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Parental alienation as a tool to cover up sexual abuse of children and adolescents in vulnerable contexts

Parental alienation as a tool to cover up sexual abuse of vulnerable children and adolescents contexts

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#### SUMMARY

This article investigates how parental alienation can be used to facilitate or cover up the sexual abuse of children and adolescents in contexts of high social, economic and emotional vulnerability, in cases of intrafamilial rape of vulnerable individuals. The main objective is to explore the relationship between these two serious issues, highlighting how parental alienation can increase the risk of sexual abuse. The research examines the concepts and legal implications of parental alienation and rape of vulnerable individuals, also considering the impact of conditions of family hyper-vulnerability on the perpetration of these crimes. The theoretical basis covers the legislation on parental alienation and sexual abuse, the characteristics of hyper-vulnerable families and the interaction between these phenomena. The methodology is based on a literature review. The results highlight the urgent need for public policies and integrated interventions to address the catastrophic combination of parental alienation and sexual abuse. The study suggests that an interdisciplinary approach can significantly improve protection and intervention in cases of abuse in contexts of hyper-vulnerability. The conclusions aim to provide support for the formulation of public policies and professional practices, promoting more effective protection for children and adolescents at risk.

**Keywords:** parental alienation. Rape of vulnerable people. Social hyper vulnerability. Family context.

### **ABSTRACT**

This course conclusion article investigates how parental alienation can be used to facilitate or cover up the sexual abuse of children and adolescents in contexts of high social, economic and emotional vulnerability, in cases of rape of a vulnerable person within the family. The main objective is to explore the relationship between these two serious issues, highlighting how parental alienation can increase the risk of sexual abuse.

The research examines the concepts and legal implications of parental alienation and rape of vulnerable people, also considering the impact of conditions of hyper-vulnerability in the family

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in the perpetuation of these crimes. The theoretical foundation covers legislation on parental alienation and sexual abuse, the characteristics of hyper-vulnerable families and the interaction between these phenomena. The methodology is based on a bibliographic review.

The results highlight the urgent need for public policies and integrated interventions to address the catastrophic combination of parental alienation and sexual abuse. The study suggests that an interdisciplinary approach can significantly improve protection and intervention in cases of abuse in hyper-vulnerable contexts. The conclusions aim to provide support for the formulation of public policies and professional practices, promoting more effective protection for children and adolescents at risk.

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### INTRODUCTION

Parental alienation is defined as interference in the psychological development of a child or adolescent by one of the parents and is considered a very relevant problem in the legal and psychological field. Law No. 12,318/2010, which provides for parental alienation in Brazil, seeks to protect minors from practices that aim to distort the perception of one of the parents, damaging the emotional bond and causing deep emotional damage. However, the The topic becomes even more delicate when analyzed in hyper vulnerable families, in which factors such as poverty, low education, lack of family and social support, in addition to domestic violence, become amplifiers of situations of abuse.

In this context, parental alienation can be used as an instrument of control. psychological and emotional, creating a situation of extreme fragility for the child or adolescent. When this control is combined with sexual violence, particularly rape of vulnerable, the situation worsens, configuring a double violation of rights. The manipulation psychological and isolation of the victim by the alienator can serve to cover up sexual abuse within the family, silencing the child or adolescent and making it difficult to identify and intervention by the competent authorities.

This paper proposes an in-depth analysis of this connection between parental alienation and rape. vulnerable, focusing on families that present conditions of extreme vulnerability. The from a legal and psychosocial approach, we seek to understand how these factors are articulate and what the impacts of this violence are on the victims. In addition, we intend to evaluate the role of the justice system and the social protection network in preventing and combating these crimes, proposing reflections on the need to improve public policies and inter-institutional actions to guarantee the rights of children and adolescents in such situations complex.



