

How to cite this article:

Maciel, J.A. y Santos, S. (2022). Uma Reflexão sobre a Aplicação dos Métodos Restaurativos de Resolução de Conflitos na Alienação Parental. *MLS Psychology Research*, 5 (1), 99-114. doi: 10.33000/mlspr.v5i1.930.

**A REFLECTION ON THE APPLICATION OF RESTORATIVE
CONFLICT RESOLUTION METHODS IN PARENTAL ALIENATION**

Jose Antonio Maciel Pereira

Master by Funiber Brazil (Puerto Rico)

josemaciel1963@gmail.com - <https://orcid.org/0000-0002-2364-4322>

Sueli Santos Oliveira

Master by Funiber Brazil (Puerto Rico)

josemaciel1963@gmail.com - <https://orcid.org/0000-0001-7881-5371>

Summary. Restorative methods of conflict resolution are tools in full use in Justice and in the various fields of activities in the society we live in. In this article, its specific use for managing intra-family conflicts in cases involving Parental Alienation is addressed, bringing to light the Parental Alienation Syndrome. The theoretical line adopted meets the current that assumes the existence of both Alienation and the Syndrome, while respecting contrary opinions. The following methods have been selected: Arbitration, Restorative Circles, Conciliation, Restorative Conferences, Systemic Constellation, Mediation, Negotiation, and Transaction. A systematic bibliographic review was carried out, in scientific works in the electronic bases of scientific research on the *internet* through *Google Scholar*. Sixty-one (61) academic works from the last 3 (three) years were selected, whose reading elucidated the recommendations of the Author(s) as to the specific recommendation of the methods in cases of Parental Alienation in Brazil. It was found that more than 60% of the papers recommend Mediation as the way forward, which suggests a conditioning of the professionals in the area of Parental Alienation, by pointing, in a majority, to Mediation. Most probably, influenced by existing legislation, leaving aside the other methods, which can be configured as excellent options, depending on the stage of the Disposal. These possibilities of application of Restorative Methods of Conflict Resolution according to these stages are presented, with the help of typology identified in Literature, to provide new options of an effective and efficient support to intra-family conflicts in cases of Parental Alienation.

Keywords: Restorative Methods, Conflicts, Parental Alienation

UMA REFLEXÃO SOBRE A APLICAÇÃO DOS MÉTODOS RESTAURATIVOS DE RESOLUÇÃO DE CONFLITOS NA ALIENAÇÃO PARENTAL

Resumo. Os métodos restaurativos de resolução de conflitos são ferramentas de pleno uso na Justiça e nos diversos campos de atividades da sociedade em que vivemos. Neste artigo, aborda-se o seu uso específico para gestão de conflitos intrafamiliares em casos que envolvam Alienação Parental, trazendo à luz a Síndrome de Alienação Parental. A linha teórica adotada vai ao encontro da corrente que assume a existência tanto da Alienação, bem como da Síndrome, contudo respeitando opiniões contrárias, sendo selecionados os seguintes métodos: a Arbitragem, Círculos Restaurativos, Conciliação, Conferências Restaurativas, Constelação Sistêmica, Mediação, Negociação e Transação. Realizada a revisão bibliográfica sistemática, em trabalhos científicos nas bases eletrônicas de pesquisas científicas na *internet* por meio do *Google Acadêmico*. Foram selecionados 61 (sessenta e uma) obras acadêmicas nos últimos 3 (três) anos, cuja leitura elucidaram as recomendações do(s) Autor(es) quanto à recomendação específica dos métodos em casos a Alienação Parental no Brasil. Verificou-se que mais de 60% dos trabalhos recomendam a Mediação como caminho a seguir, o que sugere um condicionamento dos profissionais na área de Alienação Parental, ao apontarem, de modo majoritário, a Mediação. Muito provavelmente, influenciados por legislações existentes, deixando de lado os demais métodos, que podem se configurar como excelentes opções, dependendo do estágio da Alienação. Estas possibilidades de aplicação dos Métodos Restaurativos de Resolução de Conflitos em função destes estágios são apresentadas, com o auxílio de tipologia identificada na Literatura, para prover novas opções de um apoio efetivo e eficaz aos conflitos intrafamiliares em casos de Alienação Parental.

Palavras-chave: Métodos Restaurativos, Conflitos, Alienação Parental

Introduction

A problematic situation experienced in a marital relationship, in Brazilian society, can be found in the moments of its dissolution, because it is not abnormal that, in this moment of relational disarray, the spouses fight among themselves and for the custody of the children, besides the probable disputes in the sharing of assets and rights. In this turbulent environment of marital dissolution, there are situations in which one of the spouses, tends to use them as a kind of weapon or means of punishment against the other, which brings strong conflicts of parenting involving these minors and brings, to the stage of the article, Parental Alienation. These intra-family conflicts traditionally end up in court regardless of their stage, that is, they are resolved with the imposition of a solution that comes from heterocompositive methods, which embed the sense of a victory or a defeat without the resolution of the conflict. Conflicts are not resolved because, there is a "dichotomous perspective, where there can only be one winner and therefore the other is reserved the place of defeat" (Maciel, 2019, p. 141). Notwithstanding the fact that the Brazilian Civil Code, in its article 1,583, clearly establishes the application of shared custody in the search for conciliatory practices in situations when there is no agreement with custody of the minors (Araújo, 2019), the issue of the relationship between spouses, family members and the minors is far from being resolved for the conflicts that lead to Parental Alienation. Thus, there is the need for these conflicts to be faced in a different way and, in this scenario, there is a great opportunity for Restorative Methods of Conflict Resolution to be used by professionals of several areas involved in the treatment in cases where there are indications of stages of evolution of Parental Alienation.

From this point of view, this scientific article aims to present an evaluation of the application of Restorative Methods of Conflict Resolution in face of the three stages of Parental Alienation pointed out in Gardner's typology (1985), supported by the Literature selected in the last 03 years (2019 to 2021). The choice of the theme is justified, initially, by a motivation of its own, since one of the authors experienced this process of compulsory removal of her children, as a result of several conflicts generated by the devaluation and

deconfiguration of the maternal image by the other spouse. The relevance of writing this scientific article is the deepening of the theme, by proposing an increase in the range of options of intra-family conflict management tools to help professionals deal with cases of Parental Alienation, because the author has been following these types of cases since she was a student, in a practical way. Now, as a Clinical Psychologist working in her Private Practice, her eyes shine as a stimulus to continue on this path, for she understands that there are great opportunities with the wide application of Restorative Methods of conflict resolution to pacify the intra-familial environment. Additionally, there is the merit of advancing the line of democratic discussion that the Brazilian Federal Council of Psychology (CFP), establishes through the document "Psychology Practice Facing Parental Alienation Demands" (2019). Hence, comes the challenging research question that is intended to be answered: "How are Restorative Conflict Resolution Methods Recommended in the Literature for Parental Alienation Situations?"

