

1 Research

2 Intersectional racial and gender bias in family court

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7 Abstract


8 Custody cases characterized by conflict may involve allegations of abuse or parental alienation, necessitating a thorough
9 examination of the situation for the child's wellbeing. This case series describes stereotypes and biases faced by three
10 racialized fathers, resulting in problems in the processes and outcomes of the family court system. Occurring at the inter-**AQ1**
11 section of race, culture, religion, and gender, social myths about these fathers of South Asian and MENA (Middle Eastern,
12 North African, Arab) descent led to inequities in parental rights and harm to their children. Biases experienced by fathers
13 included racism, sexism, Islamophobia, and xenophobia, which manifested as presumptions that such fathers espoused **AQ2**
14 outdated gender roles, exerted excessive authority in the home, and were unwilling to adapt to mainstream culture—
15 which can bias the decision-making of custody evaluators, child advocates, lawyers, and judges. This paper presents the
16 relevant facts of each case, critical errors made by the court—such as ignoring the voices of the fathers, delayed verdict
17 delivery, inadequate assessment of abuse, and failure to prioritize the children's welfare. This article discusses stigma,
18 abuse, interracial dynamic, and the mental health toll of this process on fathers, despite having respected professions **AQ3**
19 and financial resources. Also addressed is the challenge of differentiating parental alienation from estrangement due
20 to child abuse when children reject a parent. It is hoped that by recognizing and addressing these biases outcomes in
21 parental disputes can be greatly improved.

22 **Keywords** South Asian · MENA · Abuse · Family court · Racism · Islamophobia · Fathers · Child custody · Stereotypes ·
23 Bias · Trauma

24 1 Intersectional racial and gender *Bias* in family court

25 Most custody arrangements are peacefully resolved (about 80%), with another 10% resolved in mediation, meaning
26 90% of cases are settled by parents without a judge's ruling [1]. But about 10% of custody cases are contentious, often
27 with one or both parents claiming the other is unfit—most prominently with accusations of abuse. In these high-conflict
28 cases, to guarantee the child's safety and well-being, claims of abuse must be taken seriously because they are often
29 found to be true [2]. It is crucial to prioritize the wellbeing of the child, as outlined in the UN Convention on the Rights
30 of the Child (UNCRC), which emphasizes that all actions concerning children should consider their best interests as a
31 primary consideration [3].

32 However, implementing this mandate can be challenging, as child custody proceedings are not immune to broader
33 societal biases. While gender bias has long been recognized as a pervasive issue in custody decisions, the intricacies of

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34 intersectionality—how multiple aspects of identity converge and impact experiences—are increasingly coming to light
 35 [4, 5]. Within this context, the role of racial and cultural bias in custody determinations gains prominence. Although cus-
 36 tody issues impact people from all ethn racial demographics, there is little to no data available about racialized parents
 37 who are of South Asian (Indian, Pakistani, Nepalese, Bangladeshi, Bhutani, Maldivian, and Sri Lankan) or MENA (Middle
 38 Eastern, West Asian, North African, and Arab) heritage in the United States or Canada. However, emerging research
 39 underscores the substantial influence of stereotypes and prejudgments in the assessment of these individuals.

40 The three cases that will be presented in this study originate from distinct ethnicities within the broader South Asian
 41 and MENA classifications. It is important to understand the critical difference between race and ethnicity. Race, an exter-
 42 nal categorization typically imposed by societal perceptions, should not be conflated with ethnicity, a self-identified
 43 categorization that can encompass various cultural, familial, and heritage factors [6]. Despite their diverse ethnic back-
 44 grounds, the stark reality of structural racism becomes evident as these individuals are consistently treated similarly
 45 by society and the courts under prevailing racial groupings. Our aim is to shed light on the flaws of this system, which
 46 unjustly homogenizes diverse ethnicities, perpetuating a distorted perception of individuals before the law. There is no
 47 evidence to suggest that South Asian or MENA fathers are less capable caregivers as custodial parents or in general, and
 48 yet stereotypes (tied in part to Islamophobia) present these men as abusive and controlling. Despite prevailing myths,
 49 fatherhood is not a risk factor for abuse [7] and neither should be perceived culture or ethnicity. Nonetheless, societal
 50 stereotypes that may lead the court, lawyers, psychologists, and law officers to make adverse or negative judgments
 51 about South Asian and MENA heritage fathers to the detriment of their children, are the subject of this paper.

52 1.1 Gender bias

53 The U.S. Census Bureau reported that in 2018, there were approximately 12.9 million custodial parents, which represented
 54 about 4% of the total U.S. population [1]. According to this report, over a quarter of all children under the age of 21
 55 (26.5%) had one parent living outside their household, which amounted to approximately 21.9 million children. Nearly
 56 four out of every five (79.9%) of the 12.9 million custodial parents were mothers, while fathers accounted for one-fifth of
 57 custodial parents (20.1%) as shown in Fig. 1. Notably, compared to White fathers and mothers of all ethn racial group,
 58 fathers of color are least likely to be custodial parents.

59 In Canada, the only available statistics are from surveys recorded by the court, representing cases with a court order.
 60 Further studies would be needed to determine the actual child custody statistics by gender. However, according to a
 61 report by the Department of Justice, in cases where a court order existed (47.5% of all cases), while 79.3% of children
 62 under the age of 12 were placed under the exclusive custody of the mother, only 6.6% of fathers had sole custody, and
 63 shared physical custody was granted in 12.8% of cases [8]. Finally, it should be noted that in cases of common-law union
 64 dissolution, the majority of children tend to remain under the care of their mothers, with 84% of them being placed in
 65 their mother's custody [8].

66 As evidenced by the skewed placement of children based on the gender of the parent, gender stereotypes play
 67 a major role in child custody decisions. Research has noted biased attitudes toward mothers for custody allocations,
 68 believing them to have greater “friendliness, generosity, or trustworthiness” [9]. This is all despite the fact that mothers
 69 are more likely to be abusive to their children than fathers. Data from the US Department of Health and Human Services
 70 [7] shows that, in 2021, the majority of children who experienced abuse from one parent were victimized by their moth-
 71 ers, accounting for 44.3% of cases. In contrast, only 25.1% of cases were fathers the perpetrator. In Canada, biological
 72 mothers were also the primary perpetrators of maltreatment, accounting for 86% of substantiated cases, while biological

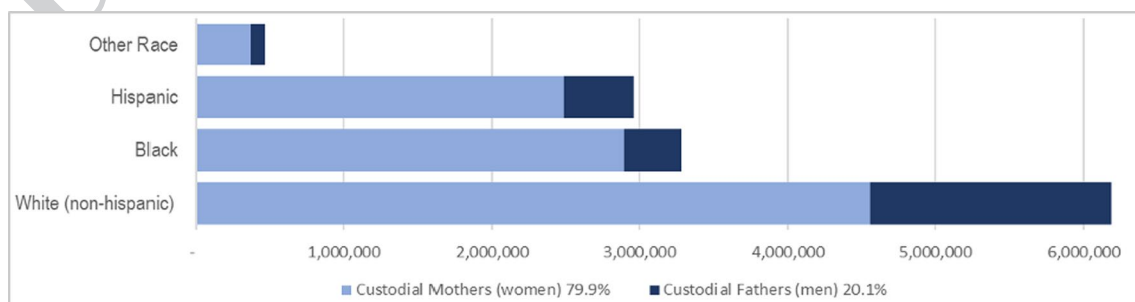


Fig. 1 Race/Ethnicity and Gender of the 12.9 Million Custodial Parents in the United States. Source: US Census (2018).

73 fathers were identified as the perpetrator in only 8% of cases across all categories of maltreatment [10]. As such, gender
74 biases blindly favoring mothers can lead to custody decisions that put children in danger. In custody cases, people of
75 all genders, races, and faiths may be abusive, and therefore each case must be considered on its merits rather than the
76 parents' ascribed identities.

77 1.2 Stereotypes and racial bias

78 On September 11, 2001, a series of airline hijackings and suicide attacks were committed by 19 Saudi militants associ-
79 ated with the Islamic extremist group al-Qaeda against targets in the United States, which was the deadliest terrorist
80 attack on American soil in American history (9–11) [11]. As a result, the experience of many innocent people around the
81 world would be changed forever. In the US, 1200 Muslims of Middle Eastern and South Asian descent were summarily
82 arrested and interrogated by the FBI or local law enforcement agencies. Not one terrorism conviction resulted from the
83 tens of thousands of police interviews in the aftermath of 9–11. Nonetheless, programs of surveillance, detention, and
84 deportation were rolled out, all premised on the logic that Brown Muslims were a suspect population who were guilty **AQ4**
85 until proven innocent [12]. As such, members of large and diverse cultural and ethnic groups became a racialized security
86 threat, even though they had not done anything wrong. These communities continue to experience racism in the form
87 of ongoing harassment and surveillance by law enforcement in the US and Canada [13, 14]. The negative stereotypes
88 and biases emerging from these events continue to color perceptions of South Asian and MENA men today, over twenty
89 years later.

90 Custody evaluators, lawyers, and judges are influenced by the racial, ethnic, and cultural identities of parents in child
91 custody disputes [15]. Psychologists and other mental health professionals may have important roles in these cases as
92 custody evaluators, parental fitness evaluators, evaluators of child abuse, mediators, expert witnesses, and/or treatment
93 providers. Even psychologists, who by virtue of their training, should be more aware of bias and its potential impact on
94 decision-making, are not immune from these same biases, which can affect their judgement [16–18].

95 Men of South Asian and MENA heritage are subject to racist stereotypes which lead to differences in how they are
96 treated. These stereotypes include being overly traditional and conservative—loyal to foreign cultural and religious
97 beliefs and adherent to antiquated patriarchal gender roles [19]. For example, they may be depicted as controlling
98 husbands or participants in arranged marriages, with the notion that they lack personal agency in choosing their own
99 partners. These types of stereotypes contribute to the perception that South Asian and MENA men are unwilling to
100 adapt or accept more progressive ideas. Narratives from the news, media, and popular films compound these biases
101 that promote racism and Islamophobia against more broadly to “Brown men” (South Asian or MENA; [20, 21]). Notably,
102 Islamophobia is fueled in part by stereotypes that Muslims are non-White [12].

103 South Asian and MENA men also experience colorism, which means that more negative biases are attached to those
104 with darker skin, although South Asian and MENA individuals may have any shade of skin, from pale to dark brown.
105 For political and historical reasons, MENA have been classified as White in the US, although they may not have fair skin
106 [22]. The majority of MENA Americans will not identify as White if given racial choice options that include MENA [22, 23].

107 People may assume that those of South Asian and MENA heritage are foreign-born, especially if they have non-
108 Anglo names. In the media, they are often portrayed with strong accents or difficulty speaking English fluently. This can
109 contribute to the perception that they do not understand others and are not well-integrated into mainstream society.
110 It also prompts questions like, “Where are you really from?” or “What’s your nationality?” which implies that people of
111 South Asian and MENA origin do not belong, even if born and raised in the US or Canada [24]. Xenophobia is common,
112 meaning they receive worse treatment due to assumptions about being foreigners.

113 South Asians are subject to the Model Minority stereotype. They may be assumed to be high achievers, particularly
114 in the fields of science, technology, engineering, and mathematics [21, 25]. As such, people may assume they work as
115 IT professionals or medical professionals. This overlooks the wide range of careers and skills that they have, which may
116 be counter-stereotypical.