The analysis is urgent in a scenario in which sexual abuse against minors, especially in vulnerable families, often remain hidden. Parental alienation, in its form more perverse, it becomes a mechanism to perpetuate these abuses, demanding action effective and integrated between the judicial, psychological and social systems to face this reality. The article will be structured in different sections to deepen the relationship between alienation parental and rape of vulnerable people, especially in families in extreme situations vulnerability. Initially, the central concepts of these problems will be addressed, considering legal and psychosocial perspectives. Next, the impact of the parental alienation in vulnerable families, highlighting factors such as poverty, low education and domestic violence contribute to worsening this condition. The relationship between parental alienation and sexual abuse will be explored in order to highlight how manipulation The psychological and social isolation of the victim can be used to cover up acts of violence and prevent them from being reported. Finally, reflections and proposals will be presented for the improvement of inter-institutional actions, seeking to ensure more effective performance in protection of children and adolescents exposed to these complex situations and mitigating increasingly more its occurrence.

# 1 PARENTAL ALIENATION: LEGAL IMPLICATIONS (PARENTAL ALIENATION LAW) PARENTAL)

Parental alienation consists of the act of one of the parents negatively influencing the child. or the adolescent in order to defame the other parent, causing psychological and relational harm. It is commonly practiced by those who have custody of the child, and may also be made by any person holding parental authority over that child or adolescent, (Dias, 2015).

Law 12,318/2010 in its art. 2 defines parental alienation as follows:

any interference in the psychological development of the child or adolescent promoted or induced by one of the parents, by the grandparents, or by those who have the child or adolescent under their care authority, custody or surveillance to repudiate a parent or to cause harm to the establishment or maintenance of links with it. (BRAZIL, 2010).

The law provides examples by citing conduct such as:



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- the) Carry out a campaign to discredit the parent's conduct in exercising paternity or maternity;
- b) Make it difficult to exercise parental authority;
- w) Make it difficult for the child or adolescent to have contact with their parent;
- d) Make it difficult to exercise the regulated right to family life;
- Moving your home to a distant location, without justification, with the aim of making coexistence difficult of the child or adolescent with the other parent, with relatives of the latter or with grandparents.

In this sense, Maria Berenice Dias (2015) highlights:

The child is used as an instrument of aggression, being induced to hate the other parent.

This is a true campaign of demoralization. The child is led to distance himself from those who loves and who loves her back. This phenomenon manifests itself mainly in the mother's environment, due to the tradition that women would be better suited to exercise custody of children, especially when they are still young. However, it can affect either parent and, in a broader sense, can be identified even in other caregivers. Thus, the

The alienator may be the father, in relation to the mother or her partner. It may be carried out in front of grandparents, uncles or godparents and even between siblings. It often occurs when the couple is still lives under the same roof. Certain conduct, although theoretically protected under the cloak of legality and "good intentions" may hide true signs of an attempt to denigrate the image of one of the parents or members of their family (DIAS, 2015, p. 546).

It is important to highlight that it is not only in the relationship between parents and children that such an inadequate campaign may occur. The attempt to remove the alienated person from the victim's life may occur in other degrees of kinship, such as between one of the parents and the grandparents of the alienated person, generally due to kinship by affinity. Furthermore, the search to separate unilateral siblings, given the disputes involving the common parent.

The universe of possibilities in which the phenomenon of parental alienation is inserted is so broad as to the multiplicity of family relationships, kinship and affinity ties that may exist.

When a child or teenager is a victim of parental alienation, they already have rights fundamental rights violated, such as the right to creation, education and, in particular, the right to coexistence, which goes against the provisions of Article 3 of the Statute of Children and Adolescents:

Children and adolescents enjoy all the fundamental rights inherent to the human person, without prejudice to the full protection provided for in this Law, ensuring them, by law or by other means



means, all opportunities and facilities, in order to provide them with physical development, mental, moral, spiritual and social, in conditions of freedom and dignity. (BRAZIL, 1990).

The principle of the best interests of the child and adolescent overrides those of other people and translates into the possibility of the offspring growing up healthily, with both references parental, for the construction of a full and capable personality even in the midst of conflicts family members.

