Family Law

Chapter One

THE SAID SYNDROME
(Sexual Allegations in Divorce)

SAID SYNDROME - Sexual Allegations in Divorce

Tools of Investigation and Assessment • M. Bordage, BN, MSW

It seems we have witnessed, in our society, an epidemic of child sexual abuse. In the last 10 - 15 years, helping professionals have been challenged to refine their tools of investigation/assessment. It is recognized that sometimes children do lie, or are coached, or coerced into manufacturing a sexual abuse allegation. In rare circumstances, they may simply be attention-seeking or troubled. In rarer situations, still, it may be Munchausen Syndrome by Proxy.

Before actually outlining the procedures in an investigation it is worth noting, here, that given the pandemic proportions of child sexual abuse, the unresolved/untreated number of adult survivors of child sexual abuse, the high incidence of divorce, the often adversarial nature of divorce proceedings, along with a climate of media fixation and sensationalism (such as talk shows, pop culture reviews of case histories) it is not surprising that S.A.I.D. is not more prevalent.

However, N. Thoennes and P. Tjaden propose from their data from 12 domestic relations courts, that only a small proportion of contested custody and visitation cases involve sexual abuse allegations: less than 2%. Four factors were significantly associated with the perceived validity of the abuse report:
- age of the victim - female child between 1 - 12 years: greater incidence when 1 - 6 years.

- frequency of the alleged abuser - multiple recent/longterm episode of abuse.

- prior abuse/neglect reports - made by someone other than current alleging party.

- the amount of time elapsing between filing for divorce and the emergence of the allegation: usually, the longer the divorce has been in effect, the more likely an allegation is valid.

These researchers also state that mothers are no more likely than fathers to make false allegations.

Hlady and Gunter in their 1988 study in British Columbia examined the ages and sexes of 41 children involved in custody/access disputes, along with physical findings and behavior problems, comparing them to children with similar abuse problems, but whose families were intact.

Their findings, in summary, are: of 41 positive findings:

- 31 females, 10 males
- Alleged sexual abuse 34; Physical abuse 7
- 50% of children were under 4 years of age
- Alleged offenders: 21 (none), 19 (father), other 1
- In 26 cases there was no definite disclosure of abuse
- In 41, mother stated child disclosed to her; in 1 father did
- * The percentage of these children with positive findings in alleged sexual abuse is the same as with the general population.
- Half of the children were described with behavioral problems:
  - sexualized behaviour
  - nightmares
  - anxiety (especially around visit with alleged offender)
  - toileting problems
  - withdrawal
  - diapering problems
  - eating disorders
Risk factors identified:

- financial stressors
- personal histories of abuse/neglect or family violence
- parent(s) psychiatric illness
- mothers who described histories of sexual abuse
- typically there is more than one referral made querying abuse

So where does an investigator begin in determining when sexual abuse occurs in custody/access disputes?

Blush and Ross outline the following investigative sequence:

Referral assessment with the presenting adult alleging disclosure by child with the following inquiries: (abbreviated here)

1. Dysfunctional family elements
2. Divorce activity in progress
3. Divorce/separation activities aborted
4. Unresolved visitation or custody problems
5. Unresolved money issues
6. Tone/nature of parental relationship

The best trained professional is one who has been specially trained in conducting child sexual abuse investigations. They have a working knowledge of child development, are operating from an objective position of involvement and rule out, systematically, other possibilities for presenting behaviours. They have supervision and case conferencing opportunities to do case analysis using various tools and methods of evaluation.

In Nova Scotia the following individuals may collaborate to fulfill all levels of an investigation as described above:

1. Child Protection Service Workers
2. Police/RCMP
3. IWK Child Abuse Team
4. Special Intervenors
In the Metro area there exists two governing protocols in proceeding with child sexual abuse:


Current practices of investigation include a wholistic approach of a step-wise procedure to consider all possible explanations that might result in similar physical evidence or presenting problem behaviours.