117 MENA men are often stereotyped as being prone to conflict, deceitful, inherently violent or war-like, and more likely
118 to be viewed as misogynistic. They are considered controlling, abusive, and a threat to women, as the perception of
119 their faith and culture is perceived to be “barbaric.” As such, media that furthers those stereotypes is thought to reflect
120 reality. *Not Without My Daughter* [26]. Is a film that has perpetuated those false generalizations, but is often relied upon
121 as an almost documentary for the experiences of being married to MENA and Muslim men [12, 27]. For example, in a
122 1997 Michigan child custody proceeding involving a White American mother and an Arab American father, the presiding
123 judge permitted the mother’s attorney to show the film, depicting the escape of a White mother from an abusive Persian

124 father, as evidentiary material to support claims of the father's parental unsuitability, despite the fact that the family
125 portrayed in the film is not of Arab descent [28]. It could be considered a story about a woman who survived domestic
126 abuse, but the abuse she suffers is not merely attributed to her spouse, but to Iran and Islam, even though spousal abuse
127 is against the Islamic faith.

128 Further, due to extremist groups and high-profile terrorist attacks such as 9–11, MENA men may be stereotyped as
129 terrorists, and South Asian men may be likewise stereotyped this way by proxy due to ignorant beliefs that all Brown
130 people belong to the same ethnic and cultural group [24, 25]. Orientalism is the Western perception of Asia, especially
131 the Middle East, a stereotyped approach that embodies a colonialist attitude and conflates many cultures. As such, it was
132 noted that post 9–11 hate crimes included attacks against Sikhs as they were misperceived to be Arab and Muslim [29].

133 The concept of the Model Minority forces people of color to be complacent about the stereotypes they experience,
134 because if they stand up for their rights, they are seen as more likely to fit negative stereotypes of dangerousness in
135 accordance with dark-skinned men and Islamophobic biases. Sadly, in legal proceedings, this promotes false perceptions
136 of them being distant, alienating, or even abusive parents. Relevant assumptions about South Asian and MENA men
137 may include not being involved in caregiving, housework, cooking, or other domestic tasks. People may also assume
138 that such fathers are strict, controlling, or overly focused on their children's academic success, and as such, are unlikely
139 to be a nurturing presence [21].

140 1.3 Parental alienation

141 Due to stereotypes about these fathers, they are especially vulnerable to accusations of child maltreatment. Parental
142 alienation is said to occur when a child is intentionally manipulated or coached by one parent to turn against the other
143 non-abusive parent and resist contact with him or her [30–32]. This alignment with one parent and rejection of the
144 other can arise during child custody disputes following divorce or separation proceedings, particularly when cases are
145 prolonged or there is significant antagonism between the parents [33].

146 Parental alienation is more common and debilitating for children than was previously believed [34]. In extreme cases,
147 parental alienation is a form of emotional child abuse [35]. However, there is still a need for more research to better
148 understand this problem, as what has been termed "parental alienation syndrome" is often accepted in family court
149 but less so in the scientific community [36, 37]. Further, it is important to note that alienation is not necessarily more
150 common than physical child abuse, as rates of child abuse by parents remains quite high. Although obtaining accurate
151 figures on child abuse and parental alienation can be challenging for various reasons including variations in definitions,
152 reporting procedures, and data gathering techniques across sources [38], it is estimated that each year, 1 in 7 children
153 experience abuse in the US [39]. The rate for parental alienation is estimated to be around 1% of all children, however
154 over 30% of parents in the U.S. and Canada who are no longer partners feel they are potentially being alienated from a
155 child by the other parent [40].

156 There has been little study of parental alienation and people of color. However, in a statewide study of North Carolina
157 residents, Harman and colleagues [34] found that Black and Native American parents were more likely to report being
158 victims of parental alienation than other groups. Neither South Asian nor MENA parents were represented.

159 1.4 Context and positionality

160 The authors of this paper are experts in racism with substantial experience in legal issues. The first author is an African
161 American and Canada Research Chair at a major metropolitan university with expertise in mental health and discrimi-
162 nation. She is the clinical director of outpatient clinics in the US and Canada and regularly serves as an expert witness
163 for the courts in both countries. The second author is a German woman of color and experienced neuroscientist with
164 expertise in clinical trials, racism, and organizational systems of injustice. The third author is a MENA Muslim woman and
165 doctoral student in experimental psychology, with degrees in law and child development, and an interest in gender issues
166 affecting Muslims. The fourth author is a White Canadian registered marriage and family therapist in private practice. The
167 senior author is a clinical and consulting clinical psychologist of color and a Muslim, with clinical training and expertise
168 in trauma, childhood mental health and trauma, and anxiety, with expertise in cultural competence, inclusion, and bias.

169 1.5 Purpose of this study

170 Stereotypes and bias have been noted in cases involving Black fathers and child support, but very little literature
171 addresses racial or ethnic biases in custody decisions for any racialized group [4, 41, 42]. To date, the experiences of
172 South Asian and MENA heritage fathers have not been examined at all. Here we share case studies of three such fathers
173 and their racialized experiences of bias in family court, two in Canada and one in the US. We recognize that the South
174 Asian and MENA labels are broad and imperfect, covering a variety of ethnic groups. It is important to understand that
175 this paper is not about the culture, religion, or ethnic origin of the fathers, but rather the interpretation made about
176 them, the implications on their ability to parent, and the resulting outcomes affected by these biases. These case stud-
177 ies are intended to illustrate the experience of being racialized, based on our society's biases and assumptions about
178 people from certain groups. These biases are based on appearance and assumed ancestry, not any of the actual qualities,
179 beliefs, or worldviews of the actors.

180 Child custody courts in the USA and Canada share similarities in their approach to addressing domestic violence and
181 the well-being of children in separation and divorce cases [43], and people living in these societies (Canada and the US)
182 have been socialized to treat Brown men of South Asian heritage in the same way. Although these cases span two differ-
183 ent countries, we demonstrate the similarity of discriminatory experiences which is explained by common stereotypes
184 about these fathers that traverse national borders, including that South Asian men most likely to be considered foreign
185 [44, 45]. This paper is intended to document and explain these experiences to help psychologists and others involved
186 better understand the problems faced by such parents. This is followed by a discussion of the commonalities of their
187 experiences and considerations for professionals in family court.

188 2 Case studies

189 2.1 Methodology

190 The cases presented here are individuals the authors or their associates have extensively worked with in the course of
191 their professional roles. In each case, substantial case materials were reviewed, including court records, assessment
192 reports, email correspondence, and affidavits, and, as such, all information presented here is documented. Names and
193 some non-relevant details of the cases presented here have been changed to preserve the anonymity of the individu-
194 als involved. This study was deemed exempt by the University of Ottawa Ethics Review Board. Nonetheless, all fathers
195 involved gave informed consent for their cases to be included. The study was performed in accordance with the Gov-
196 ernment of Canada's Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans [46], as well as
197 recommendations by CARE Guidelines for case studies regarding inclusion of participant perspectives and informed
198 consent [47].

199 Each case highlights biases the fathers experienced in the custody process, which includes discrimination due to race,
200 culture, gender, perceived religion, xenophobia/immigrant status, nationalism, and mental health stigma/disability. (For
201 an example of how each type of bias impacted the cases, please see Table 1 at the end of this section.)

202 2.2 Case study 1: parental alienation (Kiran)

203 2.2.1 History of the case

204 Kiran, who identified as a midwestern American, had parents who were first-generation immigrants to the US from
205 Nepal with an intercaste and interfaith Hindu upbringing. Emily's mother was White American Jewish, and her father
206 was a White American Mormon. Although they came from very different cultures, they married and had twin children, a
207 boy and a girl, now aged 11. Emily had a third child from a previous marriage who was already over 18 and had moved
208 out. Kiran had degrees in health technology and business and had worked for over 15 years as a project manager in the
209 software industry.

210 When the children were 4 years old, Emily and Kiran got divorced and an initial custody agreement divided the
211 care of their two children 50/50, with time spent in each household. At this time, due to accusations by the mother,

Table 1 Types of bias experienced by the fathers in family court

Type of Bias	How each bias type manifested in the family court cases	How the bias made people believe negative stereotypes about the target	Consequences on the experiences and outcomes for the individuals involved
<i>Racial</i>	Alex' son was told his father wanted to kill him, his mother, and his stepfather	This is a racial stereotype in accordance with the idea that dark-skinned men are dangerous and violent, jealous, and retaliatory	The child became afraid of his own father and did not want to see him. Courts and other professionals may restrict access based on the child's wishes, even when invalid
<i>Cultural</i>	Judge said to Omar: "We don't do that in Canada..."	This implies that other cultures are inferior or deviant, but specifically that Muslim cultures are permissive of abuse to women, and Western culture is moralistically superior	The father was perceived to be backwards and anti-Canadian, so his allegations of abuse were not believed, and the mother was able to continue abusing the child
<i>Gender</i>	Kiran's ex wife claimed that he was a danger to the children	This implies that South Asian men are unsafe or dangerous, Emily falsely claimed Kiran had disrupted the children's care and was believed by the court	Emily obtained a restraining order on false pretenses in the absence of a psych or custody evaluation, keeping Kiran from his daughter and son
<i>Perceived Religion</i>	Alex's former partner said: "Muslim men spit on their wives." Omar's wife told the court he is a "practicing Muslim."	The clinicians and assessor believed Alex treated women poorly (spit on them) This implies that practicing Muslims are deviant or dangerous	Mental health professionals did not consider Alex a good or important parent Omar, the protective parent, was evaluated to determine if he was an abuser
<i>Anti- Immigrant/Nationalism</i>	RCMP told Alex: "In Canada we do not treat our women like this." Judge told Omar: "We do not do this in Canada."	This implies that in other countries (i.e., Muslim majority countries), women are mistreated	Alex was not able to get law enforcement to protect him or facilitate his right to see his child
<i>Mental Health/Disability</i>	Kiran's ex claimed falsely that he "was treated for bipolar disorder and is mentally unstable."	This implies that those treated for mental illness are unfit parents. The children's attorney spent an hour brutally cross-examining Kiran on his typical medication dose for depression	These tactics confused the judge and made Kiran seem dangerous. The judge believed Kiran was unsafe, which resulted in him being blocked from seeing his children

212 Kiran's mental health was assessed by professional psychologists, and bipolar disorder was ruled out. Rather, he
213 was diagnosed with depression and OCD. Emily was, however, not satisfied and began to undermine the separation
214 and custody agreement by gradually increasing the level of alienation. Emily had a larger social network, which
215 included members of Kiran's family, and used her time with the children to disparage the father. This came to a
216 head during the COVID-19 lockdown, when Emily unlawfully stopped allowing the children to visit their father in
217 person, claiming that the children did not wish to see him and making accusations that the father was unfit and
218 may be suffering from debilitating mental disorders.

219 Emily had hired separate lawyers for each of the children who spoke for them at hearings and maintained that
220 they did not wish to see their father. Kiran found it difficult to press his case, that children need their father, in
221 the face of the children's age-inappropriate requests for him to sign various legal documents that would restrict
222 his custody rights. Two years had gone by with only telephone calls as the children started to enter adolescence.
223 Although Kiran's custody rights remained intact, Emily controlled access to the children and justified the lack of
224 meetings as in accordance with the desires of the children. There were no allegations of abuse from the children nor
225 the mother. Although the lawyer for the children asserted that the children did not want to see their father, these
226 assertions were not based on reason, as the children had no face-to-face visits with their father for approximately
227 three years, and the weekly calls were monitored by the mother.