Regarding Restorative Methods of Conflict Resolution, the Academic Literature presents several options of self-compositional methods, the most applied being Arbitration, Restorative Circles, Conciliation, Restorative Conferences, Systemic Constellation, Mediation, Negotiation, and Transaction. Thus, powerful tools are made available, with their peculiarities for application and, with their practical results, as auxiliary work techniques, in the fulcrum of a minimal restructuring of this family tie broken by Parental Alienation or even to obtain harmony of the actors involved in the external scope of Justice. In other words, Fermentão & Fernandes (2020, p. 75) advocate that "the parties can participate as protagonists of the resolution assuring to all the solution of the conflicts by adequate means, attending to their nature and peculiarity". The expectation of a wider range of applicability options of these methods for a Clinical Psychologist, in the case of one of the authors, could greatly stimulate a reduction in the number of cases that come to court, which is highly desirable. In this sense, Calçada (2019, p. 76) points out that the courts themselves are already "seeking alternative conflict resolution measures, such as mediation, or projects that seek to pacify conflicts and raise parents' awareness of their children."

Parental Alienation is regulated in Brazil by Law 12.318/2010, called Parental Alienation Law (LAP), which could, at first, be treated as an innovation of Brazilian Law in order to try to protect the child in this turbulent moment of marital dissolution, which Jorge (2020, p. 6) defines as "dissolutions of unresolved marital unions". This, in theory, would be commendable, but, in practice, it generates a great deal of controversy on several points of its execution and, moreover, gets mixed up with the discussed Parental Alienation Syndrome (SAP), which is still not accepted by the medical and academic fields, as identified, for example, in Lima (2019), Ciarallo (2019), Rabachini (2019), Oliveira (2019), and Veiga et al. (2020). The line of thought adopted in this article is based on the extensive clinical practice experienced by one of the Authors, corroborated by works of, for example, Borges (2019), Jesus and Amparo (2019), Bastos and Forneck (2020), Bolzani and Herculini (2020), Godoy, Silva & Santos (2020), Oliveira & Barros^{Fo} (2020), Oliveira (2020b), Silva (2020a), Sobrino (2020), Zaganelli, Maziero & Furriela (2020) and Ladvocat (2021) who understand that the Syndrome occurs as a consequence of Parental Alienation, that is, it could be expressed as a result of the consequences caused in the child who is exposed to acts of alienation from not only "necessarily one of his parents, it could be any person who has custody, surveillance or authority of the child" (Schwengber, Santos & Nolasco, 2020, p. 7). Furthermore, the syndrome is considered to exist, even though it is not yet a recognized psychological illness and not yet registered with an International Disease Code (ICD) by the World Health Organization (WHO). On this dilemma, Araújo (2019, p. 12) establishes that this discussion tends to be settled, as "the term has been officially introduced in the ICD-11 version that will go into effect on January 1, 2022."

The Parental Alienation Syndrome was contextualized by the American psychiatrist Richard Gardner, in the 1980s (Mendes, 2019), as a disorder that would affect children and adolescents involved in situations of custody dispute between parents, upon dissolution of marital society. At this time, strong emotional tensions are established "and may generate expressions of anger, resentment, raids, and conflicts that involve, to some extent, the entire family system" (Mendes, 2019, p. 25). In this view, Santos (2020a, p. 18) translates the situation as "the existing conflict between adults overflows as a way to reach their children", which is configured by Figueredo (2018, p. 7), a scenario of conditions that "are sufficient for the indication of psychological monitoring by a Professional". This dynamic is embedded within the process that Landvocat (2021) categorizes as family therapy, under a focus identified by Sequeira (2020, p. 31) who emphasizes that "regardless of the situation in which it intervenes, its main objective is to identify the best way to resolve conflicts." Thus, Psychology must treat this framework, to "re-inaugurate the exercise of parenting, dissociated from conjugality" (Jorge, 2020, p. 6). In a specific look at the consequences to the children, it can be seen that Parental Alienation follows a trajectory of evolution in the way they behave in relation to the alienated parent, after having suffered interference in relation to how they should see him or her. Thus, Mendes (2019), Alvarenga & Alamy (2019) and Sequeira (2020) present the typology found in Gardenerian theory, which divides and scales Parental Alienation into three stages of evolution categories, which are found in Table 1:

Table 1.

Evolving Stages of Parental Alienation

<i>Internship</i>	<i>Features</i>
Light	It is still superficial and with the cooperation and visitation permission of the alienating spouse, when it begins to be demonstrated when there are problems at the time of return visits, where the victim does not show her emotions so strongly at times when the image of her alienated parent is denigrated and does not generalize the feelings of contempt towards him, still maintaining a balance in the face of the situation. There is already a sophistication, as the child already begins to refuse to go with the alienated parent, because sometimes in this process, the alienating parent is already more structured in terms of demoralization tactics, and the child already shows signs of repulsion towards the alienated parent's family and friends, refusing to live with this other family member or acting aggressively.
Medium or Moderate	The most worrisome, in which the victim starts having intemperate and violent reactions towards the alienated parent, making visitation impossible, avoiding the conviviality between them and, in this way, expressing her repudiation or even being violent towards the alienator.

Grade. Adapted from Mendes (2019, p. 14), Alvarenga & Alamy (2019, p.11) and Sequeira (2020, p. 26)

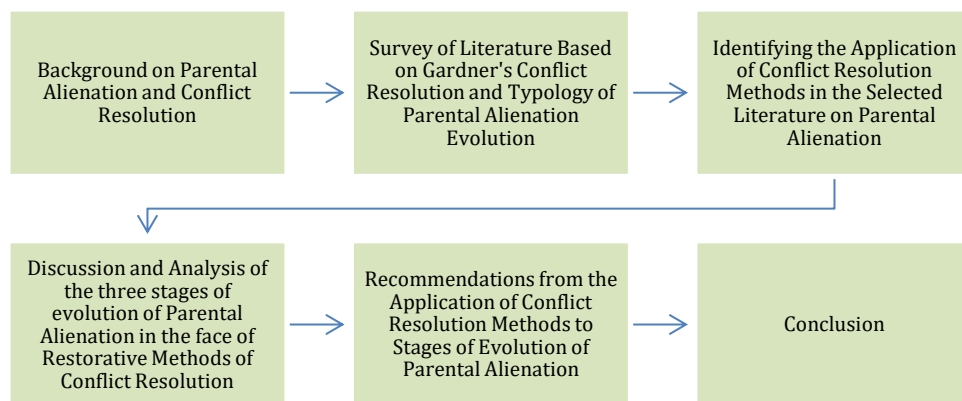
Methodology

This scientific article has a qualitative basis, presenting a discussion within a reflective and interpretive environment about the application of restorative methods of managing intra-family conflicts related to Parental Alienation. Thus, the research was developed through inductive and exploratory methods, with the aid of grounded observations and identified in

