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**False Allegations of Abuse in Divorce and Custody Cases**

Andra K. Chamberlin

Widespread misconceptions exist that there is a high prevalence of intentionally fabricated reports of abuse when parents are divorcing. This article challenges some of the misperceptions regarding the frequency and characteristics of intentionally false allegations in divorce and custody cases.

Many professionals involved in the investigation of child abuse have bias against believing allegations in divorce/custody cases and automatically assume the allegation is false. Biased professionals often believe common assumptions surrounding the allegations of abuse in highly contested custody or divorce cases. The assumptions include 1) sexual abuse allegations are rampant in divorce cases, 2) most sexual abuse cases in custody issues are false, and 3) most allegations are made by a mother against a father as acts of vindictiveness or to manipulate the system in order to obtain sole and physical and/or legal custody (Bala, Mitnick, Trocme, & Houston, 2007).

Review of the research from the 1980s to 2007 show rates of deliberate fabrication of abuse by custodial parents in relationship to custody or divorce cases to be relatively low. Rates of intentionally false reports range from 0.02% to 8.5% (Trocme & Bala, 2005) and is similar to rates of false reports of abuse in other contexts (Schudon, 1992).

It is important to distinguish between allegations of abuse that are false, and allegations of abuse that are suspected but cannot be confirmed. Some allegations are made knowingly with intent to seek revenge against an ex-spouse or in efforts to manipulate litigation in divorce/custody cases (Bala, Mitnick, Trocme, & Houston, 2007). However, there is a gradient between a parent who intentionally falsifies a report of abuse and one who believes abuse occurred. Some parents may be more likely to believe something has happened to their child because of their own past abuse history, mistrust, aggression or hatred of a prior partner due to incidents within the relationship, fears based on past domestic violence, wishes to malign or punish the ex-spouse, or an existing mental illness.

Bala, Mitnick, Trocme, and Houston (2007) found the majority of unfounded allegations of abuse were made in good faith either because of a miscommunication, misunderstanding or misinterpretation of an event on the part of the alleging parent. A young child, with limited vocabulary, may describe innocent or appropriate touching but the report is misinterpreted as abuse, or a parent who questions their child after a visit with the ex-spouse may mistake their answers. In cases of divorce/custody, especially when highly contested and litigious, children may become emotionally distressed and experience nightmares or bedwetting. These and other behavioral symptoms of stress can be erroneously construed as reactions to abuse.
While there are intentionally false reports of abuse, there are also a significant number of allegations of abuse which are true (Bala, Mitnick, Trocme, & Houston, 2007; Bala & Schuman, 2000; Brown, Frederico, Hewitt, & Sheehan, 2000; Faller, 2002; Trocme & Bala, 2005). Authors Brown, Frederico, Hewitt, and Sheehan (2000) found that in cases involved in family court where child abuse was alleged physical and sexual abuse was indicated in some 70% of the cases.

Research shows that several factors affect the timing of disclosure of abuse. In some cases a child may have felt intimidated or frightened by the presence of the offender and did not feel safe to disclose until the parents separated. There is also a high correlation between domestic violence in the home and the presence of both physical and sexual abuse (Cyr, Chamberland, Clement, Collin-Vezina, Lessard, Wemmers, Gagne, & Damant, 2012; Finkelhor, Turner, Hamby, & Ormrod, 2011; Finkelhor, Shattuck, Turner, Ormrod, & Hamby, 2011; Ormrod, Hamby, Turner, & Kracke, 2009; Goddard & Bedi, 2010). In highly contentious and physically unsafe homes, the non-offending spouse may have felt powerless to intervene or stop the abuse of a child. Abuse may also start after parents separated or could be committed by a parent's new partner.

In the 2003 Canadian Incidence Study (Bala, Mitnick, Trocme, & Houston, 2007) examining 11,562 reports of abuse/neglect, the authors determined:

- 49% substantiated
- 13% suspected but not proven
- 27% unsubstantiated but made in good faith
- 4% intentionally false (includes all types of maltreatment)

When only sexual abuse reports were examined, 5% were determined to be intentionally false. Adolescents fabricated only 4% of the false allegations of sexual abuse. The majority of false reports were made by outside sources other than the children or their parents. If investigative team members suspect an allegation is false, they should differentiate who they believe is making the false report, an adult or a child.

In a study by Johnson, Lee, Olesen, and Walters (2005), 120 divorced families were referred for child custody evaluations with 77% of the cases involving allegations of abuse. Rates of substantiated cases against mothers (51%) were almost identical to substantiated cases against fathers (52%). The deliberate fabrications of abuse (either neglect/physical/sexual) were low. Brown, Frederico, Hewitt, and Sheehan (2000) examined court records of 200 families where child abuse was alleged in custody disputes and found that the rate of child abuse allegations in custody/divorce cases were false no more often than child abuse allegations made in other circumstances.

Trocme and Bala (2005), reported a rate of 4% of false reports of maltreatment with neglect being the most common form of intentionally fabricated abuse. Noncustodial parents (usually fathers) were likelier than custodial parents (usually mothers) or children to fabricate reports of abuse. In a 2002 U. S. Department of Health and Human Services report five states intentionally tracked false allegations and only 0.02% were classified as intentionally false.

The "child abuse and divorce" myth has been strongly held by professionals involved in the investigation of child abuse (Brown, Frederico, Hewitt, & Sheehan, 2001). The above mentioned studies strongly refute this belief in its totality and suggest that the myth should be abandoned. It is the duty of all professionals tasked with the protection of children to be aware and understand the wealth of peer-reviewed research that refutes the commonly held belief that abuse allegations in the majority of custody and divorce proceedings are false and intentionally fabricated.
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References:


context of marital breakdown and custody and access disputes. Child Abuse & Neglect, 24(6), 849-859.