228 Emily then fabricated a narrative of Kiran of being abusive and having a serious personality disorder. She fed this
229 story to their son's therapist, and also wrongly told her that Kiran did not have legal rights to the children. When
230 Kiran tried to get updates on his son's care, the therapist refused to recognize him as the father. When he pressed
231 the matter, the therapist terminated treatment. Emboldened, Emily's attorney informed the court that Kiran had
232 disrupted the child's mental health care, and then obtained a restraining order against him. For two years, Kiran
233 agonized about what his son's fears or trauma might be that required therapy, and repeatedly requested the thera-
234 pists' report from Emily. Emily finally produced the therapist's report, revealing that no mental illness had actually
235 been identified.

236 2.2.2 Key errors by the court

237 Overall, the court made several errors that allowed for the escalation of parental alienation and the deterioration of
238 the children's relationship with their father. Although the court system does not normally move with speed, a three-
239 year delay in judgment for custodial time with a child entering adolescence can become an irreparable chasm in
240 regard to alienation. With the onset of the COVID-19 pandemic, in this case, the court was slow to adapt and carry
241 out hearings by video conference, as for many jurisdictions there was a long lag while putting these modern tools
242 into place.

243 Kiran's lawyer filed a motion for interim parental visitation (therapeutic supervised visitation) since his custody
244 rights were intact, and the court should have followed up on this to prevent the difficult-to-repair harm done in
245 alienating the children during their formative pre-adolescent phase. The attorney actively filed opposition papers
246 contesting the original order that included a provision for mediation, but the judge denied the petition. The attorney
247 repeatedly emphasized Kiran's innocence, the absence of harm to the children, and the lack of abuse, neglect, police
248 reports, or substance abuse. However, the judge's decision to decline ordering a visit for the children, particularly
249 when therapeutic supervised visitation was sought, was a point of contention due to opposition from the opposing
250 parent and subsequent confusion created during Kiran's direct examination. In the absence of evidence, the court
251 showed bias by believing the story of the White mother over the Brown father.

252 The court essentially failed to ensure that the initial custody agreement, which granted both parents equal cus-
253 tody rights, was followed. The court furthermore did not identify the signs of coercive control, as Emily undermined
254 the agreement, gradually increasing the level of parental alienation without facing consequences for those actions.

255 The court did not take the children's best interests into account when allowing such a long period of time to elapse
256 in which Kiran had no access to his children. In this case, the best interests of the child would involve implement-
257 ing measures that ensure children's well-being and development by allowing them to have regular and meaningful
258 contact with each parent. The nature of the children's requests and the involvement of lawyers for each child should
259 have raised concerns about whether the children's wishes were truly their own or the result of manipulation by the
260 custodial parent. The fact this was not considered is another indication of bias against the importance of the role of
261 the father and indicates a devaluation of his rights.

262 2.2.3 Experiences of bias

263 Kiran suspected that because he was not White, there may have been biases affecting the lack of urgency in terms of the
264 court implementing his parental rights. However, because he did not have any proof, and did not know what if anything
265 he could actually do to mitigate bias, he was reluctant to raise this as an issue and be dismissed as “playing the race
266 card.” Nonetheless, it was clear that Emily was highly favored by the court, which is in alignment with American racism
267 where White people are tacitly valued over people of color. Indeed, a White woman being aided by the court in protect-
268 ing herself and her children from a putatively dangerous dark-skinned male is an enactment of one the foundational
269 purposes of the legal system in America, and this race-specific form of benevolent sexism continues to unbalance the
270 scales of justice against people of color [48–50].

271 Most significantly, however, Kiran felt stigmatized after being accused of being psychologically unfit as a father, which
272 has been identified as an issue in some South Asian communities [25], and it was immediately accepted as truth by a col-
273 lection of social workers due to perceived biases. Emily made this accusation after he sent pressed flowers to the children
274 at the mother’s house in a misguided attempt to reach out to them. She interpreted these letters as harassment and
275 asserted that she found the letters threatening. These actions were motivated by trauma surrounding his fear of losing
276 access to his children. Kiran had been a devoted father since the birth of his children and fatherhood was a significant part
277 of his self-identity. He experienced identity trauma from being unable to fulfill his traditional paternal roles of protector,
278 provider, and role model and felt discriminated against due to his perception that he was assumed to be a poor father.
279 This led to internalized feelings of shame and failure because of his inability to carry out his parenting obligations [51].

280 Kiran obtained an assessment from a psychiatrist during the initial separation who diagnosed him with mild OCD,
281 possibly originating in childhood. OCD is very treatable [52], and as soon as Kiran was diagnosed, he entered therapy,
282 also obtaining therapy for the ongoing trauma of being separated from his children. Kiran could at times be unkind to
283 his ex-partner and abrasive during his supervised calls with the children, which unsettled them, as he grappled with his
284 own fractured upbringing, frustration around the separation from his family, and attempts to forgive. The OCD diagnosis
285 should not infringe on his parental rights; however, Emily continued to make accusations of “psychosis,” in and out of
286 court long after the initial diagnosis and treatment as an excuse to deny access. This caused a bias whereby the judge
287 felt the need to keep hearing arguments from Emily’s attorneys about Kiran’s mental health issues, leading to ordering
288 more evaluations of Kiran, which continued to delay his access to his children and increase his stigma.

289 Throughout the process, Kiran also felt he was being judged in accordance with negative stereotypes about absent
290 fathers, which in turn contributed to the court’s blind acceptance of Emily’s allegations and lack of active intervention
291 to enforce his parental rights.

292 2.2.4 What should have happened

293 The court failed to intervene when Emily restricted Kiran’s access to the children, despite his legal custody rights. Accord-
294 ing to the UNCRC, children have the right to access both parents and parents have the right to access their children [3].
295 The court should have taken steps to ensure that the children had meaningful contact with both parents, especially
296 considering the importance of maintaining a relationship with both parents during childhood and adolescence [53].
297 Devaluing the importance of contact with the father illustrates bias by the court.

298 Further, although parents of color are not automatically best suited for primary custody of children of color, it is key
299 for any parent seeking custody to demonstrate their ability to foster the healthy development of a child’s racial identity
300 [54]. In this case, the children were non-White (dark complexioned), and as there was no termination of Kiran’s parental
301 rights, evaluators could have asked the court to consider access to the father in regard to the importance of parental role
302 models in the development of a healthy racial identity [6]. In the case of Jones v. Jones [55], the court recognized that
303 “it is proper for a trial court, when determining the best interests of a child in the context of a custody dispute between
304 parents, to consider the matter of race as it relates to a child’s ethnic heritage and which parent is more prepared to
305 expose the child to it.” Racial biases prevented the court from addressing the children’s need for a parent with shared
306 experiences of racialization.

307 The court did not properly investigate and adjudicate on the accusations made by Emily that Kiran was unfit due
308 to his OCD, which was deliberately mischaracterized as “psychosis”. Studies have shown that adolescents who shared
309 physical custody with both parents had fewer psychological problems compared to those who lived primarily with one
310 parent, despite the mental health situation of either parent [56]. The potential for Emily’s accusations to unnecessarily
311 stigmatize Kiran above and beyond his existing visible stigmatized identities should have been considered, along with its

312 influence regarding the restriction of access in the custody arrangement. At the intersection of race and mental health,
313 people of color with mental illness are unjustifiably considered far more dangerous than White people with the same
314 diagnosis [57, 58].

315 These events exacted an emotional toll on Kiran. In the aftermath, he said: "I am destroyed. To become a devoted
316 father is to sublimate yourself into something larger, to surrender yourself to a cause. One fine day you are removed
317 from that cause—taken from a place of love and self-sacrifice and thrown into a world of war and denigration. Who,
318 even, *am I now?*"

319 2.3 Case study 2: physical abuse (Omar)

320 2.3.1 History of the case

321 A Muslim Canadian family was going through a separation and the couple had one son. Both parents were MENA immi-
322 grants to Canada, with the father, Omar, a mixed-raced naturalized citizen from childhood. Omar asked the court for
323 primary custody and a psychological evaluation of both parents on the grounds that the mother was physically abusive.
324 Omar was a mental health professional and had witnessed acts of violence by Asha that included hitting, choking, and
325 dragging the child. He had also personally experienced violence from her during their marriage, and on one occasion
326 during their separation she became so aggressive he had to call the police. Their son corroborated that he was being
327 abused by his mother, reported this to several professionals, and expressed his wish to reside with his father. Further,
328 there were clear signs of physical abuse, such as bruises, and the child manifested symptoms of psychological trauma
329 that included anxiety, depression, self-harm, nightmares, and suicidal ideation.

330 Asha denied being abusive and claimed that she was the target of parental alienation as retaliation for emancipating
331 herself from her controlling husband who was a 'practicing Muslim'. There was no evidence that he was controlling or
332 harming her, despite an investigation, but the claim was recorded regardless. The mother explained that the child was
333 making up stories of abuse at the behest of his father. The court awarded joint custody, with the child splitting the week
334 between each parent, over Omar's objections. The judge told Omar, "You may disagree with the policy behind Canadian
335 law on this point, but a six-year-old's wishes don't matter, okay? They are too easily coached at six," assuming without any
336 evidence that Omar had deceitfully coached his son to say his mother was harming him. The judge denied the father's
337 subsequent request for a psychological evaluation as unnecessary, but instead suggested therapy for the child and a
338 family assessment to help better determine custody. The family assessor concluded that although the father believed
339 the mother was abusive, his anxieties were untrue (i.e., he was delusional).

340 Numerous additional concerned parties contacted Child and Family Services (CFS) over the next few years to make
341 reports of child abuse against the mother, including the boy's pediatrician and counselors. The child's psychologist
342 eventually diagnosed him with PTSD. Despite the mounting evidence of abuse by Asha, the problems were continuously
343 ignored, year after year. A parental coordinator was selected to help the couple make decisions about their child, but
344 when the father informed him that he witnessed Asha beating their son on a video call one evening, the coordinator
345 did not report this incident and abruptly quit his role. The judge in the case consistently sided with the mother, ignored
346 instances where she violated court orders, and openly stated his opinion that the father was causing the child to reject
347 his mother. The father's lawyer told Omar to stop reporting the abuse or documenting it (e.g., photographing his son's
348 bruises), as it was making him look like an alienator.

349 2.3.2 Key errors by the court

350 In this case, there were several errors made by the court, those appointed by the court, and child protective services
351 in terms of their handling of the custody dispute, which prevented the child from receiving the protection he needed.
352 Notably, an assumption that mothers are less likely to abuse and that their abusive behaviors are less damaging to child
353 victims [9, 59] contributed to a failure to adequately investigate abuse allegations, resulting in a disregard for the child's
354 best interests, and a lack of intervention to protect him from harm. The judge wrongly assumed the father had been
355 coaching the son and disregarded the evidence of abuse by the other parent.

356 In complicated and conflictual cases, it can be simpler and easier for the court to believe that a child is lying or being
357 coached and then order shared custody, placing the victim with their abuser. Further, in family court, some research
358 suggests that greater weight is placed on claims of alienation than abuse, even though child abuse is the more serious
359 problem [60, 61].