the Literature. The literature search used the syntax-driven selection technique in scientific and academic research bases through the electronic platform *Google Scholar* with a direct search for specific terms: "Parental Alienation" + "Conflict Resolution" in the sample universe from 2019 to 2021. As a result of the search, 135 (one hundred and thirty-five) academic works were identified, including Books, Theses, Dissertations, and Articles. In a next step, those that did not explicitly describe in their abstracts a relationship between conflict resolution methods and Parental Alienation were discarded, leaving a final number of 61 (sixty-one) papers, which were read, cited in the course of this article and presented in the Results, as well as making up the Bibliographical References. The trajectory of the article's construction is presented in Figure 1.

Figure 1

Methodological Trajectory



Results

From the reading of the 61 (sixty-one) academic works, the recommendations and practices of the Author(s) were observed regarding the application of Restorative Methods of Conflict Resolution to Parental Alienation. Thus, we try to translate this result by putting the numeral "0" (zero) for the non-mention of the use of the Restorative Method specified, despite the academic work being about Parental Alienation. Furthermore, there were also Authors who did not cite any Restorative Method specifically throughout their research, so there is the numeral 0 "zero" also released. On the other hand, identifying the number "1" (one), translated as that the Author(s) pointedly cited the Restorative Method as a recommendation to be applied in cases of Parental Alienation. These results are condensed in Table 2:

Table 2.
Authors and Recommendations for Applying Restorative Methods

<i>Number</i>	<i>Authors</i>	<i>Publication Year</i>	<i>Arbitration</i>	<i>Peacebuilding Circles</i>	<i>Conciliation</i>	<i>Systemic Constellation</i>	<i>Restorative Circles</i>	<i>Mediation</i>	<i>Negotiation</i>	<i>Transaction</i>
1	Alencar	2020	0	0	0	0	0	0	0	0
2	Alvarenga & Alamy	2020	0	0	0	0	0	1	0	0
3	Barrio	2020	0	0	0	0	1	0	0	0
4	Clay	2019	0	0	0	0	0	1	0	0
5	Bastos, & Forneck	2020	0	0	0	0	0	1	0	0
6	Bolzani & Herculino	2020	0	0	0	0	0	1	0	0
7	Borges	2019	0	0	0	0	0	1	0	0
8	Brandão	2019	0	0	0	0	0	0	0	0
9	Sidewalk	2019	0	0	0	0	0	1	0	0
10	Ciarallo	2019	0	0	0	0	0	0	0	0
11	Dambros	2019	0	0	1	0	0	1	0	0
12	Drumond & Soares	2019	0	0	0	0	0	1	0	0
13	Favin	2020	0	0	0	1	0	1	0	0
<i>Number</i>	<i>Authors</i>	<i>Publication Year</i>	<i>Arbitration</i>	<i>Peacebuilding Circles</i>	<i>Conciliation</i>	<i>Systemic Constellation</i>	<i>Restorative Circles</i>	<i>Mediation</i>	<i>Negotiation</i>	<i>Transaction</i>
14	Fermentão & Fernandes	2020	0	0	0	1	0	1	0	0
15	Ferreira, Silva & Lasmar	2021	0	0	0	0	0	0	0	0
16	Gama, Andrade & Dipietro	2020	0	0	0	0	1	0	0	0
17	Godoy, Silva & Santos	2020	0	0	0	0	1	0	0	0
18	Ingrid	2020	0	0	0	0	1	0	0	0
19	Jesus & Amparo	2019	0	0	0	1	0	0	0	0
20	Jorge	2020	0	0	0	0	0	0	0	0
21	Ladvocat	2020	0	0	0	0	0	1	0	0
22	Lake	2019	0	0	0	0	0	0	0	0
23	Lima	2019	0	0	0	0	0	1	0	0
24	Lucca	2020	0	0	1	0	0	1	0	0
25	Maciel	2019	0	0	0	0	0	0	0	0
26	Mendes	2019	0	0	0	0	0	0	0	0
27	Monteiro & Carvalho	2020	0	0	0	0	0	1	0	0
28	Moreira Neto, Rocha & Pinheiro	2020	0	0	0	0	0	1	0	0
29	Oliveira & Barros ^{Fo}	2020	0	0	0	0	0	1	0	0
30	Oliveira	2019	0	0	1	0	0	1	0	0
31	Oliveira	2020a	0	0	1	0	0	1	0	0
32	Oliveira	2020b	0	0	0	0	0	0	0	0
33	Paiva & Pauseiro	2020	0	0	0	0	0	0	0	0
34	Piovezana, Silva & Leite	2020	0	0	0	0	0	1	0	0
35	Prazak, Soares & Souza	2020	0	0	0	0	0	0	0	0

36	Pretel, Vasconcellos & Oliveira	2020	0	0	0	0	0	0	0	0
37	Robachini	2019	0	0	0	1	0	1	0	0
38	Salles	2020	0	0	0	0	0	1	0	0
39	Santos	2020a	0	0	1	0	0	1	0	0
40	Santos	2020b	0	0	1	0	0	1	0	0
41	Santos & Cardoso	2019	0	0	1	1	0	0	0	0
42	Sales	2020	0	0	0	0	0	0	0	0
43	Santana & Santos	2021	0	0	0	1	0	0	0	0
44	Santos & Cardoso	2021	0	0	0	1	0	0	0	0
45	Schluga & Silva	2020	0	0	0	0	0	1	0	0
46	Schwengber, Santos & Nolasco	2020	0	0	0	0	0	1	0	0
47	Sequeira	2020	0	0	0	0	0	1	0	0
48	Silva	2020a	0	0	0	0	0	1	0	0
49	Silva	2020b	0	0	0	0	0	1	0	0
50	Silva & Canezin	2020	0	0	0	0	0	1	0	0
51	Silva & Paiva	2021	0	0	0	1	0	1	0	0
52	Silva, Carvalho & Melo	2019	0	1	0	0	1	0	0	0
53	Silva & Lima	2020	0	0	0	0	0	0	0	0
54	Silva & Costa	2020	0	0	0	0	1	0	0	0

