Table 1 Level of Parental Alienation
Source: own elaboration

Graphic 4: Level of Parental Alienation in children and adolescents surveyed shows the following:

- In the non-existent level no cases were found.
- At the low level, 2 cases were found, corresponding to 9.52% of the total.
- At the medium level, 19 cases were found, corresponding to 90.47% of the cases.
- No cases were found at the high level.



Graphic 4 Level of Parental Alienation of children and adolescents surveyed
Source: own elaboration

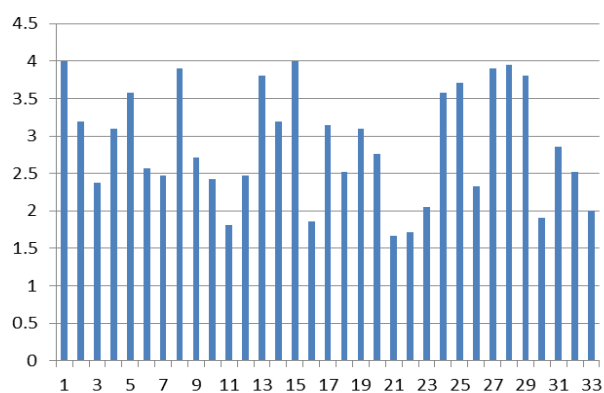
The items valued with the highest score (4 points) by all respondents, according to the data shown in Graphic 5: Weighting by item; are:

- I reject being like the parent I don't live with.
- One of my parents deserves punishment.

Followed by the following, evaluated with scores ranging from 3.9 to 3.0.

- One of my grandparents is a bad influence on me.
- I am indifferent to the parent I do not live with.
- I know one of my parents is bad, so I avoid seeing him.
- The parent I don't live with does everything wrong, he/she is bad.
- One of my parents decides what I should do, without taking into account the opinion of the other.
- The parent I don't live with should stop seeing us, it's better that way.
- The parent I don't live with is irresponsible.
- One of my parents deserves not to be spoken to.
- I don't care what happens to one of my parents.

- I resent having to see or visit the parent I don't live with.
- I am told to avoid going out with the parent I don't live with because he/she will make me do unpleasant things.
- One of my parent's family is mean.
- Since my parents met their families have rejected each other.



Graphic 5 Weighting by item
Source: Own elaboration

With these results it can be observed that in the cases of parental alienation (low, medium and high) what others say about the alienated parent and what the children and adolescents perceive about the alienated parent and his or her family, especially the grandparent, are involved (in the respective degrees). With weights rated with high and medium values in 45.45% of the items of the scale applied), which influences the emotional state of children and adolescents and therefore, the way they appreciate the parent-child bond with the alienated parent.

Annexes
ZICAP SCALE

Age _____

Gender:

-Male _____

• Female _____

His parents live:

-Together _____

-Separated _____

I live with:

-Dad and mom _____

-Dad _____

-Mommy _____

-Abuelos paternos _____

-Maternal grandparents _____

-Other _____

INSTRUCTIONS

Below are a series of statements about ways of thinking, feeling, or acting. Read them carefully and mark the answer that best describes the way you think, feel, or act.

ITEMS	N	CN	AV	CS	S
1. I refuse to be like the parent I don't live with.					
2. I am told to avoid going out with the parent I don't live with because he/she will make me do unpleasant things.					
3. I say things to hurt one of my parents.					
4. My parent's family is mean.					
5. One of my parents deserves not to be talked to.					
6. When they argue, the parent I live with is right.					
7. Ever since they got married (got together) one of my parents has been mean to the other parent.					
8. I know that one of my parents is mean, so I avoid seeing him/her.					
9. When the parent I don't live with comes to see me, I look for something to do to avoid him/her.					
10. When I want to spend more time with the parent I visit, the other parent gets angry.					
11. One of my parents taught me what I should say in court.					
12. I am afraid when the parent I don't live with comes looking for me.					
13. The parent I don't live with does everything wrong, he is bad.					
14. It bothers me to have to see or visit the parent I don't live with.					

15. One of my parents deserves punishment.					
16. I distrust the current partner of the parent I don't live with.					
17. I care little about what happens to one of my parents.					
18. Since my parents met their families have rejected each other.					
19. I think the parent I don't live with traded us in for another family he cares more about.					
20. One of my parents keeps me from dating the other parent.					
21. The parent I live with suggests fun activities for me when I get to be with the other parent.					
22. One of my parents tells me everything that happens in court.					
23. One of my parents resents the fact that I love the other parent.					
24. One of my parents tells me that the other one abandoned us, that's why it's bad.					
25. The parent I don't live with is irresponsible.					
26. One of my grandparents is a bad influence on me.					
27. I am indifferent to the parent I don't live with.					
28. One of my parents decides what I should do, without taking into account the other parent's opinion.					
29. The parent I don't live with should stop seeing us, it's better that way.					
30. I talk with the lawyer of one of my parents about the divorce proceedings.					
31. One of my parents tells me that the other parent wants to hurt us and we should take care of ourselves.					
32. One of my parents stops me from talking to the other parent on the phone.					
33. I know the details of my parent's divorce trial.					

Analysis and conclusion

The family constitutes a basic unit, founded by kinship ties, in which symbols, traditions, values and forms of behavior are created, recreated, learned and transmitted (Gutiérrez, Díaz and Román, 2016, p. 6).

In some cases spouses decide to dissolve the marital bond (in our federative entity, 11.3%, according to recent surveys), with implications (among them, with emotional scopes) at social, family and personal levels (Levit, Donoso and Salgado, 2003, in Galarce and Zicavo 2013, p.15).