360 2.3.3 Experiences of bias

361 The father noted that he felt ignored and stereotyped throughout the legal process. Although Omar was a creden-
362 tial mental health professional with expertise in child psychology, he was not deemed as knowledgeable, and in
363 fact, his profession was used against him as if he was attempting to manipulate those involved in the case for his
364 own benefit. This is consistent with stereotypes of MENA men being dishonest or scheming [62].

365 Asha would appear in court wearing a hijab and maintained that Omar was angry that she left him and that this
366 bruised his ego and dominance. Although it is normal to be upset when a relationship ends, Omar's distress was
367 pathologized as anger over a desire to control Asha and possess their child. These are again common stereotypes
368 about Muslim men popularized by films such as *Not Without My Daughter*, mentioned previously. Notes taken by a
369 CFS worker showed that the mother's claims of being controlled by Omar were treated as a fact due to the bias to
370 believe that Muslim women are victims and Muslim men are abusers [63]. This led to ignoring mounting evidence of
371 abuse presented by the child, the father, and numerous professionals in the family's life.

372 The judge's statements about child coaching demonstrated his preconceived biases against Omar. When joint
373 custody was awarded, the judge made it clear he believed Omar was oppressing Asha in accordance with negative
374 Muslim stereotypes, and scolded him by saying, "We don't do this in Canada," which is a xenophobic assertion. At
375 subsequent case conferences the judge freely shared his opinion that Omar was the cause of the problems, despite
376 evidence to the contrary, which included reports and letters from health professionals who had seen the child. He
377 would refer to the situation as "that terrible alienation case," referring to Omar as the alienator.

378 After a second episode of suicidality by the child, that included a plan to kill himself if returned to his mother,
379 CFS temporarily put the child in the father's care, but nonetheless claimed to be unsure as to why the child was sui-
380 cidal, despite his disclosures of physical abuse to numerous health professionals, including emergency room staff.
381 A second parent coordinator revealed her bias by making the baffling and potentially dangerous suggestion that
382 Omar should appease the mother by allowing the child to spend some time with her, despite the child now being in
383 the father's care for his safety; the parent coordinator went so far as to suggest therapeutic exposure to the abusive
384 mother would reduce the child's mental health difficulties.

385 2.3.4 What should have happened

386 In this case, acceptance of stereotypes and good intention to help the mother interfered with the safety and wellbeing
387 of the child. The idea that Muslim women need saving from Muslim men and stereotypes about MENA women being
388 quiet and oppressed [19, 64] led to acts of White saviorism by many involved, including the judge. White saviorism
389 is when Western notions about what is good for people of color are inflicted upon them in an attempt for the savior
390 to be recognized as benevolent and morally superior [65]. Further, biases against recognizing mothers as perpetra-
391 tors made it difficult for the father to reveal the extent of the domestic violence he himself experienced [9, 66]. This
392 abuse is salient because those who need to control and abuse their intimate partners are also unlikely to provide
393 the loving, nurturing, and disciplined behavior required for good parenting [67, 68].

394 Evaluators, judges and other professionals must refrain from relying on their intuition when determining the cred-
395 ibility of family members. Campbell [34] suggests that courts consider a range of resources when making decisions,
396 such as testimony from family members or acquaintances, service providers, counselors, police reports, criminal case
397 records, restraining order records, medical records, and school records. The child's reports of abuse should have been
398 believed by all involved.

399 In cases where there is a consistent occurrence of coercive abuse, it is recommended that the non-abusive par-
400 ent be granted sole decision-making and primary parenting time, while the abusive parent should be subjected to
401 protective restrictions on parenting time [34, 69]. But when stereotypes of Muslim and Arab men are that they are
402 always the coercive abusive person, it is easy to understand how the opposite custody recommendation can happen.

403 In contemplating the toll of these events on his outlook, Omar said, "It has felt like screaming into the darkness
404 without a single soul hearing your cries for help for your child. I feel gaslit, I feel unsafe, and have lost trust in our
405 justice system to provide safety to children and Muslims in general due to the blatant bias and racism my child and
406 I have experienced. It is clear to me now there is a two tier system of justice in our country. Because of how people
407 saw me as a Muslim man of color, I have been prevented from the natural ability to protect my child and am continu-
408 ously viewed with suspicion."

409 2.4 Case study 3: parental alienation (Alex)

410 2.4.1 History of the case

411 Alex's parents immigrated from Pakistan in the mid 1970's, and he was born and raised in Canada. He grew up in a
412 Muslim family with the "ideal that one person can make a difference in society, and if one is not part of the solution,
413 one is part of the problem." Alex obtained a university degree and had a career in law enforcement with the Royal
414 Canadian Mounted Police (RCMP) when he met Sandra, an attractive White Christian woman from a small Midwest
415 town. After a few months of dating, Sandra became pregnant. They planned to marry; however, the relationship was
416 tumultuous and ended prior to the child being born. Sandra smoked excessively while pregnant and was prone to
417 mood swings and histrionic behaviour. Alex very much wanted to be a father, but throughout the pregnancy Sandra
418 made several threats to terminate the pregnancy or give the child up for adoption. After the baby was born, Sandra
419 made it difficult for Alex to see his child. This continued until a custody evaluation was ordered when their son was
420 approximately 8 years old. Although the final order was for joint custody, with the father having weekly access, Sandra
421 continued to make this difficult for him.

422 For example, en route to the father's weekend access, Sandra would have Alex on speaker phone, while the child sat
423 in the back seat, and argue for extended periods about how the child did not want to see him. When they arrived at
424 the location where the transfer was to take place she continued to engage in argumentative behaviors. Out of concern
425 for the child seeing the conflict, most often Alex would agree to a brief visit instead of his regular access. Eventually
426 on his lawyer's advice, the father brought his sister to accompany him and video recorded the transfer, but this did
427 not change Sandra's behavior. She even made calls to the police with false complaints of domestic abuse by Alex.

428 Sandra's husband, the stepfather in this case, was also a participant in the abusive alienation of the child. On one
429 occasion, he accosted Alex and made serious threats, such as, "One phone call and you're dead" and "I'll smash the
430 teeth out of your mouth." Alex recorded these threats and made a report to the police. The stepfather was arrested
431 and then released on a promise to appear in court. There was to be no contact, but the stepfather was in breach of
432 this order and continued his threats. Alex reported the threats but nothing was done.

433 Eventually, the interactions between Sandra and Alex got so heated, they exchanged emails that included derogatory
434 language. When Alex arrived at the mother's house to pick up the child one weekend, she refused to relinquish him,
435 called the RCMP for assistance and provided them with Alex's heated emails. The officers were not interested in what
436 Alex had to say about this and was told, "In Canada we do not treat our women like this." Alex was suspended from his
437 job pending an investigation. Sandra then used this situation to obtain a three-year Protection Order. The charges were
438 eventually dropped, however, serious damage had occurred in the intervening time and the child was further alienated
439 from his father. Their young son came to believe that his father wanted to kill him, his mother, and his stepfather. This is
440 a racial stereotype in accordance with the notion that dark-skinned people are more dangerous and violent.

441 The child started seeing a psychologist for play therapy. Alex contacted the psychologist, asking to speak with
442 her, but she refused. The psychologist only listened to the mother's version of the situation and, in accordance with
443 biased stereotypes, decided that Alex was dangerous and abusive.

444 A comprehensive forensic assessment took place, and the evidence showed that Sandra had weaponized the child
445 throughout his life, starting in utero. The evaluator found it to be a case of very severe alienation that rose to the
446 level of abuse [31], and determined that the child needed to be protected from Sandra and removed from her care.
447 The mother's attorney tried to get the evaluator's report expunged. That did not happen, however, the court did not
448 intervene. Eventually, the father could no longer financially fight this battle and became completely alienated from
449 his child. The child remained with the emotionally abusive, alienating parent.

450 2.4.2 Key errors by the court

451 Alex' rights to see his son were not enforced throughout his son's childhood, which allowed the alienation to deepen.
452 This illustrates a bias by the court against the father on the side of the mother. Despite a well-documented history
453 of alienating behaviors, Sandra took complete control of their son's situation.

454 The child's psychologist showed her bias by excluding the father from the mental health intervention, or even
455 speak to him. She refused to listen to the evaluator's concerns that the child was being tormented into believing

456 heinous things about his father. The psychologist was adamant that Alex was an abusive parent, although she had
457 never met him, which was unprofessional and clearly demonstrated her bias, and she continued to blindly support
458 Sandra, the parent actively engaged in emotional abuse. Further, no consideration was given to the child's critical
459 need to develop a positive ethnoracial identity, which is an important role for the non-White parent.

460 The court did not intervene despite the evaluator's report recommending placement with the father. The evaluator's
461 investigation revealed Sandra had a turbulent childhood and suffered from emotional instability, with some of Sandra's
462 collaterals even describing her as unstable. Whereas the father's collateral sources were all highly credible individuals
463 who knew the father well, including childhood friends who were well-educated and respected in the community. None
464 of this was deemed relevant by the court.

465 2.4.3 Experiences of bias

466 The court, law enforcement, and the child's psychologist all tended to side with the White mother over the darker-skinned
467 Muslim father. There were several sources of bias that were evident in this process. One important factor is that Sandra was
468 an attractive White woman who was manipulative and adept at presenting herself as the victim to get what she wanted.
469 She was able to use these skills to weaponize systems controlled by White men against Alex to center her own priorities.
470 As seen in the case of Kiran and Emily, systems of law enforcement were historically designed to secure the interests of
471 White people at the expense of people of color, and there is an unspoken social mandate to protect distressed White
472 women from men of color who may be potential rivals [70]. This dynamic was observed when the RCMP officers sided
473 with Sandra in the couple's conflict, made xenophobic statements to Alex, and attempted to punish him.

474 Additionally, Sandra used false stereotypes about Muslims to further discredit Alex. She told a mental health profes-
475 sional that "Muslim men spit on their wives," which was believed and subsequently repeated by the clinician to other
476 professionals involved in the case, including the assessor.

477 When Sandra's husband threatened him, Alex could see that his safety was ignored because the courts stopped tak-
478 ing action to protect him. Alex being a dark-skinned Muslim man working in federal law enforcement contributed to
479 the perception that he did not need protection or help in his struggle for access to his child. Due to the biases present
480 in the court, law enforcement, and the child's psychologist, Alex faced an uphill battle to assert his rights and protect his
481 child. Due to his ethnic identity and appearance, he experienced a lack of recognition for the legitimate assistance he
482 required, with assumptions made based on his career in law enforcement and societal stereotypes about masculinity.

483 Due to the extreme alienation he experienced and the false claims of abuse he endured, a psychologist eventually
484 diagnosed Alex with PTSD. However, he had to keep this a secret as he was concerned it would be used against him by
485 Sandra and cause more problems on his job.

486 2.4.4 What should have happened

487 Given the non-disputed evidence provided by a social worker, the court should have taken immediate action to enforce
488 Alex's visitation rights from the early stages of the child's life. By allowing the alienation to deepen and not enforcing
489 regular access, the court failed to protect the father-child relationship for the child's well-being.

490 Given the threats made by Sandra's husband towards Alex and the breaches to court orders, the court should have
491 taken immediate and decisive action to ensure the safety of both Alex and the child. Restraining orders or protective
492 measures should have been put in place to prevent further harm and ensure a secure environment for the child.

