

FACT SHEET: CASELAW ON PAS ADMISSIBILITY

I. Appellate Court Rulings

A. REJECTING PAS: 4 STATE APPELLATE COURTS HAVE REJECTED PAS EVIDENCE

- ⇒ Three state appellate courts (LA, NJ, NY) have expressly held that PAS does not satisfy the threshold standard for admissibility under Frye/Daubert:
- *People v. Fortin*, 289 A.D.2d 590, 591 (N.Y. App.Div. 2001) (published).
 - *M.A. v. A.I.*, 2014 WL 7010813 (N.J. Super. Ct. App. Div., Dec. 15, 2014), cert. denied, 112 A.3d 592 (2015) (unpublished).
 - *D.M.S. v. I.D.S.*, 2015 WL 926777 (La. App. Ct. 4 Cir., 3/4/2015)(unpublished).
- ⇒ One state appellate court (**California**) held PAS inadmissible as not beyond the ‘ken’ of fact finder: *People v. Sullivan*, 2003 WL 1785921 (Cal.App.6 Dist.2003)¹ (unpublished).

B. ADDRESSING UNFAVORABLY WITHOUT RULING ON ADMISSIBILITY

- ⇒ **Alabama (dicta)**: *C.J.L. v. M.W.B.*, 879 So.2d 1169 (Ala.Civ.App. 2003) (Court found no PAS evidence before it but noted that if PAS evidence had been presented, the court “might be inclined” to find that PAS was not generally accepted by scientific community) (published).
- ⇒ **Indiana (dissent)**: *Hanson v. Spolnik*, 685 N.E.2d 71 (Ind.App. 1997)(majority does not address PAS, dissent decries its failure to acknowledge clear PAS evidence mislabeled as alienation that should have been disallowed due to lack of scientific acceptance and reliability)(published).

C. ALLOWING PAS: NONE, NO LEGAL PRECEDENT EXISTS HOLDING PAS ADMISSIBLE.²

III. Trial Court Rulings

- Two **Connecticut** trial courts have rejected PAS evidence for failure to satisfy CT’s Porter/Daubert standard for admissibility:
 - ⇒ *Mastrangelo v. Mastrangelo*, 55 Conn. L. Rptr. 245 (Conn. Super. Ct. 2012) (unpublished).
 - ⇒ *Snyder v. Cedar*, 2006 WL 539130 (Conn. Super. Ct. Feb. 16, 2006)(unpublished).
- The **New York** trial court in *N.K. v. M.K.*, 17 Misc.3d 1123(A) rejected PAS evidence (“This court does not believe that there is a generally accepted diagnostic determination or syndrome known as “parental alienation syndrome”).(unpublished).

¹ The trial court expressly rejected PAS for, *inter alia*, not meeting Kelly/Frye standard but the appellate court found Kelly/Frye inapplicable.

²The Florida case *Kilgore v. Boyd*, 733, So.2d 546 (Fla. 2d DCA 2000) is sometimes cited by PAS proponents as ruling that PAS has gained general acceptance in the scientific community. However, we have been unable to obtain any written opinion and it appears one was not issued. See Jennifer Hoult, *The Evidentiary Admissibility of PAS: Science, Law and Policy*, 26 CHILDREN’S LEGAL RIGHTS JOURNAL 1, 4 (Spring 2006).