Parental alienation profoundly compromises the relationship between a child or adolescent and their family members, negatively influencing their emotional and psychological development. When prevent balanced contact with both parents, this practice creates instability and can affect the construction of identity and social relationships throughout life. The highly complex web of family relationships can sometimes lead to conflicts that, inadvertently or not, cast shadows over the development of the most vulnerable: children and adolescents. Whether the disqualification campaign is orchestrated by a parent against each other, the obstruction of coexistence with grandparents who have bonds of affection, or even the insidious attempt to separate siblings who share only one parent, the essence of parental alienation lies in instrumentalizing young people, turning them into pawns of a adult dispute. In each of these painful situations, what is observed is the weakening of affective bonds essential for the construction of a healthy identity and the violation of fundamental rights, such as growing up in an environment of plural affection and receiving care and attention of all significant parental figures. It is at this crucial point where emotional manipulation and curtailment of coexistence hurt the childish and youthful soul, that the unconditional application of the principle of the best interests of children and adolescents stands out as a beacon, guiding decisions towards comprehensive protection of their emotional and social well-being, above any resentments or disputes between them.

#### 1.1 PSYCHOSOCIAL EFFECTS ON CHILD DEVELOPMENT

adults involved.

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Among the effects of parental alienation in relation to abuse, there is the victim's belief that they are responsible for the violence suffered and that his/her statement in this regard will cause harm to family nucleus, so that the abuser takes advantage of this effect to hide the practice of violence, often making the victim believe that the family will demonstrate negative feelings about her, including the possibility of abandoning her. The fear of Rejection leads the victim to remain inert in relation to the abuse, which leaves the aggressor increasingly

increasingly comfortable to perpetuate violence, increasing its severity and in cases extremes reaching the rape of a vulnerable person with carnal intercourse. (DIAS, 2024). The negative effects of parental alienation to cover up intrafamilial sexual abuse are devastatingly exacerbated. When one parent uses parental alienation to manipulate the child's perception of the other parent, this can create an environment of distrust and

confusion, making it difficult to identify and report sexual abuse.

In emotional and psychological terms, the child or adolescent may develop feelings intense feelings of guilt, shame and fear. Constant manipulation can lead to an internalization of conflict, in which the victim feels responsible for the abuse or believes that their experiences are not valid. This can result in anxiety, depression and low self-esteem, further aggravating more trauma caused for the abuse sexual. (SINIS D'ANGEL, 2025).

In behavioral terms, parental alienation can lead to behavioral problems, such as aggression, social isolation and academic difficulties. The child or adolescent may exhibit challenging behaviors as a way of expressing their frustration and confusion, or may withdraw socially, avoiding interactions that might expose the abuse. physical symptoms are also often a form of manifestation of emotional trauma and psychological that the child or adolescent is facing. (FREITAS, 2023). In the long term, the effects of parental alienation as a tool to cover up abuse sexual problems can be perpetuated into adulthood, resulting in difficulties in maintaining healthy relationships and resolve conflicts effectively. The victim may carry the trauma and distrust for their future interactions, negatively impacting their quality of life.

### 1.2 PENALTIES APPLIED TO THE ALIENATOR

Art. 6 of Law No. 12,318/2010 (Parental Alienation Law) lists penalties applicable to alienator, in cases of parental alienation or any conduct that hinders the coexistence of the child or adolescent with the other parent:

- Declaration of occurrence of parental alienation and warning to the alienator: The judge may formally recognize parental alienation and warn the alienator of the consequences of their acts.
- b) Expansion of the family cohabitation regime in favor of the alienated parent: Time of coexistence of the child or adolescent with the parent who suffers alienation can be increased.

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  - w) Stipulation of a fine (astreintes) to the alienator: The alienator may be ordered to pay a fine, the amount of which will be determined by the judge.
  - Determination of psychological and/or biopsychosocial monitoring: The alienator and the child or adolescent may be referred for psychological support or biopsychosocial. Must undergo periodic evaluations with the issuance of a report initial at least, which contains the evaluation of the case and the indication of the methodology to be used, and a final report, at the end of the monitoring.
  - Determination of the change of custody to shared custody or its reversal: A custody of the child or adolescent can be changed to shared or reversed custody, transferring it to the alienated parent or to a third party.
  - f) Determination of the precautionary determination of the child or adolescent's domicile.
  - g) Declaration of suspension of parental authority: In extreme cases, the judge may determine the suspension of the alienator's parental authority. (BRAZIL, 2010).