<i>Number</i>	<i>Authors</i>	<i>Publication Year</i>	<i>Arbitration</i>	<i>Peacebuilding Circles</i>	<i>Conciliation</i>	<i>Systemic Constellation</i>	<i>Restorative Circles</i>	<i>Mediation</i>	<i>Negotiation</i>	<i>Transaction</i>
55	Silva, Chapadeiro & Assunção	2020	0	0	0	0	0	0	0	0
56	Sobrino	2020	0	0	1	0	0	1	0	0
57	Sousa	2019	0	0	0	0	0	1	0	0
58	Valderlon Veiga, Soares,	2021	0	0	0	0	0	0	0	0
59	Cardoso & Simplício	2019	0	0	1	0	0	1	0	0
60	Vieira & Moraes	2020	0	0	0	0	0	0	0	0
61	Zaganeli, Maziero & Furriela	2020	0	0	0	0	0	1	0	0

Source: Authors (2021)

In order to robust the discussion about the the answer to the authors' concern, it is necessary that the information be transformed into basic statistical data. Thus, the number of specific mentions of the Restorative Conflict Resolution Method are totaled, referred to as the "Individual Number of Referrals". As a second action, the percentage values of this "Individual Number of Citations" are calculated as a function of the total number of citations, that is, N=57 (fifty-seven) considering that there were articles that cited more than one method for Parental Alienation. The results are presented in Table 3.

Table 3.
Translation of the Information in Table 2 into basic statistical data

<i>Description</i>	<i>Arbitration</i>	<i>Peacebuilding Circles</i>	<i>Conciliation</i>	<i>Systemic Constellation</i>	<i>Restorative Circles</i>	<i>Mediation</i>	<i>Negotiation</i>	<i>Transaction</i>	<i>TOTAL</i>
Number of Indications	0	1	9	8	5	34	0	0	57

Total Percentage by Indications of Methods (N=57)	0	2%	16%	14%	9%	59%	0	0	100%
---	---	----	-----	-----	----	-----	---	---	------

Source: Authors (2021)

Discussion and Conclusions

Mediation is the most mentioned Restorative Conflict Resolution Method, with 34 (thirty-four) times, out of the 57 (fifty-seven) mentions identified. In other words, it has its application determined in 59% of the opportunities of Parental Alienation cases, followed by Conciliation, Systemic Constellation, Restorative Circles and Peacebuilding Circles. On the other hand, there is no citation for Arbitration, Negotiation and Transaction in the selected works.

The histogram (Figure 2) is presented for greater clarity of this scenario, which corroborates the first place of indications of the application of Mediation in Parental Alienation cases. This may indicate that there is an intellectual convenience due to the tendency of the legislation itself to already prescribe it, which Brandão (2019, p. 176) calls a "prêt-à-portersolution" (in our free translation: "ready to wear").

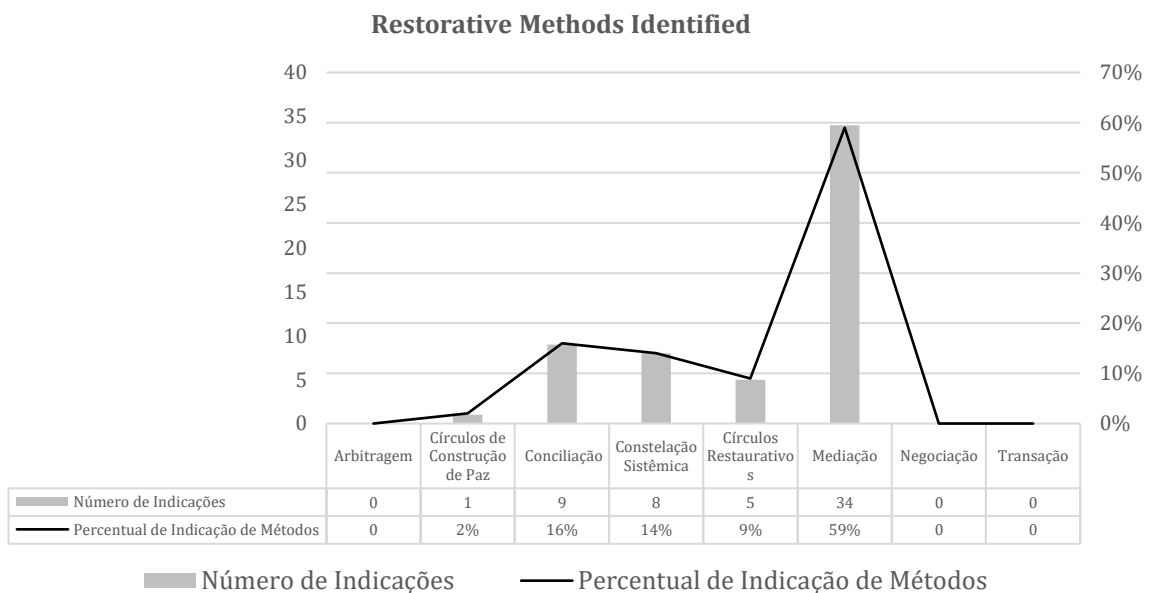


Figure 2: Identification Chart of Restorative Conflict Resolution Methods
Source: Authors (2021)

In other words, when Law 12.318/2010 was passed, the figure of Mediation was vetoed, which ended up, in an indirect way, popularizing it. In addition to this fact, Zaganelli, Maganela & Furriela (2020, p. 73) observed that after the enactment of the New Civil Procedure Code in 2015, "conciliation and mediation gained prominence", which can be translated into promoting a "forgetfulness" of the other Restorative Dispute Resolution Methods. Brandão (2019, p. 176) raises another important situation with the prescriptive use of Mediation, because for its application, there must be the premise that it "presupposes isonomy between the parties in the composition of resolutions," which in his opinion does not occur in the more complex Parental Alienation cases, i.e., in Serious Alienation. Existing a situation of a possible power imbalance, Drumond & Soares (2019, p. 127) advocate that "agreement cannot be encouraged at all costs." Moreover, Oliveira (2020b, p. 53) noticed that,

with the proposed use of Mediation, a "significant number of cases in which the possibility of settlement was proposed to the parties" emerged. In summary, Vieira & Moraes (2021, p. 99), understand Mediation is used as "a deal-making factory", which is done regardless of the stage of Parental Alienation. To increase the possible ineffectiveness of Mediation, it seems, the due understanding of the degree of evolution of Parental Alienation is not taken into consideration, much less for what Rodrigues Jr & Reis (2020, p. 24) warn, because, for the correct selection of the Restorative Method, the professional "must take into account the specificities of the litigation presented". In summary, Vieira and Moraes (2021, p. 99) advocate that Mediation is applied in an imprecise and indiscriminate way, concluding "by the latent need for a reconfiguration of this mechanism, especially in the judicial scenario, protecting and tutoring the dignity of the human person, both of the mediated and their children". From this point of view, Mediation must be very well analyzed. Not that, in its core, Mediation does not present qualities for conflict resolution when dialogue no longer exists between the couple, as, are highlighted in Bolzani & Herculini (2020) Santos (2020a), Piovezana, Silva & Leite (2020), Bastos & Forneck (2020) or Silva & Paiva (2021), but a discriminated use leaves few opportunities for the application of other methods in serious situations of Parental Alienation, such as, for example, Negotiation, which can bring this balanced solution to both sides.