493 The child's psychologist should have conducted a thorough and unbiased evaluation, considering both parents'
494 perspectives and their collaterals [71, 72]. By solely relying on the mother's version of events and refusing to listen to
495 the evaluator's concerns, the psychologist contributed to the further alienation of the child and failed to prioritize the
496 child's best interests. Additionally, the child should have been remanded to child-focused therapy. Recognizing the severe
497 alienation and emotional abuse experienced by the child, it was crucial for the court to prioritize the child's well-being
498 and provide appropriate therapy and support [30, 73]. The court should have appointed a neutral and qualified therapist
499 to work with the child, helping him process experiences and providing guidance for rebuilding a healthy relationship
500 with both parents.

501 The court should have given significant weight to the evaluator's report, which recommended placement with the
502 father due to the severe alienation and emotionally abusive environment created by the mother. Ignoring the evaluator's
503 findings and failing to intervene, the court missed and perhaps ignored an opportunity to protect the child. In cases

504 like this, the non-alienating parent should be granted the sole decision-making and primary parenting time due to the
505 abusive nature of the parental alienation, and the alienator should be restricted to supervised parenting time [34, 69].

506 In the aftermath of Alex' failed attempts, he said, "Due to the blatant racism, sexism, and Islamophobia committed
507 by the judges, lawyers, and police against me, I was driven to mourn the loss of my child as if he had passed away. All
508 while feeling guilty for feeling that way, knowing he was alive. I have lost 2 years, and 3 more trying to repair things and
509 continue to lose, as he still will not sleep at my house. The last time he slept at my house he was 6. He is now 14."

510 2.5 Summary of cases

511 The table below illustrates the types of biases experienced by the South Asian and MENA heritage fathers in the case
512 studies based on false stereotypes about race, culture, gender, religion, nationality, and mental health status. It also
513 describes how these myths created biases that negatively impacted the fathers and children in each of the cases.

514 3 Discussion

515 3.1 Experiences of Bias

516 There are notable similarities between all three cases due to the shared cultures where these events took place. Notably,
517 the mothers were believed by the judges and evidence offered by fathers to the contrary was ignored. Additionally, when
518 the mothers failed to follow court instructions, they were not held accountable by the court. Further, all three fathers felt
519 stigmatized and subject to unfair judgment due to their race and gender. In all cases, the fathers encountered difficulties
520 in presenting their evidence and defending their rights as parents. Despite providing substantial proof and testimonies
521 to support their claims, their arguments were disregarded, leaving them marginalized within the legal proceedings.
522 Research has noted clear biases against fathers for custody allocations, and this bias persists internationally [9]. Further,
523 in the case examples, all the fathers were professionals and had the financial means to persist in their legal challenges
524 for a time, but their resources were not enough to overcome the effects of systemic bias. All of the fathers' mental health
525 suffered as a result of these experiences. Bias against the fathers may have also had an impact on the children's mental
526 health and wellbeing, since research indicates that a caregiver's experiences of discrimination can affect the child's psy-
527 chological functioning and mental health [74–76].

528 Racial and ethnic biases against the fathers were fueled by the claims of their former partners. In all three cases, the
529 mothers weaponized racial stereotypes about the fathers' identities to help influence important others in the custody
530 battle [49, 70]. In Kiran's case, his partner used the words "crazy, unstable" and implied that the father was psychotic and
531 would thereby be a danger to the children. The allegation of psychosis in this context can be considered a racist accusa-
532 tion, as certain racial and ethnic groups have been stereotyped this way and thereby made to appear overly dangerous
533 and deviant [20, 57] The argument was subsequently taken seriously by the court in the absence of evidence. In Omar's
534 case, his partner accused him of being controlling and abusive in the context of being a "practicing Muslim." These accu-
535 sations were too readily believed because they are consistent with racial and ethnic stereotypes.

536 These fathers were ordinary people who excelled as parents at times and failed at other times. The problem is that
537 when Brown fathers are accused of inflicting harm, the courts mobilize to protect the child from the accused until it can
538 be proven he is not a danger, as we saw in Kiran's case. But when the mothers are accused of inflicting harm, the court
539 fails to take actions until after the claims can be proven, as we saw in Omar's case, or the court takes no action at all, as
540 seen in Alex's case. The Brown fathers were simply not recognized as credible or adequate to the degree ascribed to
541 their former partners, irrespective of the facts of the cases. It is important to remember that men of color, in particular
542 MENA and South Asian men are stereotypically perceived as being more aggressive and manipulative [62], which may
543 lend itself to the belief that they are more likely to engage in abuse or parental alienation, without confirmed proof. The
544 behavior of the court is consistent with these stereotypes.

545 There is no quantitative data concerning how MENA and South Asian people are treated in family court, but we can
546 examine some nascent data from criminal court that indicates Islamophobia and colorism are factors. A criminal court
547 bias of Islamophobia has been identified due to having a Muslim sounding name [77]. Furthermore, a 2023 US study of
548 offenders from different Asian countries, revealed that individuals of South or Southeast Asian heritage (i.e., those with
549 darker skin tones) faced more severe initial sentencing outcomes compared to their lighter-skinned East Asian coun-
550 terparts [78]. Contrary to expectations, Indian nationals had the highest odds of incarceration among Asian subgroups.

551 These ingrained global social patterns, where individuals with darker skin are treated more harshly, must be expected
552 to influence outcomes in both criminal and family courts [78–80].

553 3.2 Bias from the bench

554 In regard to the reaction of the courts, it is important to understand that bias is stigmatized behavior, particularly in legal
555 contexts, where fairness and justice are stated goals. Judges who perpetrate bias will rarely if ever come right out and
556 say, “I am denying the fathers petition because he is a Muslim, and I don’t trust Muslim men.” This is why case studies and
557 careful review data are critical, to demonstrate what so many people of color already know because they live it. Perpetra-
558 tors of bias are socialized not to see it when it is happening around them, and also not to see it when they themselves are
559 the agents of discrimination [81]. And because they do not directly experience this type of prejudice they are skeptical
560 that it is even occurring. We note that in each of these cases, the errors of the court align with prevailing stereotypes
561 about South Asian and MENA men of color.

562 Some experts recommend that high-conflict separation cases be handled by a single judge, which facilitates the court’s
563 understanding of case dynamics and enables greater influence on parental behavior through consistent appearances
564 [82]. This may be considered better case management, as a single-judge can reduce attempts by high-conflict parents
565 to reargue the same issues before different judges who do not know the situation well [83]. However, in cases involving
566 biased judges, this can leave stigmatized parents with no recourse when their cases are mishandled due to bias. Further,
567 most cases labeled as high-conflict involve domestic violence, and so this conceptualization can be problematic and
568 dangerous for the protective parent and children because it suggests that both parents are responsible for the conflict
569 and neglects the danger of encounters with the abusive parent. Parents trying to gain full custody to protect themselves
570 and their children are viewed negatively when they do not agree to shared custody arrangements recommended within
571 the family court system [67]. This was what Omar experienced when trying to protect his son, and being tethered to the
572 same judge for every hearing made it impossible to escape bias from the bench.

573 Although dissatisfied parties may make a motion for recusal of a judge on the basis of bias, this test is intentionally
574 difficult to satisfy due to the presumption that judges are unbiased [82]. The problem is that most people (even judges)
575 have some degree of implicit racial biases [45], but it is considered particularly offensive when brought to light, so few
576 judges would agree to recuse themselves for this reason.

577 3.3 Mental health issues

578 Mental health issues were present in all three cases. At one point, Kiran required routine mental health care and his legiti-
579 mate need was weaponized against him by his ex-wife as evidence of lack of fitness to parent. Worse yet, as mentioned
580 above, his ailment was mischaracterized as a more serious problem (psychosis) that had negative and stigmatizing
581 connotations. Even after Kiran presented evidence to the court of his successful therapy, his ex-wife continued to make
582 shaming comments during cross-examination insinuating that he had “psychological issues” and purposefully implying
583 that he was a danger to the children.

584 Omar was impacted by experiences of domestic violence that he felt unable to address due to stigma. It may be par-
585 ticularly difficult for fathers to discuss abuse they experience as they are not taken seriously as victims and their trauma is
586 generally dismissed [66, 84]. When Omar tried to raise the issue, Asha’s lawyer shamed him by saying, “Are you telling me
587 that you, a man, are scared of a woman that size?” However, anyone can be victimized by domestic violence, regardless
588 of their gender or size. For example, recent research on South Asian immigrant couples underscored that men are also
589 frequently victims of spousal abuse [85]. In fact, many men are socialized not to physically harm women, or they may
590 feel they just need to “take it,” which can make them more vulnerable to physical abuse from female partners [84]. When
591 someone has experienced domestic violence, it can interfere with their ability to fully advocate for themselves and their
592 child, as they are also navigating trauma responses when having to interact with the perpetrator [34].

593 Alex was formally diagnosed with PTSD, which, in this case, can be conceptualized as racial trauma [42]. Racial trauma
594 describes the mental health symptoms a person experiences as a result of racism, which is typically a combination of
595 large and small discriminatory events that are endured until the person’s coping capacity is exhausted. Racial trauma can
596 result in dysfunction and disability, making it difficult to advocate for ones self or one’s child in a judicial environment
597 that is rife with systemic racism, as even small racist events can be triggering [42].

598 As such, the fathers in these examples were battling Western racism and cultural stereotypes on multiple fronts. Dis-
599 crimination is stressful and often traumatizing [86, 87]. Experiencing oppression due to several stigmatized identities

600 is even more distressing and has a multiplicative effect on mental health and wellbeing [88]. Atop the aforementioned
601 biases due to race and gender, the fathers were further stigmatized by issues such as their own mental health needs and
602 Islamophobia. Custody disputes are inherently stressful, and as such the added stress of this intersectional discrimina-
603 tion can make it more difficult for such parents to enlist the emotional reserve necessary to persist in these high-stakes
604 situations. Indeed, the lack of literature in this area may be a reflection of the inability of most South Asian and MENA
605 heritage fathers to navigate these discriminatory systems effectively.

606 3.4 Alienation and abuse

607 In all three cases, the concept of parental alienation was a main feature. Notably, even experts can have difficulty distin-
608 guishing parental alienation from appropriate estrangement due to abuse. Judges, lawyers, family counselors, and court
609 staff fail in case after case to discern the difference between abusive parents and loving parents, or between alienating
610 parents and truthful parents (e.g., [89]). Due to shifting conceptualizations, a fledgling research base, and polarization,
611 there are many misconceptions about how to identify parental alienation [37, 60, 73].

612 When a professional observes a child strongly reject a parent, they should not automatically assume this is due to
613 parental alienation. In cases of alienation, children may be worried about bad things that the alienated parent might do,
614 or they may be fixated on the alienated parent's purported negative qualities, as we saw in the cases of Kiran and Alex
615 [32]. However, most cases involving parental rejection are complex, with many factors at play [71, 90]. And when children
616 describe discrete abusive acts that a parent committed, as in the case of Omar's son, the child should be believed, and
617 this should not be considered simple parental alienation unless or until proven otherwise [30, 89]. Further, children who
618 have been abused will frequently have symptoms of PTSD, as was seen in Omar's son, especially when the abuse has
619 been severe, whereas alienated children will not typically exhibit such symptoms. Social workers should not pressure
620 children to have contact with a potentially abusive parent (e.g., [91]), as this is a form of psychological abuse itself that
621 invalidates the concerns brought forward by the child. (See Polak and Saini [90] for more on this topic.) Parental aliena-
622 tion is certainly a useful construct to explain many cases of children rejecting a parent, but the physical safety of the
623 child must come first [30, 60].