Measures of Validity Testing:

1. Yuille and Esplin Validity Checklist (Handout)
2. Corroborative Evidence:
   - Physical/Medical evidence
   - Other witnesses
   - Expert witness
3. Police Investigation - additional physical evidence (eg. photos, videos, etc.)
   - interview of alleged offender
4. Behavioral Indicators
5. Family Dysfunction
6. Custody/Access History
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<tr>
<th>THE CHILD'S BEHAVIOR DURING THE INTERVIEW</th>
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<td><strong>1. Language:</strong></td>
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<td>Was the use of language appropriate for a child of that age experience?</td>
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<td><strong>2. Knowledge:</strong></td>
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<td>Was the knowledge displayed by the child appropriate for his/her developmental level?</td>
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<td><strong>3. Affect:</strong></td>
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<td>Was the affect appropriate?</td>
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<td><strong>4. Spontaneous Gestures:</strong></td>
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<td>Did any relevant spontaneous gestures occur?</td>
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<td><strong>5. Susceptibility to Suggestion:</strong></td>
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<td>Did the child resist suggestive or leading questions?</td>
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<td><strong>6. Drawings:</strong></td>
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<td>Are any drawings the child provided consistent with other information?</td>
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<td><strong>7. Behavior with Dolls:</strong></td>
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<td>Does the behavior with dolls support a previous disclosure?</td>
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1Adapted from the Steller, M., Raskin, D.C., Yuille, J.C., & Esplin, P.W. Validity Checklist.
1. THE CHILD'S BEHAVIOR
DURING THE INTERVIEW (cont'd)

8. Sexualized Behavior:
Did the child demonstrate sexual behavior either toward interviewer or self?

3. INTERVIEW CHARACTERISTICS

9. Adequacy:
Was this interview adequate according to principles and procedures of the statement analysis interview?

10. Suggestion:
Did the interviewer avoid significant suggestion, or leading questioning?

11. Pressure or Coercion:
Did the interviewer avoid pressure or coercion?

C. MOTIVATIONAL CONSIDERATIONS

12. Context of Disclosure:
Was the original report spontaneous?

13. Pressures to Disclose:
Is there an absence of pressure to report?
D. OTHER EVIDENCE

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<th>YES</th>
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<td>14. <strong>Medical Evidence:</strong></td>
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<td>Is there medical evidence consistent with allegations?</td>
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<td>15. <strong>Child's Other Statements:</strong></td>
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<td>Are there major elements in the statement that are consistent with another statement made by the same child?</td>
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<td>16. <strong>Other Statements</strong></td>
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<td>Are there major elements in the statement that are consistent with a statement made by another witness?</td>
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<td>17. <strong>Physical Evidence</strong></td>
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<td>Are there major elements in the statement that are consistent with physical evidence or other concrete evidence?</td>
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<td>18. <strong>Behavioral Signs:</strong></td>
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<td>Are there behavioral changes consistent with abuse?</td>
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## CONTENT CRITERIA RATING FORM

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<tr>
<th>Criterion</th>
<th>Witness</th>
<th>Date</th>
<th>Examiner</th>
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**Each content criterion using the scale below:**

- A = absent
- P = present
- S = strongly present

### GENERAL CHARACTERISTICS

**Coherence:**

Is the statement coherent? Is the content logical? Do the different segments fit together? (Note: peculiar or unique details or unexpected complications do not diminish logical structure)

**Spontaneous Reproduction:**

Are descriptions unconstrained? Is the report somewhat unorganized? Are there digressions or spontaneous shifts of focus? Are some elements distributed throughout? (Note: this criterion requires that the account is logically consistent)

**Sufficient Detail:**

Are there specific descriptions of place or time? Are persons, objects, and events specifically described? (Note: repetitions are counted only once)

### SPECIFIC CONTENTS

**Contextual Embedding:**

Are events placed in spatial and temporal context? Is the action connected to other incidental events, such as routine daily occurrence?

**Descriptions of Interactions:**

Are there reports of actions and reactions or conversation? (Note: verbatim reproduction of conversation is also scored under criterion 6)
6. **Reproduction of Conversation:**

Is conversation reported in its original form? (Note: use of unfamiliar terms or quotes are especially strong indicators, even when attributed to only one participant)

7. **Unexpected Complications During the Incident:**

Was there an unplanned interruption or an unexpected complication or difficulty?

**PECULIARITIES OF THE CONTENT**

8. **Unusual Details:**

Are there details of persons, objects, or events that are unusual, yet meaningful in this context? (Note: unusual details must be realistic)

9. **Peripheral Details:**

Are peripheral details reported that are related to the situation but do not contribute directly to the allegation?

