

# Strengthening the Child's Right to Both Parents

by Jesper Lohse, National Chairman, The Danish Father's Association The law reform will be presented at PASG Toronto 2025 in Sep. 2025

**O**n January 1, 2025, Denmark implemented a significant reform to its family law, marking the country's formal legal recognition of "parental alienation" and "co-parenting obstruction". The reform, passed by the Danish Parliament in December 2024, reflects a broader Nordic and international movement toward protecting children's rights to both parents—even amid high-conflict separations.

## A New Legal Framework: From Ideals to Enforcement

The adopted Law L66 amends the Danish Parental Responsibility Act and the Family Law Administration Act to explicitly mandate that family courts and administrative bodies consider behaviors that hinder a child's relationship with either parent. A new paragraph in §4(2) of the Parental Responsibility Act states:

*"The Family Court and the Family Law Administration must, in assessing the best interests of the child, consider the child's right to both parents and, in that context, co-parenting obstruction, including parental alienation, as reflected in the child's behavior. Such obstruction shall carry consequences if it serves the best interests of the child."*

With this change, Denmark aligns with the Norwegian "behavioral model" of parental alienation: the phenomenon is diagnosed and addressed primarily through the child's observable behavior, rather than inferred solely from the actions of the alienating parent.

## Understanding the Legal Definition of Parental Alienation

The reform adopts a working definition rooted in international research and practice. As cited in the legislative committee's report:

*"Parental alienation is defined as when a child persistently and over a long period expresses strong negative feelings (hatred, rage, fear) toward one parent, which are not in line with the child's actual experiences with that parent."*

This definition, originally formulated by Joan Kelly and Janet Johnston, acknowledges that alienation is rarely the result of a single behavior. Instead, it emerges from complex interactions between the child, both parents, and the broader care environment.

## Evidence-Based Practice: The Family Law Administration's Professional Guidelines

The Danish Family Court House has published a professional guideline to support

the implementation of this law in daily casework. The guideline emphasizes:

- ▶ A neutral and systemic approach to understanding contact refusal;
- ▶ The use of non-polarizing terms, such as "contact breakdown" and "contact resistance," instead of attributing blame prematurely;
- ▶ A commitment to investigate multiple contributing factors, including child vulnerabilities, caregiver dynamics, and broader family stressors.

In practical terms, professionals are now expected to begin each assessment not with assumptions about either parent's intent, but with a close examination of the child's situation and behavior. This includes evaluating emotional signs, relational shifts, and verbal or behavioral cues that may indicate manipulation, fear, or trauma.

## Consequences for Obstruction—If in the Child's Best Interest

The law does not prescribe automatic sanctions for parental alienation. Instead, consequences may be imposed if they are found to benefit the child. This could include:

- ▶ Transfer of custody to the other parent;
- ▶ Temporary or permanent modification of visitation rights;
- ▶ Targeted family therapy or court-ordered intervention programs.

Parental alienation is handled as psychological violence by criminal law

This nuanced approach reflects the Danish legal tradition of balancing enforcement with the child's well-being, ensuring that no punitive measure undermines the primary goal: restoring and protecting the child's right to safe, loving contact with both parents.

## Policy Context and Motivation

The law is part of reforms on Shared Parenting and prevention of harassment and





parental alienation since 2015 aimed at improving Denmark's family law system. Since 2007 Shared Parenting has been the norm in the Danish society and Shared Legal Custody is the basic assumption by law. Spousal support has declined to often nothing and reasonable child support is a reality. In 2012 the Child's Right to both parents was empathized and children transportation to/from the parents was shared.

In 2015 the first harassment package became a reality with automatic re-visitation, immediate contact, holiday restriction and meeting obligations. In 2019 a new Family Court system was introduced with green, yellow and red visitation in all children cases, double residence became possible and family mediation and a special children unit was introduced following children in all family law cases. Psychological violence, incl. parental alienation, became part of the criminal law.

In 2022 public information for both parents and child allowance (50/50) was shared by law. In 2023 Parental leave (50/50) for one year in total with at least 3 months earmarked per parent became the law. Family violence and crisis centers became gender equal with the same rights for men and woman. In 2024 Equal Parenting (50/50) was the fastest growing and mostly used in society and the new reform on parental alienation was created to secure this posi-

tive development in the best interest of children, parents and society.

Prior to 2025, professionals faced growing challenges like everywhere else addressing complex cases where children refused contact with a parent. Public debate intensified around the lack of legal tools to intervene when one parent actively sabotaged the child's relationship with the other.

Advocacy organizations—such as Foreningen Far (The Danish Father's Association), which represents co-parents and promotes equal parenting—have long criticized the Danish system for failing to recognize structural alienation and unequal treatment in family law. The 2025 law is therefore seen as yet another major milestone in acknowledging and addressing children's concerns and health in life.