624 Unfortunately, protective parents who try to keep their children away from abusers may be disbelieved, themselves
625 labeled as alienators and even penalized by the courts. In a qualitative paper with the title '*I was punished for telling the*
626 *truth*', Birchall and Choudhry [91] describe how allegations of parental alienation can be used to disempower protec-
627 tive parents and domestic abuse survivors in court. And because of gender biases, it is harder for people to believe
628 that mothers abuse as they are stereotyped as nurturing. Layering in beliefs and stereotypes that South Asian men are
629 manipulative, controlling, and not to be trusted, and that women from these cultures are victims, it further perpetuates
630 notions that these men do not deserve access to their children [63, 64].

631 3.5 Role of the clinician

632 It is essential for clinicians to acknowledge and address racial, ethnic, and cultural differences to reduce bias in custody
633 proceedings [15]. In family court, psychologists and other mental health professionals play a critical role but may also
634 have biases due to the pervasive influence of stereotypes. Implicit biases can result in the misinterpretation of parents'
635 behaviors and make evaluators question the veracity of fathers of color. Further, they may "excuse" abusive behavior, as
636 we saw in Omar's case, if they are trying too hard to be accepting of assumed cultural differences. However, recogniz-
637 ing cultural differences should not result in "irreparable harm" to members of vulnerable groups [92]. Evaluators should
638 arm themselves with facts and critical-thinking based on their training rather than stereotypes or cultural assumptions.

639 In the same way that orientalist perspectives conflate the cultures of South Asian and Arab men (e.g., think of how the
640 Disney movie *Aladdin* did this), biases about the personalities of men of color whose ancestry comes from these regions
641 are also conflated. Stereotypical beliefs about them being abusive to women and children, controlling, and having lim-
642 ited parenting capabilities showed up in all three cases. We must also consider how Islamophobia contributes to these
643 faulty beliefs and biases, as the concept of Islamophobia impacts not just Muslims but anyone perceived to be Muslim
644 (i.e., darker skinned culturally Hindu, Sikh, or Buddhist persons). Post 9–11 hate crimes against South Asian Sikh men
645 drastically increased because of this flawed perception of them being Muslim [29], and again, highlight the role of racist
646 orientalist beliefs and stereotypes in the judgement of two unique and separate groups of people, conflated as one, in
647 falsified negative perceptions [12, 27].

648 Additionally, in all of these examples the mother perpetrated forms of abuse against the children—Emily and Sandra
649 in the form of emotional abuse (parental alienation) and Asha in the form of physical abuse (traumatizing violence). As
650 purveyors of research, psychologists may be in the best place to dispel stereotypes and advance counter-stereotypical
651 facts for the court to consider in these challenging cases. A culturally-informed evaluator can be invaluable in helping
652 the court to understand the salient issues in such disputes and recognize sources of bias interfering with decisions that
653 are in the best interest of children (e.g., that mothers are more likely to be abusive than fathers; [93]). Likewise, parental
654 alienation should be assessed in a culturally-informed manner, by someone with proper knowledge and experience
655 working with this evolving construct, however to date there is no guidance for understanding this issue across diverse
656 ethnic, racial, or cultural groups.

657 Domestic violence (i.e., a pattern of multiple physical, sexual, and/or psychological actions perpetrated by an intimate
658 partner [94]) should likewise be considered highly relevant to child custody determinations [67, 68]. It is common for par-
659 ents who abuse children to also abuse their partners, as we saw in Omar’s case; this should be investigated by any clinician
660 conducting a custody evaluation [65] as a person of any gender or sex can be victimized by domestic violence [66, 85].

661 When presenting opinions to the court, psychologists and other experts may not think it is necessary to buttress their
662 findings with research. Well-educated professionals can hide behind labels, jargon, and titles without offering proper
663 evidence for their report and are likely to be believed because their claims fit harmful and racist stereotypes. Nonethe-
664 less, without careful attention to the data, anyone can form biased opinions. One study of custody evaluations found
665 that when there were errors in a report, the errors tended to systemically favor one parent over the other [72]. Evaluators
666 need to keep in mind that, like anyone else, they are subject to racial, ethnic, cultural, and gender biases that can lead
667 to bad decisions and harm. Further, professionals should engage in self-reflection to recognize and address their own
668 biases, which may include biases due to their identities or even their own past traumas and family conflicts [86, 95].

669 When analyzing cultural or identity contexts that are unfamiliar to them, psychologists and other professionals should
670 seek consultation and conduct a thorough review of relevant research. Obtaining peer review or other professional
671 feedback on assessments is crucial for improving diagnostic accuracy and preventing bias [72, 95]. Professionals must
672 acknowledge their limitations in understanding all aspects of race, ethnicity, and culture, commit to ongoing learn-
673 ing, question assumptions, and value client feedback [86]. If a client has the courage to bring up potential bias, do not
674 interpret this as a personality problem, but take time to determine if what they are perceiving could be accurate. Per-
675 sonal work, such as the pursuit of egalitarian goals, shifting focus to shared identities and interests, as well as acquiring
676 information that challenges negative beliefs, can further mitigate biases [17, 18]. The ability to adopt the perspective of
677 individuals from marginalized groups fosters empathy and a more positive impression [17].

678 Table 2 provides a checklist of practices that can reduce bias, with a focus on the different types of bias experienced
679 in the three case studies. Although the focus of the table is considerations for evaluators, it can be useful for judicial
680 decision making as well.

681 4 Limitations

682 These are a series of case studies intended to illustrate specific issues, with a focus on the experiences of men of color.
683 However, it should be understood that the cases are complex, each spanning years, and included a multitude of relevant
684 events. As such, all nuances cannot be captured here. Further, these case studies may not represent the experiences
685 of all South Asian and MENA heritage fathers in family court; more research needs to be done to fully understand their
686 experiences of bias to further inform recommendations and practice guidelines for psychologists and other experts.

687 5 Conclusion

688 There is no current empirical literature on the experience of people of South Asian and MENA heritage in the Western
689 legal system. There is no coherent treatment of race in the literature or any framework for its consideration, which cre-
690 ates a void that enables courts to award custody based on stereotypes and racist assumptions [15]. There is almost no
691 literature on abusive mothers in family court. Most family court research about abuse examines men as abusers and
692 abused mothers and their children, and this imbalance in scholarship contributes to myths, gender-based stereotypes,
693 and biased outcomes. Protecting the rights of Brown fathers does not imply that there are no instances of abusive behav-
694 ior among them. Rather, it means ensuring a fair and unbiased evaluation process in court that considers factors such

Table 2 Anti-bias checklist for evaluators

Type of bias	Ask yourself	What to do
<i>Ethnic/Cultural/National</i>	Assess your positionality, as everyone has biases	If you are White, recognize there will be racial issues you have been socialized not to see. If you belong to a marginalized group, accept that you are vulnerable to bias due to media and social influences. Consider joining a diverse consultation group for ongoing learning and growth
<i>All</i>	Why do you think that a child is rejecting a parent at this time? Do you have a predetermined belief?	Check your assumptions and be sure to fully consider all possibilities, even those that you feel are unlikely. Don't let preconceived notions influence your judgement
<i>Racial</i>	What do you believe about people from the ethnic/racial group you are assessing?	Check the literature to find out if your beliefs represent real group differences or if they are false stereotypes
<i>Religious</i>	What do you believe about people from the religious group you are assessing?	Ensure you don't have biases that create a hierarchy between Christianity, and faiths like Islam, Hinduism, Sikhism, and Buddhism
<i>Immigrant Status</i>	Do you think people from certain other countries reject American/Canadian laws and values?	It is demeaning to assume that immigrants lack the ability to understand or respect the laws, customs, and morals of their host country
<i>All</i>	Are conclusions made by prior evaluators aligned with stereotypes about the person you are assessing?	Check to make sure that prior evaluations are based on facts and data rather than opinions or second-hand reports. Don't fall prey to other professionals' biases. Use evidence you can verify
<i>Cultural</i>	Are collaterals saying things about anyone that align with racial, ethnic, or xenophobic stereotypes?	Keep in mind that everyone is subject to biases based on stereotypes, even people in marginalized groups, such as women, people of color, and religious minorities
<i>Racial/Ethnic</i>	Do you have limited experience with people from the ethnic/racial group you are evaluating?	Consult with a diversity expert and have them review your report for any signs of bias—ideally someone from the same ethnic group as the target of your evaluation (e.g., MENA or South Asian)
<i>Racial/Ethnic</i>	Are your test findings aligned racial or ethnic with stereotypes?	Ensure the measures you are using have been validated on people in the group you are assessing and use those norms only
<i>Gender</i>	Are your findings aligned with gender stereotypes about abusers?	Don't assume that family violence goes only in one direction. Consider that either or both parents can perpetrate harmful abuse against each other or their children. Statistically, fathers are less likely to be abusers than mothers
<i>Racial/Ethnic</i>	Does your conceptualization of either parent fit stereotypes about people in that ethnic or racial group?	Recheck your facts about that parent to ensure your conclusions are based on actual first-hand data about this specific person. For example, if you consider a MENA father you assessed to be angry, controlling, and deceitful, this could be your own bias or the bias of collaterals
<i>Mental Health</i>	Do you have negative feelings about people with certain mental health diagnoses?	Don't assume a challenging diagnosis means a person is an unfit parent. This is at odds with the literature and the Americans with Disabilities Act. Even someone with a severe syndrome may be an excellent parent with the proper support, and in such cases, having that parent involved is in the best interests of the child(ren)
<i>Mental Health</i>	Do you have a history of trauma yourself?	Ensure your own past experiences are not projected onto the families you evaluate

Table 2 (continued)

Type of bias	Ask yourself	What to do
<i>Inter- sectionality</i>	Does the court assume that one of the parties needs rescuing or protection based on their identity?	The legal system tends to inequitably mobilize to support distressed White women who feel endangered by men of color. Likewise, this same system will mobilize to help emancipate Muslim women, automatically assuming they are oppressed or submissive
<i>All</i>	Does any person evaluated feel they have been unfairly characterized based on stereotypes?	Allow all parties to review reports before finalizing them. Collect all specific complaints about bias and re-evaluate any areas of concern for accuracy

695 as parenting abilities, emotional bond with the child, ability to provide a safe and nurturing environment, and actual
696 history of abusive behavior or violence, instead of relying on racial and gender stereotypes. People of all genders, races,
697 and faiths may be abusive or may be good parents.

698 Psychologists and other professionals must endeavor to engage in culturally-sensitive and unbiased practices,
699 acknowledging their personal prejudices and those of others concerning variables such as gender, race, ethnicity, reli-
700 gion, and socioeconomic status. The mitigation of bias is of utmost importance to guarantee impartial assessments and
701 recommendations that are attuned to the varied identities of the parties concerned. In child custody proceedings, profes-
702 sionals must do their best to provide equitable assessments by addressing biases, maintaining transparency regarding
703 limitations in experience, and consulting with cultural experts as needed. Adopting these strategies can ensure fairer
704 outcomes in cases involving fathers of color. However, more work is desperately needed to better understand these
705 issues and implement solutions in the best interests of the affected parents and children.

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708 **Public Policy Statement** This case series of three fathers of color represents the first in-depth examination of the experience of racial bias in
709 custody-related decisions. It describes a critical problem occurring at the intersection of race, culture, religion, and gender that leads to ineq-
710 uities in parental rights and puts abused children at risk of further harm. It underscores the need to attend to bias in the family court system.