10. **Accurately Reported Details Misunderstood:**

Did the child correctly describe an object or event but interpret it incorrectly?

11. **Related External Associations:**

Is there reference to an event or conversation that is related in some way to the incident but did not occur within the incident?

12. **Accounts of Subjective Mental State:**

Did the child describe feelings or thoughts experienced at the time of the incident?

13. **Attribution of Perpetrator’s Mental State:**

Is there reference to the alleged perpetrator’s feelings or thoughts during the incident?

**MOTIVATION-RELATED CONTENTS**

14. **Spontaneous Corrections:**

Were corrections offered or information added to material previously provided in the statement? (Note: responses to direct questions do not qualify)
Admitting Lack of Memory:  
Did the child indicate lack of memory or knowledge of an aspect of the incident?

Raising Doubts About One's Own Testimony:  
Did the child express concern that some part of the statement seems incorrect or unbelievable? (Note: merely asserting that one is telling the truth does not qualify)

Self-Deprecation:  
Did the child describe some aspect of his/her behavior related to the incident as wrong or inappropriate?

Pardoning the perpetrator:  
Did the child make excuses for the alleged perpetrator or fail to blame the alleged perpetrator when an opportunity occurred?

Offense-Specific Elements  
Details Characteristic of the Offense:  
Are there elements that are common to this type of offense? (Note: details contrary to common knowledge are especially strong indicators)

General Remarks and Specific Observations:
BRIEF COMMUNICATION

ALLEGED CHILD ABUSE IN CUSTODY ACCESS DISPUTES

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Key Words—Custody access disputes, Alleged abuse.

INTRODUCTION

CHILD ABUSE has gained more recognition during the past two decades. This occurred initially with the identification of physical abuse, and in the past decade there has been an increased awareness and recognition of child sexual abuse (Finkelhor, 1984). Alleged abuse of young children, both physical and sexual, may well be more frequent within the context of marital dissolution than in stable families (Corwin, Berliner, Goodman, Goodwin, & White, 1987). An allegation of child abuse becomes more complicated when made between separated parents. It may be one of the most powerful and dangerous weapons that one parent uses against the other (Corwin et al., 1987; Green, 1986; Wehrspann, Steinhauser, & Klajner-Diamond, 1987). On the other hand, it may be sincere, and the child desperately in need of help. In any event, the child is frequently torn in the conflict, and professionals are left to unravel and evaluate whether or note the abuse has occurred.

The aim of this study was to determine the frequency of custody/access disputes among the patient population of our Child Protection Services. The study aimed to examine the ages and sexes of the children involved as well as the frequency of positive physical findings. Behavior problems were also to be examined.

METHOD

The charts of all children involved in custody access disputes seen by the Child Protection Service at British Columbia Children’s Hospital over a one-year period (January 1 to December 31, 1988) were reviewed. Pertinent information was gathered and tabulated.

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Reprint requests may be addressed to L. J. Hlady, M.D., F.R.C.P.(C), Director, Child Protection Services Unit, British Columbia Children’s Hospital, 4480 Oak St., Vancouver, BC, Canada V6H 3V4.
RESULTS

A total of 370 children were seen by our Child Protection Service Unit at BC Children's Hospital during the 1988 year. Of these, 41 (11%) were involved in custody access disputes. Information on these children is listed below:

Among the custody access dispute cases, 31 children were females; 10 were males. Sexual abuse was alleged for 34 and physical abuse for 7. Number of cases for age in years ranged as follows: 0-2 years, 9 cases; 2-4 years, 15; 4-6 years, 7; 6-8 years, 5; 8-10 years, 2; 10-12 years, 1; 12-14 years, 2. More than half of the children were under 4 years of age.

Most of the children came through our outpatient clinics. Thirteen came through the Emergency Department, often late at night or on weekends (eight children came in between 6 and 12 p.m.).

Children were brought to the attention of the Child Protection Services at British Columbia Children's Hospital in the following ways: mother (II), family physician (II), Ministry of Social Services and Housing (9), police (4), father (3).

Alleged offenders and frequency of reports were as follows: none alleged, 21; father (19); other (1). In 26 cases there was no definite disclosure of abuse. In 14 of the cases, the mother stated the child had disclosed to her, and in one case the father stated the child disclosed to him. The Ministry of Social Services and Housing was involved in 38 out of 41 cases, and the police were involved in 19.