    If an abusive change of address is demonstrated, making coexistence impossible or obstructing family member, the judge may reverse the obligation to take or remove the child or adolescent of the parent's residence. It

is important to note that these penalties may be applied cumulatively or in isolation, depending on the severity of the case. Furthermore, the Law provides that these measures do not exclude the possibility of civil or criminal liability of the alienator.

Article 50 of Law 12,318/2010 states that, if there is evidence of an act of parental alienation, in an autonomous or incidental action, the judge, if necessary, will determine psychological expertise or biopsychosocial. (BRAZIL, 2010).

The expert examination will be based on a broad psychological or biopsychosocial assessment and must contain:

- a) personal interview with the parties;
- b) examination of documents in the case;
- c) history of the couple's relationship and separation;
- d) chronology of incidents;
- e) assessment of the personality of those involved;
- f) examination of the way in which the child or adolescent expresses his/her views regarding any accusation against parent.

The expert report will be comprehensive and carried out by a qualified professional or multidisciplinary team.

It will be presented within 90 (ninety) days, accompanied by the indication of any measures necessary to preserve the psychological integrity of the child or adolescent and may be extended by judicial authorization based on detailed justification.



The Law plays a fundamental role in the psychological protection of minors, addressing the issue of parental alienation and seeking to curb this behavior that is harmful to the development of children and adolescents. This law complements and expands the comprehensive protection already provided for by the Statute of Child and Adolescent.

It is important to remember that the Federal Constitution establishes the family's responsibility, of society and the State to guarantee to children, adolescents and young people, with absolute priority, rights such as life, health, food, education, leisure, professionalization, culture, dignity, respect, freedom and family and community life. Furthermore, the Constitution ensures that these individuals are protected from all forms of neglect, discrimination, exploitation, violence, cruelty and oppression. (BRAZIL, 1988).

## 2 RAPE OF VULNERABLE PEOPLE: PSYCHOSOCIAL IMPACT ON VICTIM AND FAMILY

Intrafamily sexual violence, popularly called domestic sexual violence, occurs within the family, perpetuated by close people, living with the child victim or teenager, whether or not they live under the same roof. On many occasions, the abuser plays the role of guarantor, having a duty of care towards the victim. (BRAZIL, 2017).

It is important to emphasize that the abuser can be either male or female, specifically anyone with a bond of care and trust. The victim is frequently exposed to such abuse, and there is no need to talk about rejection in particular, for emotional reasons, including emotional dependence, guilt, embarrassment and in an overwhelming majority of cases the total inability to distinguish right from wrong, as well how to understand the nature of the act imposed on her.

Abuse is usually initiated subtly by the aggressor, and one might think of a constant and progressive search for trust and acceptance of the victim, observing the acceptability of it to the situations presented.

The first sexual experiences of a child or adolescent under conditions of high vulnerability have devastating effects, causing effects throughout your life, disorders, behavioral changes, learning and communication difficulties, early sexualization, among many others. The child or adolescent victim of sexual abuse is forced to deal with the trauma left by the abuse. When the victim does not receive treatment appropriate medical and psychological treatment in relation to abuse, it may occur to adapt to the situation and

understand that sexual abuse is normal, thus making it difficult to report the fact. (BRAZIL, 2011).

The alienator may separate the child from the other parent and later begin the abuse, taking away so the child's structure, there will be no one to report the abuse to. In this case, the abuser makes the child believe that abuse is okay and not tell anyone. Sexual abuse directly violates human and fundamental rights, even if there is no physical contact. Initially, the news of the abuse generates shock and disbelief, triggering feelings intense feelings of helplessness. The family often faces difficulties in communication, struggling to deal with the situation and discuss the issue, which can lead to conflict. Furthermore, It is common for some family members to feel guilty and responsible, wondering if they could have noticed or prevented the abuse, or if they failed to protect the victim. (AZEVEDO and WAR, 2001).