### **The "Care Model": A Systemic Approach**

To implement the new provisions, the Family Court Houses applies its "Care Model", which offers a systemic framework for mapping:

- ▶ Risk and protective factors in the caregiving environment;
- ▶ Relationship dynamics between parent and child;

▶ Potential child vulnerabilities and stress responses;

▶ Patterns of devaluing behavior that may influence the child's attitude toward a parent.

The model avoids one-size-fits-all assumptions and encourages professionals to build a comprehensive, evidence-based profile before concluding whether parental alienation is occurring.

This approach is supported by the Danish Father's Association promoting the Five Factor model (Bernett and Greenhill) as early identification of parental alienation using a nationwide survey developed online in several languages. The survey is free to use and available at <https://da.surveymonkey.com/r/76C992Y?lang=en>

### **Safeguards Against Misuse**

Importantly, the reform also includes safeguards to prevent the misuse of the alienation label against protective parents. The professional guideline explicitly warns against assuming that all contact resistance is unjustified. Some children may have legitimate fears based on past experiences, including neglect, abuse, or emotional harm.

Thus, professionals are urged to:

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- ▶ Avoid premature conclusions;
- ▶ Investigate all sides with equal care;
- ▶ Ensure the child's voice is heard and considered authentically;
- ▶ Respect the child's right to protection from harmful contact.

### Implementation Challenges

While widely welcomed, the new legislation presents several implementation challenges:

- ▶ **Training Needs:** Legal and social service professionals must be trained in the behavioral and systemic frameworks underpinning the law.
- ▶ **Diagnostic Complexity:** Identifying alienation requires multi-layered assessments that can be time- and resource-intensive.
- ▶ **Court Delays:** The 2025 law mandates quicker handling of urgent visitation within 4 weeks and all investigations to be finished (within 4 months) but staffing shortages may hinder compliance.
- ▶ **Cultural Resistance:** Some actors in the family law system may resist the shift toward a more neutral, behavior-focused understanding of alienation.
- ▶ **The Award system:** It is of major importance that parents benefit from good behavior and never are awarded for harassment and parental alienation. Also, that mistakes are admitted as important learnings for change.

### International Relevance

Denmark's reform may serve as a legislative model for other countries grappling with similar issues. The law's core strengths include:

- ▶ Its child-centered focus, emphasizing behavior over parental blame;

▶ Its integration of international research into national policy;

▶ Its balanced approach to consequences, allowing courts discretion within a framework of child protection;

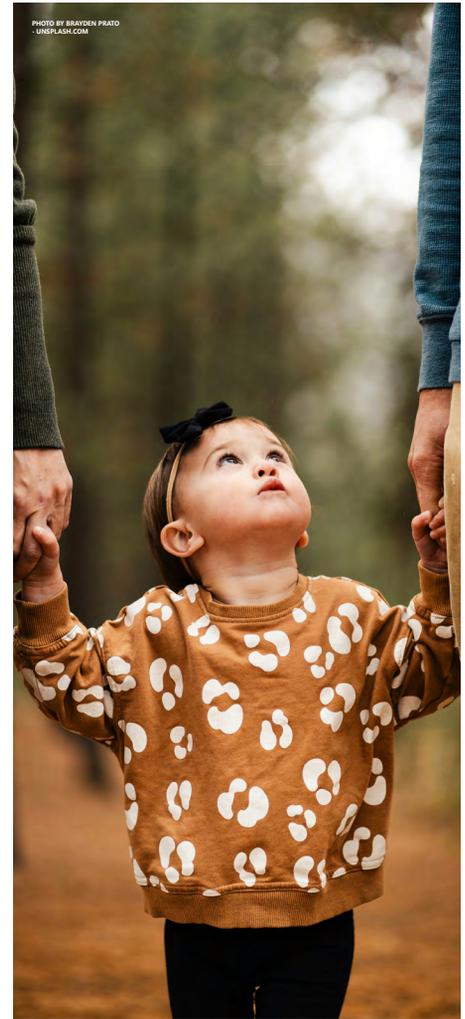
▶ Its commitment to prevention and early intervention through professional guidelines and systemic assessments.

It also reflects a growing international consensus: the best interests of the child often depend on the child's ability to maintain strong and secure relationships with both parents after separation.

### Final Thoughts

Denmark's 2025 law signals a powerful cultural and legal shift in how we understand and respond to parental alienation and co-parenting obstruction. By embedding behavioral definitions into legislation, applying system-based diagnostics, and anchoring decisions in the child's best interest, the law provides a nuanced and modern path forward.

As nations worldwide wrestle with similar family court challenges, Denmark's model offers a valuable lens through which child advocates, lawmakers, and family professionals can evaluate their own legal frameworks.



**Jesper Lohse** is the National Chairman of Foreningen Far, Denmark's leading NGO for shared parenting and children's rights. Since 1977, the organization has offered free counseling and advocacy in family law matters. Lohse is a prominent advocate for legal reforms in parental equality, an advisor to national policy bodies, and a recognized voice in international child welfare debates. He in 2014 created a Harvard case analysis on the Danish Family Court System from a Leadership perspective of which many recommendations today have become Danish Law.