711 **Author contributions** MTW, SF, and RYA conceptualized the paper and outlined it. MZ, SF, and MTW conducted the review of the literature.
712 MTW, SF, TB and RYA provided data. All authors contributed to writing the manuscript. All authors reviewed the manuscript and approved it
713 for publication.

714 **Data availability** This case series was written using data than cannot be shared openly to protect study participant privacy, as per the Univer-
715 sity of Ottawa Research Ethics Board (REB).

716 **Declarations**

717 **Competing interests** The authors declare no competing interests.

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726 **References**

- 727 1. Grall T. Custodial mothers and fathers and their child support: 2017. *Curr Popul Rep. U.S. Census Bureau*. P60–269. <https://www.census.gov/content/dam/Census/library/publications/2020/demo/p60-269.pdf>.
- 728 2. Johnston JR, Lee S, Olesen NW, Walters MG. Allegations and substantiations of abuse in custody-disputing families. *Fam Court Rev.* 2005;43(2):283–94. <https://doi.org/10.1111/j.1744-1617.2005.00029.x>.
- 729 3. United Nations. Convention on the rights of the child. United Nations human rights office of the high commissioner. 1989. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.
- 730 4. Brito TL, Pate DJ, Wong JHS. I do for my kids: negotiating race and racial inequality in family court. *Fordham Law Rev.* 2015;83(6):3027–53.
- 731 5. Lens V. Judging the other: the intersection of race, gender, and class in family court. *Fam Court Rev.* 2019;57(1):72–87. <https://doi.org/10.1111/fcre.12397>.
- 732 6. Williams M, Faber S. Fostering racial/ethnic identity. In: Koocher GP, La Greca AM, Moorehead-Slaughter O, Lopez NN, editors. *The parents' guide to psychological first aid: helping children and adolescents cope with predictable life crises*. Oxford: Oxford University Press; 2024.
- 733 7. U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. *Child maltreatment 2021, Table 3–10*. 2023. <https://www.acf.hhs.gov/cb/report/child-maltreatment-2021>.
- 734 8. Statistics Canada. *Child custody. Selected statistics on Canadian families and family law: Second edition*. Government of Canada. 2022. <https://www.justice.gc.ca/eng/rp-pr/fl-lf/famil/stat2000/p4.html#shr-pg0>.
- 735 9. Costa LL, Esteves ABD, Kreimer R, Struchiner N, Hannikainen I. Gender stereotypes underlie child custody decisions. *Eur J Soc Psychol.* 2019;49(3):548–59. <https://doi.org/10.1002/ejsp.2523>.
- 736 10. Public Health Agency of Canada. *Canadian incidence study of reported child abuse and neglect—2008: Major findings*. 2010. https://www.canada.ca/content/dam/phac-aspc/migration/phac-aspc/cm-vee/casca-ecve/2008/assets/pdf/cis-2008_report_eng.pdf.

- 746 11. U.S. Government. The 9/11 commission report: final report of the national commission on terrorist attacks upon the United States. New
747 York: W. W. Norton & Company; 2004.
- 748 12. Corbin CM. Terrorists are always Muslim but never white: at the intersection of critical race theory and propaganda. *Fordham Law Rev.*
749 2017;86(2):455–85.
- 750 13. Alimahomed-Wilson S. When the FBI knocks: racialized state surveillance of Muslims. *Crit Sociol.* 2019;45(6):871–87. <https://doi.org/10.1177/0896920517750742>.
- 751 14. Nagra B, Maurutto P. Anti-Muslim surveillance: canadian Muslims' experiences with CSIS. *Social Race Ethn.* 2023;9(3):311–25. <https://doi.org/10.1177/23326492231151587>.
- 752 15. Maldonado S. Bias in the family: race, ethnicity, and culture in custody disputes. *Fam Court Rev.* 2017;55(2):213–42. <https://doi.org/10.1111/fcre.12274>.
- 753 16. FitzGerald C, Hurst S. Implicit bias in healthcare professionals: a systematic review. *BMC Med Ethics.* 2017;18(1):1–18. <https://doi.org/10.1186/s12910-017-0179-8>.
- 754 17. Stone J, Moskowitz GB. Non-conscious bias in medical decision making: what can be done to reduce it? *Med Educ.* 2011;45(8):768–76. <https://doi.org/10.1111/j.1365-2923.2011.04026.x>.
- 755 18. Williams M, Faber SC, Duniya C. Being an anti-racist clinician. *Cogn Behav Ther.* 2022;15(e19):1–22. <https://doi.org/10.1017/S1754470X2000162>.
- 756 19. Ghavami N, Peplau LA. An intersectional analysis of gender and ethnic stereotypes: testing three hypotheses. *Psychol Women Q.*
757 2013;37(1):113–27. <https://doi.org/10.1177/0361684312464203>.
- 758 20. Gill AK, Day AS. Moral panic in the media: Scapegoating South Asian men in cases of sexual exploitation and grooming. In: Ramon S, Lloyd
759 M, Penhale B, editors. Gendered domestic violence and abuse in popular culture. Bingley: Emerald Publishing Limited; 2020. p. 171–97.
- 760 21. Poolokasingham G, Spanierman LB, Kleiman S, Houshmand S. "Fresh off the boat?" Racial microaggressions that target South Asian
761 Canadian students. *J Divers High Educ.* 2014;7(3):194–210. <https://doi.org/10.1037/a0037285>.
- 762 22. Maghbouleh N, Schachter A, Flores RD. Middle Eastern and North African Americans may not be perceived, nor perceive themselves, to
763 be White. *Proc Natl Acad Sci USA.* 2022. <https://doi.org/10.1073/pnas.2117940119>.
- 764 23. Abboud S, Chebli P, Rabelais E. The contested whiteness of Arab identity in the United States: implications for health disparities research.
765 *Am J Public Health.* 2019;109(11):1580–3. <https://doi.org/10.2105/AJPH.2019.305285>.
- 766 24. Husain A, Howard S. Religious microaggressions: a case study of Muslim Americans. *J Ethn Cult Divers Soc Work.* 2017;26(1–2):139–52.
767 <https://doi.org/10.1080/15313204.2016.1269710>.
- 768 25. Sharma N, Shaligram D, Yoon GH. Engaging South Asian youth and families: a clinical review. *Int J Soc Psychiatry.* 2020;66(6):584–92.
769 <https://doi.org/10.1177/0020764020922881>.
- 770 26. Gilbert B. *Not Without My Daughter* [Film]. Beverly Hills: Metro-Goldwyn-Mayer; 1991.
- 771 27. de Hart B. Not without my daughter: on parental abduction, orientalism and maternal melodrama. *Eur J Women's Stud.* 2001;8(1):51–65.
772 <https://doi.org/10.1177/135050680100800104>.
- 773 28. Goodwin M. *Abusing religion: literary persecution, sex scandals, and American minority religions.* New Brunswick: Rutgers University
774 Press; 2020.
- 775 29. Ahluwalia MK, Pelletiere L. Sikh men post-9/11: Misidentification, discrimination, and coping. *Asian Am J Psychol.* 2010;1(4):303–14.
776 <https://doi.org/10.1037/a0022156>.
- 777 30. Berman P, Weisinger E. Parental alienation vs coercive control: controversial issues and current research. *J Fam Trauma Child Custody*
778 *Child Dev.* 2022;19(3–4):214–29. <https://doi.org/10.1080/26904586.2022.2125475>.
- 779 31. Bernet W, Greenhill LL. The five-factor model for the diagnosis of parental alienation. *J Am Acad Child Adolesc Psychiatry.* 2022;61(5):591–4.
780 <https://doi.org/10.1016/j.jaac.2021.11.026>.
- 781 32. Harman JJ, Kruk E, Hines DA. Parental alienating behaviors: an unacknowledged form of family violence. *Psychol Bull.* 2018;144(12):1275–
782 99. <https://doi.org/10.1037/bul0000175>.
- 783 33. Lorandos D. Parental alienation in US courts, 1985 to 2018. *Fam Court Rev.* 2020;58(2):322–39. <https://doi.org/10.1111/fcre.12475>.
- 784 34. Harman JJ, Leder-Elder S, Biringen Z. Prevalence of parental alienation drawn from a representative poll. *Child Youth Serv Rev.* 2016;66:62–
785 6. <https://doi.org/10.1016/j.childyouth.2016.04.021>.
- 786 35. Kruk E. Parental alienation as a form of emotional child abuse: current state of knowledge and future directions for research. *Fam Sci Rev.*
787 2018;22(4):141–64. <https://doi.org/10.26536/evms9266>.
- 788 36. Campbell E. How domestic violence batterers use custody proceedings in family courts to abuse victims, and how courts can put stop
789 to it. *UCLA Womens Law J.* 2017;24(1):41–66.
- 790 37. Clemente M, Padilla-Racero D. When courts accept what science rejects: custody issues concerning the alleged "parental alienation
791 syndrome." *J Child Custody.* 2016;13(2–3):126–33. <https://doi.org/10.1080/15379418.2016.1219245>.
- 792 38. Leeb RT, Paulozzi L, Melanson C, Simon T, Arias I. Child maltreatment surveillance: uniform definitions for public health and recommended
793 data elements, version 1.0. Atlanta: Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. 2008.
794 https://www.cdc.gov/violenceprevention/pdf/CM_Surveillance-a.pdf.
- 795 39. Finkelhor D, Turner HA, Shattuck A, Hamby SL. Prevalence of childhood exposure to violence, crime, and abuse: results from the National
796 Survey of Children's Exposure to Violence. *JAMA Pediatr.* 2015;169(8):746–54. <https://doi.org/10.1001/jamapediatrics.2015.0676>.
- 797 40. Harman JJ, Leder-Elder S, Biringen Z. Prevalence of adults who are the targets of parental alienating behaviors and their impact. *Child*
798 *Youth Serv Rev.* 2019;106: 104471. <https://doi.org/10.1016/j.childyouth.2019.104471>.
- 799 41. Kim J. A father's race to custody: an argument for multidimensional masculinities for black men. *Berkeley J Afr Am Law Policy.*
800 2014;16(1):32–64.
- 801 42. Williams MT, Metzger I, Leins C, DeLapp C. Assessing racial trauma within a DSM-5 framework: the UConn racial/ethnic stress & trauma
802 survey. *Pract Innov.* 2018;3(4):242–60. <https://doi.org/10.1037/pri0000076>.
- 803 43. Jaffe PG, Crooks CV. Partner violence and child custody cases. *Violence Against Women.* 2004;10(8):917–34. <https://doi.org/10.1177/1077801204266447>.
- 804
805
806
807
808
809
810