Rape also alters family dynamics, creating tension and difficulties in relationships between members. In this scenario, psychological and social support specialized care is crucial for both the victim and the family. Monitoring professional helps the victim to overcome the trauma, rebuild their self-esteem and resume their life, while the family receives support to deal with their own feelings and offer support necessary for the victim.

The impact of sexual abuse is related to factors intrinsic to the child, such as, vulnerability and resilience (temperament, response to developmental level neuropsychological), and with the existence of extrinsic risk and protection factors (resources social, family functioning, caregivers' emotional resources and financial resources, including access to treatment). Some negative consequences are exacerbated in children who do not have a social and emotional support network.

Therefore, the importance of support cannot be underestimated, as it is especially crucial for the recovery of all involved.

## 3 HYPER VULNERABLE FAMILIES: CHARACTERISTICS AND FACTORS THAT CONTRIBUTE TO HYPER VULNERABILITY



The concept of family hyper vulnerability refers to families that face multiple and complex risk situations, generating a state of extreme fragility and making it difficult to overcoming their difficulties. These families find themselves in a situation of greater fragility than other families in a situation of social vulnerability, being on the margins of society. Hyper-vulnerable families often face a combination of problems,

such as extreme poverty, unemployment, domestic violence, substance abuse, health problems, mental health, lack of access to basic services and discrimination. Many times they are found isolated from social support networks, such as family, friends and neighbors, which makes it even more difficult more the search for help. (BRAZIL, 2021).

Despite needing support, hyper-vulnerable families have extreme difficulties in accessing public and private services, whether due to lack of information, fear, distrust or bureaucratic barriers. The difficulties faced by these families tend to be chronic and persistent, making it difficult to overcome and build a more stable future.

As a result, children living in hyper-vulnerable families are at greater risk of suffering with health problems, learning difficulties, violence and other consequences negative. (ROCHA, 2023).

Among the factors that contribute to hyper vulnerability, we can list the lack of financial resources that limit access to basic needs, such as food, housing, health and education, generating an endless and cruel cycle of poverty and social exclusion, culminating in the lack of job opportunities, which makes it extremely difficult to generate income and autonomy of families.

The reality of families in hyper vulnerability goes beyond numbers and statistics. lives marked by daily struggles. Many of them face not only a lack of basic resources, but also the weight of prejudice, exclusion and, in some cases, the devastating cycle of addiction drugs and alcohol, which aggravate health problems, violence and financial instability. Without access to medical care, education or social support, becomes even more difficult living conditions.

But this reality can be changed, with public policies that look after these people. with dignity, income programs that really reach those who need it, opportunities for work, mental health monitoring and social assistance that is welcoming, without judgment. The road is long, but with access to specialized treatment, training and social inclusion, these families can, little by little, recover their autonomy and rebuild a future with more hope.

The use of alcohol and other drugs can lead to health problems, violence and difficulties financial. Lack of access to health, education, social assistance and other services essential makes it difficult to overcome difficulties.

Discrimination based on race, ethnicity, gender, sexual orientation or other characteristics can lead to social exclusion and hinder access to opportunities. It is necessary to implement policies public policies that address the multiple dimensions of hyper vulnerability, such as programs

effective income transfer, job creation, mental health, social assistance and public safety.

It is essential to guarantee these families access to specialized mental health services, social assistance and other services to meet the specific needs of hyper families vulnerable. As well as opportunities for education, training and social participation, to that they can overcome their difficulties and build a better future.

### 4 INTERSECTION BETWEEN PARENTAL ALIENATION AND CHILD RAPE VULNERABLE AND ITS INSTRUMENTALIZATION TO FACILITATE ABUSE

The intersection between these two contexts - WHICH? - occurs precisely when parental alienation achieves its objective, which is to separate the child from the parent, making it impossible to take of decisions regarding the lives of children and adolescents, creating a false perception that the alienated parent does not care or does not want to participate in the child's life.

The distance generated by the alienation suffered by a child or adolescent becomes completely opportune for the practice of sexual abuse, in which its support network is limited Even when aware of what is happening, the victim becomes unable to ask for help.

And when the victim is not aware, as in the vast majority of cases, a inducement to normalize criminal behavior. For that child, the practice of rape becomes normal, becomes a frequent habit and often goes through generations until discovered and brought to the attention of the competent authorities.