Allegations of Physical Assault

In 7 cases of alleged physical abuse, 5 of the children (71%) had corroborative positive findings, primarily soft tissue injuries. In three cases, there was alleged neglect in addition. The physical findings were bruises (3), scrapes (2), and old burns (1).

During the same period 110 children were seen for alleged physical abuse/neglect where custody/access was not an issue. Of these, 48 (43.6%) had positive physical findings including soft tissue injuries (bruises) (31), fractures (7), burns (5), head injuries (4), and other (1). A lower percentage of these children had physical findings than those in the custody/access group.

Allegations of Sexual Abuse

In the custody/access group the allegations of 34 children included fondling, licking or kissing (14); alleged digital penetration (2); and alleged anal contact (3). In 6 of the 34 cases of alleged sexual abuse (17.6%) there was physical evidence of sexual abuse. These findings were hymenal dilatation and attenuation (4); lacerations (2); hymenal thickening (2); anal fissures (2); and anal gaping (1). Twelve children had recurrent perineal or perianal irritation, six children had pyuria, and one had Gardnerella on vaginal cultures.

During this same one-year period 219 children were seen for alleged sexual abuse not involving custody/access issues. Of these, 33 children (15%) had the following positive physical findings: hymenal thickening and scarring (10), hymenal dilatation and attenuation (9), anal fissures (4), complete hymenal disruption (3), hymenal lacerations (2), anal gaping (2), gonorrhea (2), and other (1). The percentage of these children with positive physical findings is similar to that in the custody/access group.

Behavior Deviations

In the custody/access group, of the 34 children who were victims of alleged sexual assault, 24 were described to have behavioral problems. For the custody/access group these were
sexualized behavior (12); nightmares (9); anxiety, especially around visits with alleged offender (6); toileting problems (5); withdrawal behavior (3); diapering problems (3); and eating disorders (2).

Risk Factors

Risk factors identified among the families in the custody/access group were identified as follows: families on income assistance (24); families who reported personal histories of abuse, neglect, or family violence (16); parents psychiatrically ill (4); and mothers who described histories of sexual abuse (4).

Of interest was the finding that in 32% of the cases, there was more than one visit to the hospital querying abuse. Of the 41 children, 38 were subsequently returned home. Two were placed with a relative, and one was placed in a foster home.

DISCUSSION

This study serves to illustrate the complexity and difficulty in investigating abuse allegations in custody/access situations. The majority of the children were young and female. Frequently the allegations were vague; and in the absence of physical findings, the behavioral indicators were the sole reason for concern. In addition, many of the families were dysfunctional and in need of ongoing help.

In comparing physical findings between the custody/access group and the noncustody/access group, of interest was the finding that the percentages of children with positive findings were similar in both groups when the allegations involved sexual abuse. A more significant difference was noted between the groups when findings of physical abuse were compared.

This latter finding was a surprise as one might have anticipated a similarly high percentage of corroborative positive findings of physical abuse in the noncustody/access group. One explanation is that the category of physical abuse includes cases involving neglect, failure to thrive, and high-risk home situations. The noncustody/access group was more weighted in these areas. The outcome may also reflect that prompt medical assessment is sought in custody/access situations when nonaccidental injury is suspected.

The similarity of the two groups with regard to positive physical findings when the allegations involved sexual abuse is also intriguing. The issue of false allegations of sexual abuse is a prevalent concern in custody/access cases. This is not reflected in physical findings. The importance of the disclosure statement is highlighted by the low incidence of physical evidence of sexual abuse in both groups. Given the young age of the children, this poses a major problem.

This study highlights the importance of an exceedingly thorough assessment when any allegation is made. It also demonstrates need for sound research to guide all professionals involved to deal with the dilemma of true or false allegations, whether or not custody is in question.