- 811 44. Abdulrehman RY, Clara I. Testing bias: How the Bias Outside the Box tool challenges the common conceptions of bias, and who carries them [Conference session]. Society for Consulting Psychology Mid-Winter Conference, Manhattan Beach, CA, USA. 2023.
- 812
- 813 45. Gran-Ruaz S, Spanierman LB, Houshmand S. Racial microaggressions and mental health: implications for counseling people of color. *J Couns Psychol.* 2022;69(3):261–73. <https://doi.org/10.1037/cou0000562>.
- 814
- 815 46. Canadian Institutes of Health Research, Natural Sciences and Engineering Research, Council of Canada, and Social Sciences and Humanities Research Council of Canada, Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans. 2022. <https://ethics.gc.ca/eng/documents/tcps2-2022-en.pdf>
- 816
- 817
- 818 47. Gagnier JJ, Kienle G, Altman DG, Moher D, Sox H, Riley D. The CARE guidelines: consensus-based clinical case report guideline development. *J Clin Epidemiol.* 2014;67(1):46–51. <https://doi.org/10.1016/j.jclinepi.2013.08.003>.
- 819
- 820 48. Armstrong M. From lynching to Central Park Karen: how white women weaponize white womanhood. *Hastings Womens Law J.* 2021;32(5):27–50.
- 821
- 822 49. Blow CM. How White women use themselves as instruments of terror. London: New York Times; 2020. p. 27.
- 823 50. Faber N, Williams M. The intersection of race and femininity in the classroom. *Front Psychol Gender Sex Sexualities.* 2023. <https://doi.org/10.3389/fpsyg.2023.1139320>.
- 824
- 825 51. Corrigan PW, Miller FE. Shame, blame, and contamination: a review of the impact of mental illness stigma on family members. *J Ment Health.* 2004;13(6):537–48. <https://doi.org/10.1080/09638230400017004>.
- 826
- 827 52. Williams MT, Farris SG, Turkheimer E, Franklin ME, Simpson HB, Liebowitz M, Foa EB. The impact of symptom dimensions on outcomes for exposure and ritual prevention therapy for obsessive-compulsive disorder. *J Anxiety Disord.* 2014;28(6):553–8. <https://doi.org/10.1016/j.janxdis.2014.06.001>.
- 828
- 829 53. Morris AS, Criss MM, Silk JS, Houlberg BJ. The impact of parenting on emotion regulation during childhood and adolescence. *Child Dev Perspect.* 2017;11(4):233–8. <https://doi.org/10.1111/cdep.12238>.
- 830
- 831 54. Boyd SB, Dhaliwal K. Race is not a determinative factor: mixed race children and custody cases in Canada. *Can J Fam Law.* 2015;29(2):309–309.
- 832
- 833 55. *JV Jones, 542 N.W.2d 119 (SD 1996). Defendant and appellant. No. 18861. Supreme court of South Dakota.*
- 834 56. Fransson E, Turunen J, Hjern A, Östberg V, Bergström M. Psychological complaints among children in joint physical custody and other family types: considering parental factors. *Scand J Public Health.* 2016;44(2):177–83. <https://doi.org/10.1177/1403494815614463>.
- 835
- 836 57. Faber S, Khanna Roy A, Michaels TI, Williams MT. The weaponization of medicine: early psychosis in the Black community and the need for racially informed mental health care. *Front Psychiatry.* 2023;14:1–16. <https://doi.org/10.3389/fpsyg.2023.1098292>.
- 837
- 838 58. Grekin PM, Jemelka R, Trupin EW. Racial differences in the criminalization of the mentally ill. *Bull Am Acad Psychiatry Law.* 1994;22:411–411.
- 839 59. Hatchard CJ, Goodwin JL, Siddall E, Muniz L. Perceptions of abusive parenting behaviors: a preliminary exploration into the underrecognition of mother-daughter sexual abuse. *J Child Sex Abus.* 2017;26(4):428–41. <https://doi.org/10.1080/10538712.2017.1300971>.
- 840 60. Drozd LM, Olesen NW. Is It abuse, alienation, and/or estrangement? A decision tree. *J Child Custody.* 2004;1(3):65–106. https://doi.org/10.1300/J190v01n03_05.
- 841 61. Meier JSUS. child custody outcomes in cases involving parental alienation and abuse allegations: what do the data show? *J Soc Welf Fam Law.* 2020;42(11):92–105. <https://doi.org/10.1080/09649069.2020.1701941>.
- 842 62. Saloom R. Arab stereotyping: a multi-disciplinary perspective. *Mod Am.* 2006;2(3):5.
- 843 63. Brown CS, Ali H, Stone EA, Jewell JA. US children's stereotypes and prejudicial attitudes toward Arab Muslims. *Anal Soc Issues Public Policy.* 2017;17(1):60–83.
- 844 64. Mishra S. Saving Muslim women and fighting Muslim men: analysis of representations in the New York Times. *Glob Media J.* 2007;6(11):1–20.
- 845 65. Williams MT, Sharif N, Strauss D, Gran-Ruaz S, Bartlett A, Skinta MD. Unicorns, leprechauns, and White allies: exploring the space between intent and action. *Behav Ther.* 2021;44(6):272–81.
- 846 66. Hines DA, Brown J, Dunning E. Characteristics of callers to the domestic abuse helpline for men. *J Fam Violence.* 2007;22(2):63–72. <https://doi.org/10.1007/s10896-007-9091-1>.
- 847 67. Eilers HJ. The utility of a function-based approach to intimate partner violence and gender bias in family courts. *Behav Anal Pract.* 2019;12(4):869–78. <https://doi.org/10.1007/s40617-019-00383-0>.
- 848 68. Jeffries S. In the best interests of the abuser: coercive control, child custody proceedings and the “expert” assessments that guide judicial determinations. *Laws.* 2016;5(14):1–17. <https://doi.org/10.3390/laws5010014>.
- 849 69. Stark DP, Choplin JM, Wellard SE. Properly accounting for domestic violence in child custody cases: an evidence-based analysis and reform proposal. *Mich J Gend Law.* 2019;26:1. <https://doi.org/10.36641/mjgl.26.1.properly>.
- 850 70. McMahon JM, Kahn KB. When sexism leads to racism: threat, protecting women, and racial bias. *Sex Roles.* 2018;78(9–10):591–605. <https://doi.org/10.1007/s11199-017-0828-x>.
- 851 71. Garber BD. Sherlock Holmes and the case of resist/refuse dynamics: confirmatory bias and abductive inference in child custody evaluations. *Fam Court Rev.* 2020;58(2):386–402.
- 852 72. Lubit R. Recognizing and avoiding bias to improve child custody evaluations: convergent data are not sufficient for scientific assessment. *J Fam Trauma Child Custody Child Dev.* 2021;18(3):224–40.
- 853 73. Adams MA. Framing contests in child custody disputes: parental alienation syndrome, child abuse, gender, and fathers' rights. *Fam Law Q.* 2006;40(2):315–38.
- 854 74. Espinoza G, Gonzales NA, Fuligni AJ. Parent discrimination predicts Mexican-American adolescent psychological adjustment 1 year later. *Child Dev.* 2016;87(4):1079–89. <https://doi.org/10.1111/cdev.12521>.
- 855 75. Ford KR, Hurd NM, Jagers RJ, Sellers RM. Caregiver experiences of discrimination and African American adolescents' psychological health over time. *Child Dev.* 2012;84(2):485–99. <https://doi.org/10.1111/j.1467-8624.2012.01864.x>.
- 856 76. Tran AGTT. Family contexts: parental experiences of discrimination and child mental health. *Am J Community Psychol.* 2013;53(1–2):37–46. <https://doi.org/10.1007/s10464-013-9607-1>.
- 857 77. Camp WD. Child custody disputes in families of Muslim tradition. *Fam Court Rev.* 2011;49(3):582–90. <https://doi.org/10.1111/j.1744-1617.2011.01394.x>.
- 858
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- 876

- 877 78. Wu J. Within-race variations in sentencing outcomes: Nationality and punishment among Asians in United States federal courts. *Punish-*
878 *ment Soc.* 2023;25(2):449–70.
- 879 79. King RD, Johnson BD. A punishing look: skin tone and Afrocentric features in the halls of justice. *Am J Sociol.* 2016;122(1):90–124. [https://](https://doi.org/10.1086/686941)
880 doi.org/10.1086/686941.
- 881 80. Petersen N, Lanuza YR, Omori M. Cumulative colorism in criminal courts. *Soc Sci Res.* 2024;117: 102946. <https://doi.org/10.1016/j.ssres>
882 [earch.2023.102946](https://doi.org/10.1016/j.ssres).
- 883 81. McGillicuddy-De Lisi AV, Daly M, Neal A. Children’s distributive justice judgments: aversive racism in Euro-American children? *Child Dev.*
884 2006;77(4):1063–80. <https://doi.org/10.1111/j.1467-8624.2006.00919.x>.
- 885 82. Bala N, Birnbaum R, Martinson D. One judge for one family: differentiated case management for families in continuing conflict. *Can J Fam*
886 *Law.* 2010;26:395–450.
- 887 83. Houston C, Bala N, Saini M. Crossover cases of high-conflict families involving child protection services: ontario research findings and
888 suggestions for good practices. *Fam Court Rev.* 2017;55(3):362–74. <https://doi.org/10.1111/fcre.12289>.
- 889 84. Bates EA. “No one would ever believe me”: an exploration of the impact of intimate partner violence victimization on men. *Psychol Men*
890 *Masc.* 2020;21(4):497–507. <https://doi.org/10.1037/men0000206>.
- 891 85. Rai A, Choi YJ. Domestic violence victimization among South Asian immigrant men and women in the United States. *J Interpers Violence.*
892 2022. <https://doi.org/10.1177/08862605211015262>.
- 893 86. Cénat JM. How to provide anti-racist mental health care. *Lancet Psychiatry.* 2020;7(11):929–31. [https://doi.org/10.1016/S2215-0366\(20](https://doi.org/10.1016/S2215-0366(20)
894 [30309-6](https://doi.org/10.1016/S2215-0366(20).
- 895 87. Williams MT, Khanna Roy A, MacIntyre M, Faber S. The traumatizing impact of racism in Canadians of colour. *Curr Trauma Rep.* 2022;8:17–34.
896 <https://doi.org/10.1007/s40719-022-00225-5>.
- 897 88. Williams MT, Osman M, Hyon C. Understanding the psychological impact of oppression using the trauma symptoms of discrimination
898 scale (TSDS). *Chronic Stress.* 2023;7:1–12. <https://doi.org/10.1177/24705470221149511>.
- 899 89. Silberg J, Dallam S. Abusers gaining custody in family courts: a case series of overturned decisions. *J Child Custody.* 2019;16(2):140–69.
900 <https://doi.org/10.1080/15379418.2019.1613204>.
- 901 90. Polak S, Saini M. Children resisting contact with a parent postseparation: assessing this phenomenon using an ecological systems frame-
902 work. *J Divorce Remarriage.* 2015;56(3):220–47. <https://doi.org/10.1080/10502556.2015.1012698>.
- 903 91. Birchall J, Choudhry S. “I was punished for telling the truth”: How allegations of parental alienation are used to silence, sideline and
904 disempower survivors of domestic abuse in family law proceedings. *J Gend Based Violence.* 2022;6(1):115–31. [https://doi.org/10.1332/](https://doi.org/10.1332/239868021X16287966471815)
905 [239868021X16287966471815](https://doi.org/10.1332/239868021X16287966471815).
- 906 92. Renteln AD. The use and abuse of the cultural defense. *Can J Law Soc.* 2005;20(1):47–67. <https://doi.org/10.1353/jls.2006.0016>.
- 907 93. Maldonado S, Ross J. Biased custody decisions or common sense. *Fam Advoc.* 2022;44(3):42–6.
- 908 94. Rodriguez MA, Bauer HM, McLoughlin E, Grumbach K. Screening and intervention for intimate partner abuse. *JAMA.* 1999;282(5):468.
909 <https://doi.org/10.1001/jama.282.5.468>.
- 910 95. Pickar DB. Countertransference bias in the child custody evaluator. *J Child Custody.* 2008;4(3–4):45–6.

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