The child victim of abuse remembers the events that occurred without help, and reports them in his/her own language presenting sexual knowledge incompatible with their age. Both the conduct is difficult to prove, making the involvement of professionals essential capable of identifying abuse and parental alienation, with training not being enough basic in psychiatry, psychology and social work, given the complexity and infinite variables that make it difficult to accurately diagnose such acts. Therefore, knowledge is required specific and in-depth on the subject.

Maria Berenice Dias (2024) warns:

The reporting of incestuous practices has grown alarmingly. This perverse reality can lead to an unjustified rupture of the parent-child bond. But there is another even worse consequence: the possibility of identifying as a false complaint what could be a truth. In cases involving sexual abuse, the claim that it is parental alienation has become a defense argument and has been invoked as an exclusionary factor criminality.

The claim of parental alienation as a defense strategy in cases of child sexual abuse constitutes a dangerous and manipulative tactic. Instead of confronting the serious allegations of violence, the alleged aggressor tries to divert the focus to family dynamics, constructing the narrative that the complaint was not the result of real abuse, but rather of manipulation orchestrated by the other parent, the "alienator". This maneuver takes advantage of the existence of a skepticism about reporting, even though the vast majority of child abuse cases are truthful, and the complexity inherent in post-separation family relationships, in that conflicts can be exploited to discredit the victim. Furthermore, the difficulty of evidence of sexual abuse, which often occurs in private settings, makes the word of the child or adolescent vulnerable to questioning under the allegation of external influence. By alleging parental alienation, the defense seeks to undermine the credibility of the victim and those who accused her. supports, arguing that the child was instrumentalized to fabricate accusations. This strategy can have devastating consequences, silencing the victim, who may come to feel discredited and powerless, and diverting the focus of the investigation from the evidence of abuse to the discussion about the alleged alienation. This not only makes it difficult to hold the aggressor accountable, allowing the violence to continue, but it can also re-victimize the child or adolescent by having their painful experience minimized and labeled as the result of manipulation. It is crucial that the justice system, with its legal professionals, psychologists and social workers, be aware of this practice, carrying out a rigorous and specialized analysis to distinguish between genuine cases of parental alienation and attempts to cover up sexual abuse, prioritizing always the full protection of the child or adolescent and ensuring that their voice is heard and their allegations investigated with the seriousness they deserve.

### CONCLUSION

It is imperative to quickly and safely identify the presence of other symptoms that allow recognize that you are facing a case of sexual abuse or parental alienation. To do this, it is essential not only the participation of psychologists, psychiatrists and social workers, with their reports, studies and tests. It is also necessary for the judge to be qualified to be able to distinguish false reports from real abuses given the complexity and severity of the intersections between parental alienation and rape of vulnerable people, especially in hyper-vulnerable families, it becomes imperative to conclude that the comprehensive protection of children and adolescents requires a multidisciplinary and interinstitutional approach. This study highlighted how alienation

Parental control can be used to facilitate and cover up sexual abuse, silencing victims and making it difficult for authorities to act.

Law No. 12,318/2010, although it represents an advance in protection against parental alienation, proves to be insufficient when faced with the complexity of hyper families vulnerable, who often do not even know what the act of parental alienation is. The analysis of the psychosocial effects of rape of vulnerable people and parental alienation reveals the need of trained professionals and a strengthened social protection network, capable of identifying and intervene in cases of abuse, considering the multiple vulnerabilities present in these families.

The actions of the justice system and the social protection network must be guided by the priority absolute rights of children and adolescents, as recommended by the Statute of Children and of Adolescents and the Federal Constitution. The training of professionals, the implementation of integrated public policies and coordination between the various bodies are fundamental for ensure the protection of victims and hold perpetrators accountable.

This analysis sought to shed light on the urgency of effective and integrated action, highlighting the need to break the cycle of violence and ensure a safe and dignified future for children and adolescents in vulnerable situations. Raising awareness in society and improving public policies are crucial steps to address this reality and promote the comprehensive protection of the rights of children and adolescents.

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