The presence of the Negotiator has its importance by promoting that "the parties themselves, without any intervention from a third party, either facilitator or helper, discuss their problems developing their own solutions, as a direct conversation between those involved" (Sales, 2020, p. 52), having the quality of providing flexibility in the discussion of cases of Moderate and Severe Alienation for being "a less formal self-composition technique" (Alencar, 2020, p. 102). The application of Transaction, on the other hand, has the power to be a good option in cases of Severe Disposal, where dialogue is absent, because it consists of an agreement "the subjects of the dispute make reciprocal concessions to remove the controversy established between them" (Sales, 2020, p. 54).

In the application of Conciliation, there is the advantage of the participation of a neutral third party (Lucca, 2020) who appears as a facilitator for the solution of the conflict, which, in turn, cannot bring embarrassment or cause intimidation to any of the parties so that the risks of new conflicts can be managed in the search for a conciliated solution, "limiting itself only to intermedicate the dialogue between the interested parties, without presenting, in fact, a concrete proposal for the resolution of the dispute" (Santana & Santos, 2021, p. 1345). Silva & Paiva (2021, p. 10) "emphasizes that there is effective participation of the conciliator, in which he or she points out suggestions, value judgment about the object in question.

The application of Arbitration, also, has its advantages, since it is a restorative method that deals with the proposal of bringing peace to those involved in conflicts through "the decision of one or more people freely chosen and called arbitrators without the intervention of the Judiciary and with the same enforceability that a judicial decision would have" (Silva & Lima, 2020, p. 318). 318), being "based on the autonomy of will of the parties, who define the rules of procedure, the arbitrator, the seat of arbitration, among other aspects" (Paiva & Pauseiro, 2020, p. 7). By the prescriptive approach, it seems, it could be applied in the Mild or Moderate stages of Parental Alienation, where there would be an environment for the agreement of the choice of arbitrator. However, for the most severe stage of Parental Alienation, the method does not seem recommendable, since there would still be no possibility of dialogue between the parties involved for the choice of this arbitrator.

In the use of Peacebuilding Circles, according to Silva & Costa (2020, p. 2) "they offer relevant resources that make it possible to work on both prevention and resolution of conflict situations" to reach consensual norms of coexistence for all involved. Furthermore, it establishes a territory for those involved to feel safe to externalize their mistakes and seek

possible solutions, which can be a recommended Method for any stage of Parental Alienation. However, it is understood that it would have better application in Moderate and Severe situations. In a practical example, Gama, Tavares and Depietro (2019) point out the Parent-Child Workshops, as a practice already recommended by the National Council of Justice, currently called Parenting Workshops, which present a specific focus on the prevention of Parental Alienation

In the use of Restorative Circles "the scope of a circle varies according to the need that people have" (Silva & Costa, 2020, p. 7), through "effective tools for motivation and change of posture among those involved;" (Silva, Carvalho & Melo, 2021, p. 1), start from the premise that there is a balance of powers between spouses, from sessions focused on supporting conflict resolution with a focus on bringing unique experiences of the parties to reach an agreement of material or relational repair through measures that generate a great restorative dynamics of the multiple members (Barrios, 2020).

The practices of Systemic Constellation are characterized as a conflict resolution method still little used in cases of Parental Alienation, but its potential application is considerable for serious cases, since it involves the robustness of Systemic Law. Ferreira, Silva and Lasmar (2021, p. 51) bring that the Constellation "converged to the analysis the application of Systemic Law, as a possible solution to these cases", completing the idea of Rodrigues and Reis (2020, p. 3) that its application "guarantees the development of integrated solutions, increasing their effectiveness in the long term".

Within the above, it is concluded that the application of Restorative Methods is freely recommended for the light stage of Parental Alienation, where intrafamily conflicts are in formation, because Dambros (2019, p. 8) highlights that it is healthy "the possibility of anticipating the conflict, performing preventive actions." However, for cases of Moderate or Severe Alienation, bringing the topic to the Clinical Psychology Professional, the area of one of the Authors, the Author should keep in mind Lago's (2019, p. 156) recommendation of "careful assessment is key." Thus, defining the stage of Parental Alienation to technically opt for the application of the Restorative Conflict Resolution Method that best suits the case, breaking the paradigmatic model of the immediate application of Mediation, for the sake of promoting the best interest of the minors and the relationship between spouses and relatives. As a limitation of this article, and considering an opportunity for future research, we suggest expanding the research bases by means of selection in other scientific search engines, such as *Dialnet*, *Redalyc*, *SciELO*, *PsycNET*, *Pubmed*, and *Medline*, for a deeper perspective on the validity of this serious trend, even if in embryonic form, beyond the Brazilian environment.

References

- Alencar, R. da S. (2020) *Gestão de Conflitos no Contexto Educacional de Pessoas com Necessidades Educativas Especiais*. Dissertação de Mestrado em Ciências da Educação: Educação Especial. Universidade Fernando Pessoa. https://bdigital.ufp.pt/bitstream/10284/9760/1/DM_37874.pdf
- Alvarenga, J. P., & Alamy, N. C. G. da C. (2019). A Mediação como Instrumento de Educação Multidisciplinar e Interdisciplinar em Face à Síndrome da Alienação Parental: Uma Abordagem voltada ao Melhor Interesse da Criança e do Adolescente. *Cadernos da FUCAMP*, 18(33). <http://www.fucamp.edu.br/editora/index.php/cadernos/article/view/1700>