Divorce is the definitive legal dissolution of a marriage issued by a judge (INEGI, 2019, para 5). It can bring with it the breaking of emotional, legal and social ties; at the same time, it refers directly or indirectly to a process of loss (Barrera, Galarce and Zicavo, 2013, 19) in several senses.

In this case, for 71.42% of the children and adolescents it brought with it having to leave their home, to join the DIF's Casa hogar; for not having parental care (due to delayed divorce trials for the dispute of parental authority and/or intrafamily violence due to parental alienation or foundling) (Amador. n/d, para. 1-13).

The statistical analysis applied in this survey showed that the mode in the age of the respondents is 12 years; age that marks the end of childhood or infancy according to (Healthy children, s/f, paras 1-5).

The way in which we relate has its foundations in the experiences lived in childhood, with parental figures, and these condition later attachments and affective relationships in a non-determinant, but very probabilistic way (Martinez, 2008, p. 299).

Thus, Parental Alienation Syndrome is an alteration that occurs in some very conflictive marital breakups, where children censure, criticize and reject one of their parents in an unjustified and/or exaggerated manner, which causes damage to their well-being and emotional development (Bolaños, 2002, para. 1), causing difficulties for them to bond and relate affectively with one of the parents due to the influence of the other, especially when this occurs in early stages, such as childhood.

Although in the literature reviewed, no antecedents were found on the prevalence of parental alienation by gender in children and adolescents, in this research the data showed that this syndrome has a higher incidence in males (90.47% of the sample population) than in females.

According to the table of level of parental alienation used in this process: Table 2: Level of Parental Alienation

Valor	Level of Parental Alienation
0	Nonexistent
1-2	Under
3	Medium
4	High

Table 2 Level of Parental Alienation

Source: Own elaboration

In the medium level of parental alienation, measured with the ZICAP scale, 19 of the 21 cases consulted fell, corresponding to 90.47%. This means that this number of participants rated with always and almost always the items of the applied scale (which contemplates as possible answers: never, almost never, sometimes, almost always and always), finding also that the items rated with the highest score (4 points on a scale from 0 to 4) by all respondents are:

- I refuse to be like the parent I do not live with.
- One of my parents deserves punishment.

These items have the highest scores, two situations that show the highest level of disqualification of the alienated parent, as well as the affective rejection of the parent-child bond as a manifestation of the emotional state of the participating children and adolescents.

Followed by items evaluated with scores ranging from 3.9 to 3.0 (on a scale from 0 to 4) which are classified as:

- a) Disqualification of the alienated parent.
 - I am indifferent to the parent with whom I do not live.
 - I know that one of my parents is bad, so I avoid seeing him.

- The parent I don't live with does everything wrong, he is bad.
 - The parent I don't live with should stop seeing us, it's better that way.
 - The parent I don't live with is irresponsible.
 - One of my parents deserves that I don't talk to him.
 - They tell me to avoid going out with the parent I don't live with because he will make me do unpleasant things.
- b) Disqualification of the way in which the alienated parent relates to the alienating parent.
 - One of my parents decides what I should do, without taking into account the opinion of the other.
 - c) Disqualification of the alienating parent's family.
 - One of my grandparents is a bad influence on me.
 - The family of one of my parents is bad.
 - Since my parents met their families have rejected each other.
 - d) Rejection of the child's or adolescent's parent-child bond with the alienated parent.
 - I care little about what happens to one of my parents.
 - It bothers me to have to see or visit the parent with whom I do not live.

All these are conditions experienced by children and adolescents who present parental alienation at a level classified as medium according to the criteria used in this research. This leads to appreciate them as part of a family system that places them at the center of the abusive behaviors that one or both parents may exercise, which inevitably influences their emotional state.

As stated in the problem statement, to date few studies have been conducted on parental alienation in our country and in our federative entity with a psychological approach, in which the emotional state of children and adolescents is identified, as well as the bonding difficulties with the alienated parent.

With the results obtained in this research it was possible to recognize the presence of parental alienation in about 90% of the participants, which indicates its presence, in a percentage well above the average of the selected sample; which leads to visualize the high degree of incidence of the same and its effects on the emotional state of children and adolescents and on parent-child relationships.

Therefore, it is perceived the need to carry out a greater number of studies on this syndrome, from the area of psychology; in such a way, to contribute to guarantee their access to the rights of children and adolescents and to the welfare measures granted in international conventions, signed and ratified by Mexico, taking into account the best interest of children and adolescents such as:

- The United Nations Convention on the Rights of the Child, from which the Magna Carta of Childhood emerged.
- International Convention on the Rights of the Child.

As well as, by Mexican family law, which is a set of rules of public order and social interest that regulates and protects the family and its members, based on rights such as respect for human dignity, in order to the provisions of:

- The Political Constitution of the United Mexican States (especially Article 4).
- The law on the protection of children and adolescents (mostly in articles 9, 11 and 12) (CNDH, 2011, pp. 28-67).

To conclude with the analysis and conclusions derived from this study, it is important to point out that it is necessary that the psychological report made in case of suspicion of Parental Alienation Syndrome, be a clear, orderly, understandable and scientifically reliable document that guarantees the maximum possible welfare of children and adolescents, the satisfaction of their needs for food, health, education and healthy recreation for their integral development, mainly by the parents with the intersection of the State, in cases where necessary, in attention to the best interests of children and adolescents.

Acknowledgment

Al personal encargado de la atención psicológica en el Desarrollo Integral de la familia (DIF), en Durango, Dgo. México, así como al de la Casa Hogar de este mismo sistema; ubicada también en esta localidad.

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