REFERENCES

SEXUAL ABUSE ALLEGATIONS IN CUSTODY/VISITATION DISPUTES

NANCY THOENNES AND PATRICIA G. TJADEN

Association of Family and Conciliation Courts Research Unit, Denver, CO

Abstract—Using information from mail and telephone surveys and personal interviews with legal and mental health professionals who deal with child abuse cases, and empirical data from 12 domestic relations courts throughout the United States, the study concludes that only a small proportion of contested custody and visitation cases involve sexual abuse allegations. Records maintained by family court workers place the figure at less than 2%. A sample of 169 cases for which data were gathered from court counselors, family court, and CPS agency files also found that accusations were brought by mothers (67%) and fathers (28%) and third parties (11%). Fathers were accused in 51% of all cases, but allegations were also made against mothers, mothers' new partners, and extended family members. In the 129 cases for which a determination of the validity of the allegation was available, 50% were found to involve abuse, 33% were found to involve no abuse, and 17% resulted in an indeterminate ruling. Four factors were significantly associated with the perceived validity of the abuse report: age of the victim, frequency of the alleged abuse, prior abuse/neglect reports, and the amount of time elapsing between filing for divorce and the emergence of the allegation.

Key Words—Custody disputes, Visitation disputes, False allegations.

INTRODUCTION

SINCE THE MID-1980s, the media and child abuse professionals have focused increasing attention on sexual abuse allegations emerging in the context of custody and visitation disputes. Newspapers across the country, such as the New York Times and the Los Angeles Times, have published numerous articles on the subject. Typically these accounts depict a dramatic and alarming rise in such cases and suggest that most involve mothers falsely accusing fathers (Dullea, 1987; Zweig, 1987). These impressions are mirrored in some of the professional literature. For example, Green (1986) reports that the alleging parent is often a delusional or vindictive woman seeking revenge against her ex-husband. Another child psychiatrist links the increase in false allegations of child abuse in custody cases to changes in custody laws which make it more difficult for mothers to gain sole maternal custody (Gardner, 1987). Indeed, the image of the vindictive and falsely accusing mother in custody and visitation disputes is so prevalent that journalists are now reporting the emergence of a "backlash" whereby judges are less likely to rule in favor of a mother if she accuses the father of child sexual abuse (Heckler, 1988).

Funding for this study was provided by the National Center on Child Abuse and Neglect (90-CA-1165). However, the opinions expressed are those of the authors and do not necessarily reflect the views of the National Center.

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Reprint requests to Patricia G. Tjaden, Ph.D., Association of Family and Conciliation Courts Research Unit, 1720 Emerson St., Denver, CO 80218.
To date, there have been few scientific studies of the extent and nature of child sexual abuse reported in the context of marital dissolution. Few domestic relations courts generate data with which to ascertain the frequency, characteristics, or outcome of cases they serve involving sexual abuse reports. Most of the available information on these families comes from studies conducted by psychiatrists performing case evaluations at the request of one of the disputing parties, the court, or the protective service agency (Benedek & Schetky, 1985; Green, 1985; Jones & Seig, 1988; Schumann, 1984). The purpose of these studies is to identify criteria for distinguishing between true and false reports. As such, the samples are selectively drawn from the author's caseload to include cases which are believed to involve sexual abuse and some which are not. Alternately, the sample may represent all custody or visitation disputes with sexual abuse allegations evaluated by the author within a specified time period. Further, as Corwin and his associates (1987) note in their critical commentary of Green's study, clinical experience and anecdotal case studies have several shortcomings which limit their ability to make firm statements about true and false reports. For example, "confirmation bias," or the beliefs clinicians have about child sexual abuse, may affect the symptoms and behavior they choose to note and the conclusions they draw. Also, if clinicians' clients are not representative of the typical child sexual abuse case, their conclusions are not generalizable. And finally, due to small sample sizes, if only a couple of cases are miscategorized, the conclusions and recommendations for discerning between true or false cases might be spurious. Clearly, case studies are not designed to address such issues as the overall frequency of sexual abuse allegations in custody and visitation disputes, whether the number of such cases is rising, or the proportion of such cases that are valid. Nonetheless, some authors have concluded that sexual abuse allegations arising in custody and visitation disputes are increasing and are less likely to involve actual abuse than sexual abuse reports made by the general public (Blush & Ross, 1987; Coleman, 1986; Green, 1985; Jones & Seig, 1988). Unfortunately these conclusions have gained the attention of the press and the public.

In this article we present the findings of a two-year study funded by the National Center on Child Abuse and Neglect designed to provide empirical information on the incidence, characteristics, and validity of sexual abuse allegations arising in custody and visitation disputes. Unlike previous research, we examined all families contesting custody and visitation before the domestic relations court rather than just families referred for psychiatric evaluations. We also used a variety of data collection techniques, including mail and telephone surveys and interviews with relevant professionals, and original recordkeeping by court staff. What follows is a brief description of the study methods, followed by a presentation of the findings and a discussion of the findings and their policy implications.