- Araújo, S. M. B. (2019) Alienação Parental e Normativas: o histórico da aprovação da Lei n.º 12.318, de 26 de agosto de 2010, capilarização de normativas infralegais nos âmbitos judicial, MP e Legislativo. Movimentos de defesa e questionamentos da Lei: Por que defendo a Lei 13.218/10. In: *Debatendo sobre alienação parental: diferentes perspectivas*/Conselho Federal de Psicologia. 1ª Ed. Brasília: CFP, 2019. <https://site.cfp.org.br/wp-content/uploads/2019/11/Livro-Debatendo-sobre-Alienacao-Parental-Diferentes-Perspectivas.pdf>.
- Barros, C. V. de. (2019) *Efeitos da mediação judicial na cooperação de casais em separação e na saúde mental dos filhos menores de idade*. 124 f. Dissertação (Mestrado em Distúrbios do Desenvolvimento) - Universidade Presbiteriana Mackenzie, São Paulo, 2019. <http://tede.mackenzie.br/jspui/handle/tede/4021>.
- Bastos, I. B. de A. & Forneck, G. D. (2020) A Mediação Familiar como Meio Adequado na Prevenção e/ou Redução dos Danos Decorrentes da Alienação Parental. *Arquivo Jurídico* – ISSN 2317-918X – Teresina-PI – v. 7 – n. 1 – p. 1-17 Jan./Jun. de 2020 <https://revistas.ufpi.br/index.php/raj/article/view/11714/6715>
- Bolzani, B., & Herculino, B. M. (2020). Uma Escuta Psicanalítica na Praxe do Psicólogo e do Mediador Frente à Mediação Familiar Interdisciplinar. *Revista Eletrônica da Faculdade de Direito de Franca*, 15(1), 79-105. <https://revista.direitofranca.br/index.php/refdf/article/viewFile/617/pdf>.
- Borges, B. (2019) Tentativas de Evitar a Síndrome da Alienação Parental: Um Destaque ao Uso da Mediação Extrajudicial. *Revista Jurídica em Pauta*, Bagé-RS, volume 1, nº 2. <http://revista.urcamp.tc.br/index.php/revistajuridicaurcamp/article/download/3092/2336>.
- Brandão, E. P. (2019) Os problemas de gênero na Alienação Parental e na Guarda Compartilhada. In: *Debatendo sobre alienação parental: diferentes perspectivas*. pp 173-184. Org: Silva, I. O, 1. Ed. Brasília : CFP. <https://site.cfp.org.br/wp-content/uploads/2019/11/Livro-Debatendo-sobre-Alienacao-Parental-Diferentes-Perspectivas.pdf>
- Calçada, A. (2019) A Genealogia do Conceito de Alienação Parental: Historicização do conceito de Síndrome de Alienação Parental; Pressupostos teóricos da Alienação Parental; Aplicação da Lei no exterior e revogação; Contexto cultural de Judicialização, Patologização e Medicalização. Seção I - Genealogia do Conceito de Alienação Parental. *Debatendo sobre alienação parental: diferentes perspectivas / Conselho Federal de Psicologia*. Org: Silva, I. O, 1ª Ed. Brasília: CFP. pp.70-79. <https://site.cfp.org.br/wp-content/uploads/2019/11/Livro-Debatendo-sobre-Alienacao-Parental-Diferentes-Perspectivas.pdf>.
- Ciarallo, C. (2019) Atendimento a Crianças e Adolescentes: Práxis, Justiça e Narrativas na Garantia de Direitos. *Debatendo sobre alienação parental: diferentes perspectivas / Conselho Federal de Psicologia*. Org: Silva, I. O, 1ª Ed. Brasília: CFP. pp.185-198. <https://site.cfp.org.br/wp-content/uploads/2019/11/Livro-Debatendo-sobre-Alienacao-Parental-Diferentes-Perspectivas.pdf>
- Dambros, M. F. (2019). Práticas Autocompositivas no Ministério Público: A Favor do Projeto Ético-Político do Serviço Social? In *Congresso Brasileiro de Assistentes Sociais*

- 2019 (Vol. 16, No. 1).
<https://broseguini.bonino.com.br/ojs/index.php/CBAS/article/view/805>.
- Drumond, K. B., & Soares, S. E. R. (2019). Espaço para a Construção do Diálogo: Análise Do Instituto da Mediação no Âmbito Familiar à Luz do Novo Código de Processo Civil. *Anais VII Seminário Internacional*, 105. http://mestrado.uit.br/wp-content/uploads/2015/03/VII_Seminario_Linha_2_junho_2019_vol_2.pdf#page=105.
- Fermentão, C. A. G. R. & Fernandes, A. E. S. (2020) A Resolução n.º 125/2010 do CNJ como Política Pública de Tratamento Adequado aos Conflitos nas Relações Familiares: em Direção à Proteção da Dignidade da Pessoa Humana e a efetivação dos Direitos da Personalidade. *Revista Direitos Sociais e Políticas Públicas (UNIFAFIBE)*. Vol 8 n. 2. <https://fafibe.br/revista/index.php/direitos-sociais-politicas-pub/article/viewFile/791/pdf>
- Ferreira, L. C. C., Silva, D. A. & Lasmar, E. T. (2021) Alienação Parental: As Repercussões Jurídicas das Falsas Memórias de Abuso Sexual. In *Anais do Congresso de Pesquisa e Extensão do UNIPTAN* (No. 5, pp. 39-53). <http://186.194.210.79:8090/revistas/index.php/cpeuniptan/article/download/468/341>.
- Gama, R. R., Tavares, K. B., & Depietro, T. A. (2019). Oficina de Pais e Filhos no Cejusc-Família e o Trabalho Profissional na Área Sociojurídica de Manaus. In *Congresso Brasileiro de Assistentes Sociais* (Vol. 16, No. 1) nov. <https://broseguini.bonino.com.br/ojs/index.php/CBAS/article/view/464>.
- Jesus, P. L. C. de & Amparo, T. M. do (2019). Alienação Parental e Lesbofobia: A Constelação Familiar como Alternativa ao Ódio. *Revista de Direito Civil*, ISSN 2596-2337, v. 1, n. 2, jul./dez.
- Jorge, P. D. C. P. (2020). *Alimentos fixados “in natura”: possibilidade de prevenção de conflitos familiares e exercício da parentalidade pós divórcio*. 31 f. Dissertação (Mestrado em Psicologia) - Universidade Tuiuti do Paraná, Curitiba, 2020. <https://tede.utp.br/jspui/handle/tede/1789>.
- Ladvocat, C. (2021). Tríade SAP–Síndrome da Alienação Parental: Crueldade, Domínio e Opressão na Família. *Saúde Integrativa no Cuidado do Câncer*. Capítulo 6. https://books.google.com.br/books?hl=pt&lr=&id=6w0eaaaaqbaj&oi=fnd&pg=pt82&dq=%22aliena%20c3%a7%20parental%22+%2b+%22resolu%20c3%a7%20de+conflitos%22&ots=esslligjal&sig=lt_s9v6jdczbf66ptx0akp0yh-g.
- Lago, V. M. (2019) Prática da Psicologia frente a demandas da Alienação Parental. Seção III - Prática de Psicologia Frente a Demandas da Alienação Parental. *Debatendo sobre alienação parental: diferentes perspectivas / Conselho Federal de Psicologia*. Org: Silva, I. O, 1ª Ed. Brasília: CFP. pp.149-160. <https://site.cfp.org.br/wp-content/uploads/2019/11/Livro-Debatendo-sobre-Alienacao-Parental-Diferentes-Perspectivas.pdf>
- Lima, L. B. da S. (2019). Alienação Parental: reflexões sobre um tema em evidência. *Caderno de resumos expandidos. Anais Do Sciencult*, 8(1), 1-119. <https://anaisonline.uems.br/index.php/sciencult/article/download/6835/6690>.
- Lucca, J. G. de (2020) *Práticas colaborativas: um caminho não adversarial e interdisciplinar na transformação dos conflitos de família*. Dissertação de Mestrado em

- Direito. Universidade do Extremo Sul Catarinense – UNESC.
<http://repositorio.unesc.net/handle/1/7642>
- Maciel, S. A. B. (2019) Encontros e desencontros: os impactos da lei de alienação parental na práxis dos profissionais que atuam no Judiciário. Seção III - Prática de Psicologia Frente a Demandas da Alienação Parental. *Debatendo sobre alienação parental: diferentes perspectivas / Conselho Federal de Psicologia*. Org: Silva, I. O, 1ª Ed. Brasília: CFP. pp.135-148. <https://site.cfp.org.br/wp-content/uploads/2019/11/Livro-Debatendo-sobre-Alienacao-Parental-Diferentes-Perspectivas.pdf>
- Mendes, V. M. (2019) Genealogia, Pressupostos, Legislações e Aplicação da Teoria de Alienação Parental: uma (re)visão crítica. Seção I - Genealogia do Conceito de Alienação Parental. *Debatendo sobre alienação parental: diferentes perspectivas / Conselho Federal de Psicologia*. Org: Silva, I. O, 1ª Ed. Brasília: CFP. pp.11-35. <https://site.cfp.org.br/wp-content/uploads/2019/11/Livro-Debatendo-sobre-Alienacao-Parental-Diferentes-Perspectivas.pdf>
- Monteiro, S., & Carvalho, F. (2019). A mediação familiar num contexto de vulnerabilidade social. *CECS-Publicações/eBooks*, 375-394. <https://core.ac.uk/download/pdf/229421950.pdf>
- Moreira Neto, E. M., Rocha, F. C., & Pinheiro, Â. F. S. (2019). Mediação: meios Restaurativos na resolução de conflitos judiciais sob a perspectiva da Psicologia. *Revista Intercâmbio*, 15, 91-105. <http://www.intercambio.unimontes.br/index.php/intercambio/article/view/560>
- Oliveira, C. F. B. de (2019) Patologizando condutas, judicializando conflitos e medicalizando existências: considerações sobre a (síndrome de) alienação parental. Seção I - Genealogia do Conceito de Alienação Parental. *Debatendo sobre alienação parental: diferentes perspectivas / Conselho Federal de Psicologia*. Org: Silva, I. O, 1ª Ed. Brasília: CFP. pp. 36-49. <https://site.cfp.org.br/wp-content/uploads/2019/11/Livro-Debatendo-sobre-Alienacao-Parental-Diferentes-Perspectivas.pdf>
- Oliveira, C. F. B. de (2020a) *Entre conflitos familiares e resoluções consensuais: a judicialização em tempos de humanização da Justiça*. Tese de Doutorado em Antropologia Social. Universidade Federal do Amazonas. UFAM. <https://tede.ufam.edu.br/handle/tede/8013>
- Oliveira, R. P. S. (2020b). *Alienação Parental: revisão sistemática de estudos documentais e análise da aplicação do conceito em sentenças judiciais*. Dissertação de Mestrado. Universidade Federal de São Carlos, São Carlos. <https://repositorio.ufscar.br/handle/ufscar/12421>.
- Oliveira, S. N. C. de & Barros Filho, O. D. de (2020). Alienação Parental: Uma Análise acerca dos Aspectos Jurídicos e Psicológicos. *Praxis Jurídica@ –V.4 N.1 – (2020) 1 – 12*. <http://anais.unievangelica.edu.br/index.php/praxisjuridica/article/view/6419/3440>
- Paiva, M. C. M. de, & Pauseiro, S. G. M. (2020). Joint venture e regime de partilha de produção: uma análise da Arbitragem e dos dispute boards como método de resolução de conflitos. *Rio Oil & Gas Expo and Conference 2020*.

<https://biblioteca.ibp.org.br/riooilegas/en/7579.rog.2020.483> DOI: <https://doi.org/10.48072/2525-7579.rog.2020.483>