METHODS

Data for this study came from three different sources: surveying conducted by mail and telephone, personal interviews, and information collected on specific cases. In late 1985, we conducted telephone interviews and mail surveys with over 200 court administrators, judges, and court-based custody evaluators or mediators in 50 states and the District of Columbia. The interviews and surveys were designed to gather preliminary insights into the degree to which court personnel perceived sexual abuse allegations in custody-visituation cases to be common, and to explore what types of problems these cases posed for the court. On the basis of these interviews and surveys, five locations were selected for further interviewing: Denver, Los Angeles, Madison, Seattle, and Cambridge. The selected sites include court systems where abuse matters and custody matters are routinely heard before separate judges, and those where one group of judges may hear either type of matter; courts with and without family clinics.
Custody/visitation disputes

153

staffed by social workers and psychiatrists; courts with in-house custody investigators and mediators and those without such services; jurisdictions making routine use of representatives for children in domestic relations proceedings and those rarely employing such representatives; and systems making both extensive and limited use of private professionals in the psychological and psychiatric communities to aid in the evaluation of the family. During the first half of 1986, we conducted personal interviews with approximately 70 professionals involved in divorce and sexual abuse cases at these sites.

In late 1986, we began a final data collection effort that involved domestic relations court staff in 12 jurisdictions: Albuquerque, Cambridge, cities throughout the state of Connecticut, Chicago, Dallas, Detroit, Indianapolis, Las Vegas, Los Angeles, Madison, Phoenix, and Seattle. These sites were chosen for their geographic diversity and their routine use of custody evaluators or mediators, or both. For approximately six months, court-based mediators and evaluators at these sites completed a data collection form each time they encountered a custody or visitation dispute with an allegation of sexual abuse. A sample of 169 cases was generated through this procedure. For each of these cases, a court counselor provided information on the nature of the alleged abuse, the relationship of the alleged and alleging parties, the sex and age of the alleged victim, whether the case had been reported to the authorities, and the family’s stage in the divorce process. In addition, at each location, family court files for these cases were reviewed for past litigation history, available findings from any custody evaluation conducted, and rulings from any court hearings on child custody and visitation arrangements. In 10 of the 12 sites, we were also able to collect the following information on each case from the child protective services (CPS) agency: whether the case had been reported; whether there was an investigation; the verdict on the likelihood of the abuse based on the investigation; whether there were court filings related to the abuse, including orders related to custody or visitation; presence and nature of treatment plans developed for the family; and previous and subsequent abuse reports. (Excluded in the analysis is the child protective services agency in Indianapolis which declined to participate based on the interpretation of their confidentiality statutes provided by the Attorney General’s office. Also excluded are data from the Seattle protective service agency which was collected subsequent to the close of the project.)

FINDINGS

The Incidence of Sexual Abuse Allegations

In 8 of the 12 court systems we studied, legislation, court rule, or informal policy held that all disputed cases would be referred for mediation or evaluation or both. (These eight systems included courts in the following locations: Albuquerque, Connecticut, Dallas, Indianapolis, Las Vegas, Los Angeles, Madison, and Phoenix.) By having all the mediators and evaluators in these courts keep track of cases involving allegations of sexual abuse, we were able to derive a fairly reliable estimate of the incidence of these cases. During the six months in which our data collection took place, over 9,000 families with custody-visitiation disputes were served in the eight courts in which workers kept records for the study. Slightly less than 2% of these contested cases also involved an allegation of sexual abuse. The range across court sites varied from a low of less than 1% to a high of 8%. When we exclude the site with the lowest incidence, the overall average rises to only 3%. Thus, only a very small proportion of contested custody/visitation cases involved sexual abuse allegations. Indeed, in the unlikely event that a significant number of allegations were not reported to the project (i.e., if, for example, half of the total number were unreported) the incidence would still average far less than 10%.