- Piovezana, D. M., Silva, L. da & Leite, C. F. G. (2019) A Mediação como Instrumento Eficaz na Solução da Alienação Parental. *IURISPRUDENTIA: Revista da Faculdade de Direito da Ajes - Juína/MT*. Ano 8 - nº 15. Jan/Jun p. 31-59. <https://revista.ajes.edu.br/index.php/iurisprudencia/article/viewFile/235/195>
- Rabachini, G. C (2019) Alienação Parental: A Visibilidade Da Lei Nº 12.318/2010 e as Formas Alternativas de Combate à SAP No Brasil. *Revista Científica da Academia Brasileira de Direito Civil* v. 3, n. 1. Edição Ordinária. <https://abdc.emnuvens.com.br/abdc/article/view/33/30>.
- Rodrigues Júnior, W. E. & Reis, L. M. (2020). A constelação familiar na (re) estruturação dos vínculos afetivos. *Civilistica*. com, 9(3), 1-28. <https://civilistica.emnuvens.com.br/redc/article/view/487>.
- Santana, S. B. P., & Santos, C. D. S. (2021) Constelação Familiar Sistêmica: A Busca pela Pacificação no Direito de Família no Brasil. *RJLB Ano 7, nº 3*, 1333-1369.
- Santos, D. C. dos & Cardoso, A. L. B. (2019) A Prática da Constelação Familiar nos Casos de Alienação Parental. *Justiça & Sociedade*, v. 4, n. 1, 2019. <https://doi.org/10.15602/2525-3883/j&s.v4n1p397-463>
- Santos, I. D. de A. dos (2020a) *Sobre a Resolução de Conflitos Familiares Judicializados: Diálogos entre o Direito de Família e a Psicanálise*. Curso de Mestrado Acadêmico em Psicanálise, Saúde e Sociedade da Universidade Veiga de Almeida (Rio de Janeiro). https://www.uva.br/sites/default/files/sobre_a_resolucao_de_conflitos_familiares_judicializados_dialogos_entre_o_direito_de_familia_e_a_psicanalise_iris_danielle_de_araujo_santos.pdf
- Santos, L. F. dos (2020b) Os métodos consensuais de resolução de conflitos e o princípio da autonomia nas ações de família. *Revista Eletrônica da OAB/RJ*. https://revistaeletronica.oabrj.org.br/wp-content/uploads/2020/07/os_m%c3%89todos_consensuais_de_resolu%c3%87%c3%83o_de_conflitos_e_o_princ%c3%8dpio_da_autonomia_nas_a%c3%87%c3%95es_de_fam%c3%8dlia_-luisaferreira.pdf
- Schluga, V. & Silva, G. R. (2020) A Mediação no Combate à Síndrome da Alienação Parental. *Anais do EVINCI – UniBrasil*, Curitiba, v.6, n.1, p. 56-56, out. <https://portaldeperiodicos.unibrasil.com.br/index.php/anaisvinci/article/view/5587/4422>
- Schwengber, D.; Santos, R. S. R. & Nolasco, L. G. (2020) Alienação Parental, Exagero ou Proteção? *Revista Jurídica Direito, Sociedade e Justiça/RJDSJ*, v. 7, n. 10, Jul.-Dez. <https://periodicosonline.uems.br/index.php/RJDSJ/article/viewFile/6413/4403>
- Sequeira, N. R. D. A. (2020). *Alienação parental na perspectiva dos psicólogos clínicos*. Dissertação de Mestrado em Psicologia Clínica. Universidade Lusíada. Lisboa. <http://dspace.lis.ulusiada.pt/handle/11067/5851>
- Silva, I. M. da (2020a) O Instituto da Mediação Como Possibilidade de Administração de Conflitos Relacionados à Alienação Parental. *Revista Eletrônica OAB-RJ*. <https://revistaeletronica.oabrj.org.br/?artigo=o-instituto-da-mediacao-como->

[possibilidade-de-administracao-de-conflitos-relacionados-a-alienacao-parental](#).

- Silva, N. P. da (2020b) Interfaces da Psicologia e Direito: Guarda Compartilhada e a Alienação Parental. *Inter: Revista de Direito Internacional e Direitos Humanos da UFRJ*, 3(1). <https://revistas.ufrj.br/index.php/inter/article/download/27248/17617>.
- Silva, L. A. M. & Canezin, T. C. C. (2020). A Mediação de Conflitos no Contexto Familiar como Ferramenta no Combate à Alienação Parental. *Dimensões Jurídicas Dos Direitos Humanos – Vol. 2* Orgs: Alessandra Bentes Teixeira Vivas, Daniel Machado Gomes, Eduardo Antônio Klausner, Luís Antônio Reis Júnior. pp. 605-610. Pembroke Collins. Rio de Janeiro, 2020 https://www.caedjus.com/wp-content/uploads/2020/11/dimensoes_juridicas_dos_direitos_humanos_vol2.pdf#page=
- Silva, M. E. F. Q. da & Paiva, F. J. C. B. E. de (2021). Constelação Familiar - Resistir Não é a Solução. *Recima21 - Revista Científica Multidisciplinar* - ISSN 2675-6218, 2(4), e24263-e24263. <http://recima21.com.br/index.php/recima21/article/view/263>.
- Silva, G. D.; Carvalho, D. P. D. F. de O. & Melo, D. B. de (2019). O Processo Circular enquanto ferramenta para a gestão de conflitos em uma Unidade Básica de Saúde. *Saúde Debate* | Rio De Janeiro, v. 43, n. Especial 6, p. 129-137, Dez. <https://doi.org/10.1590/0103-11042019S612>
- Silva, L. D. L. da, Chapadeiro, C. A., & Assumpção, M. C. (2019). O exercício da parentalidade após a dissolução conjugal: uma revisão integrativa. *Pensando famílias*, 23(1), 105-120. http://pepsic.bvsalud.org/scielo.php?script=sci_arttext&pid=S1679494X2019000100009&lng=pt&tlng=pt
- Silva, I. C. M & Costa, P. S. (2020) *Implicações dos Círculos de Construção de Paz na Garantia do Direito à Educação*. Especialização em Sistema de Justiça - RUNA - Repositório Universitário da Ânima UNISUL. <https://1library.org/document/y62jw9gz-implicacoes-dos-circulos-construcao-paz-garantia-direito-educacao.html>
- Sobrino, M. F. R. (2019) *A necessidade de combater a (síndrome) da alienação parental no paradigma do superior interesse da criança*. Mestrado em Direito e Prática Jurídica. Faculdade de Direito da Universidade de Lisboa. <https://repositorio.ul.pt/handle/10451/47943>
- Sousa, A. C. M. (2019) *A harmonização das decisões relativas à criança e ao jovem*. Dissertação de Mestrado em Direito Forense e Arbitragem. Universidade Nova de Lisboa. Portugal. <https://run.unl.pt/handle/10362/77155>
- Valderlon, Y., Borba, P. M., Queiroz, I. G. Tatmatsu, D. I. B. & Elias, L. R. (2021) Análise de Contingências e Metacontingências da Lei de Alienação Parental 12.318/201. *Acta Comportamental* Vol. 29, Núm. 2 pp. 159-176. <http://revistas.unam.mx/index.php/acom/article/view/79618/70294>
- Veiga, C. V. da, Soares, L. C., Cardoso, E. C. & Simplício, F. (2019). Alienação parental nas varas de família: avaliação psicológica em debate. *Aquivos Brasileiros de Psicologia*, 71(1), 68-84. <https://dx.doi.org/10.36482/1809-5267.arbp2019v71i1p.68-84>

Vieira, D. F., & Moraes, C. A. (2021). A (In)Efetividade da Mediação Familiar Para a Tutela dos Direitos da Personalidade da Criança e do Adolescente. *Revista Direito em Debate*, 30(55), 89–102. <https://doi.org/10.21527/2176-6622.2021.55.89-10>

Zaganelli, M. V., Maziero, S. G., & Furriela, M. N. da (2020). Sustracción internacional de menores. *Derecho y Cambio Social*, (61), 60-79. <https://dialnet.unirioja.es/servlet/articulo?codigo=7525018>.

Date of receipt: 15/11/2021

Revision date: 07/12/2021

Acceptance date: 27/04/2022