Whether or not the figures cited above represent an increase in the rate of sexual abuse
allegations occurring in custody and visitation disputes is difficult to determine since courts have not routinely kept statistics on such cases. Many of the court counselors and administrators we interviewed speculated that they are seeing a greater proportion of cases with sexual abuse allegations now than in earlier decades. These observers believe the increase in child sexual abuse reports in custody and visitation disputes mirrors the rise in reports of sexual abuse in child protective services agencies throughout the nation. In other words, professional and public education has heightened awareness and willingness to report suspected abuse in the general population, and this has resulted in increased reports among the divorcing population. However, the present data indicated that even if sexual abuse allegations in contested custody cases have become more common in recent years, they still arise in only a small percentage of the total contesting population.

Profile of the Cases

The accused and alleging parties. An examination of the accused and accusing parties in our sample suggests that depicting these cases as “mothers against fathers” oversimplifies the problem. As Table 1 shows, a large proportion of cases (48%) involved a mother bringing accusations against the child’s father and another 6% of the cases involved a mother accusing her second husband of abusing her child by a former marriage. In the latter cases, the child whose custody was in dispute had not been abused, but the alleged abuse of a stepchild led the mother to seek visitation restrictions. However, in 10% of the cases, fathers alleged that a child was sexually abused by the mother’s new male partner, while in 6% of the cases the mother herself was accused of abuse. Moreover, nearly 20% involved accusations by mothers (13%) or fathers (6%) against other relatives and family friends. Finally, in 11% of the cases the allegation of sexual abuse originated with someone other than a parent, although in time a parent might also believe there was abuse. The third parties bringing these allegations included relatives, especially grandmothers, or mandated reporters, such as therapists, physicians, or teachers. The allegations brought by someone other than a parent were equally likely to allege abuse by the child’s father, mother, or her new partner, or another relative.

As further evidence of their complexity, we found that seven cases (4%) involved a counter allegation to the original charge. In these cases the party accused of the abuse denied the allegation and in turn suggested that the abuse was actually perpetrated by the party making the original accusation. Five of the counter-allegations were made by fathers and two by mothers. However, by the time the court worker saw the family one was often uncertain who brought the original allegation and who was counter-alleging. These cases tended to be among the most complex in the sample, and the review of court files revealed that most of these cases resulted in lengthy out-of-home placements.

<table>
<thead>
<tr>
<th>Relationship between the Accused and Accusing Parties</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mother Accuses Father</td>
<td>48</td>
</tr>
<tr>
<td>Mother Accuses Child’s Stepfather</td>
<td>6</td>
</tr>
<tr>
<td>Father Accuses Mother</td>
<td>6</td>
</tr>
<tr>
<td>Father Accuses Mother’s New Partner</td>
<td>10</td>
</tr>
<tr>
<td>Mother Accuses Third Party</td>
<td>13</td>
</tr>
<tr>
<td>Father Accuses Third Party</td>
<td>6</td>
</tr>
<tr>
<td>Third Party Accuses Father</td>
<td>3</td>
</tr>
<tr>
<td>Third Party Accuses Mother or Her New Partner</td>
<td>4</td>
</tr>
<tr>
<td>Third Party Accuses Other Relative</td>
<td>4</td>
</tr>
<tr>
<td>N</td>
<td>165</td>
</tr>
</tbody>
</table>
Custody/visitation disputes

Table 2. Description of Cases by Stage in Divorce Process when Allegations Occurred and Average Length of Time between Filing and Allegation

<table>
<thead>
<tr>
<th>Stage in Divorce Process when Allegation Occurred</th>
<th>Percentage Cases</th>
<th>Average Length of Time between Filing and Allegation</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Divorce</td>
<td>45</td>
<td>9.6 months</td>
</tr>
<tr>
<td>Custody Modification</td>
<td>35</td>
<td>50.8 months</td>
</tr>
<tr>
<td>Visitation Modification</td>
<td>20</td>
<td>45.0 months</td>
</tr>
<tr>
<td>N</td>
<td>163</td>
<td>27.4 months</td>
</tr>
</tbody>
</table>

Less than half (45%) of the parents in the present sample of cases were in the process of divorcing and establishing custody and visitation arrangements when the allegation of sexual abuse came to the attention of the domestic relations court (see Table 2). The remainder had already divorced and were back at court to modify their custody (35%) or visitation arrangements (20%). Motions to modify custody were typically brought by fathers. Only about one-quarter of these cases involved noncustodial mothers filing for custody and alleging child sexual abuse.

The average lapse of time between the filing for divorce and the abuse allegation being heard in family court was 27.4 months. As expected, these figures varied according to the family's stage in the divorce process. Thus, among those in the process of a divorce the average was 9.6 months. For those modifying the terms of the original custody-visitation agreement, the allegations were heard by court personnel on the average of 48.6 months following the original filing for divorce, and approximately half arose three or more years following the filing.

The alleged victim. Most (75%) of the families seen by court workers were disputing the custody and visitation arrangements of only a single child; only a few (8%) families had 3 or more children for whom custody/visitation arrangements needed to be made (see Table 3). The sexual abuse allegation was also likely to involve only a single child; only 18% of the sample

Table 3. Percentage Distribution of Cases by Number, Sex, and Age of Children Involved in the Visitation/Custody Dispute and Sexual Abuse Allegation

<table>
<thead>
<tr>
<th>Number of Children Involved in Custody/Visitation Dispute:</th>
<th>75%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Child</td>
<td></td>
</tr>
<tr>
<td>2 Children</td>
<td>17%</td>
</tr>
<tr>
<td>3 or More Children</td>
<td>8%</td>
</tr>
<tr>
<td>N</td>
<td>169</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of Children Involved in Sexual Abuse Allegation:</th>
<th>82%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Child</td>
<td></td>
</tr>
<tr>
<td>2 Children</td>
<td>14%</td>
</tr>
<tr>
<td>3 or More Children</td>
<td>4%</td>
</tr>
<tr>
<td>N</td>
<td>169</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sex of Children Involved in Sexual Abuse Allegation:</th>
<th>65%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female Only</td>
<td></td>
</tr>
<tr>
<td>Male Only</td>
<td>28%</td>
</tr>
<tr>
<td>Both Female and Male</td>
<td>8%</td>
</tr>
<tr>
<td>N</td>
<td>169</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Age of Children Involved in Sexual Abuse Allegation:</th>
<th>28%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-3 Years</td>
<td></td>
</tr>
<tr>
<td>4-6 Years</td>
<td>34%</td>
</tr>
<tr>
<td>7-12 Years</td>
<td>27%</td>
</tr>
<tr>
<td>13 or More Years</td>
<td>11%</td>
</tr>
<tr>
<td>N</td>
<td>169</td>
</tr>
</tbody>
</table>
involved abuse allegations for 2 or more children. Thus of the 169 cases included in this study, there were 209 alleged victims.

Typically the alleged victim was a female child. Indeed, 65% of the cases involved alleged abuse of only female children; 28% were limited to males; and only 8% involved reported abuse against both boys and girls. When we excluded cases not involving reports of recent abuse, the age of the alleged victim averaged 7.0 years for females and 5.4 years for male children. Cases were fairly evenly divided between those with children age 3 or younger (28%), 4-6 years (34%), and 7-12 years (27%). Only about 10% of the cases involved an adolescent.

The alleged abuse. As Table 4 shows, just over half (58%) of all the children were allegedly sexually abused by a parent. A quarter of the children reportedly experienced sexual abuse by a stepfather, stepmother, stepsibling, or a parent’s new partner, and the remaining children (17%) were said to have been molested by other family members or friends. In most of the cases, the allegation of sexual abuse involved reports of behaviors that would clearly constitute abuse. In slightly less than half of the cases (49%), the party accused of sexual abuse reportedly fondled or masturbated before the child. In somewhat fewer cases (28%), the accusation involved oral-genital contact or penetration. In 11% of the cases, no specific behaviors were alleged; the parent could not determine precisely what a young child was describing or the allegation grew out of observing disturbances in the child’s behavior or physical signs, such as genital soreness, that might have been caused by a variety of behaviors. Only a few cases (7%) involved a parent expressing concerns over quasi-sexual behavior, such as the child’s exposure to nudity in the other party’s home or the practice of sleeping or showering with a child.

Although the possibility of future sexual abuse was a concern in all of the reported cases, 10
cases (5%) involved only concerns about the future victimization of the child in the custody/visitation dispute. In these cases the alleging parent acknowledged the child had not been sexually abused, but was concerned about future victimization and therefore requested restrictions on the accused party’s access to the child. In some of these cases the cause for concern centered around the accused party’s lack of parenting skills or emotional attachment to the child or the presence of spousal violence during the marriage. More often the parent seeking to restrict visitation reported that the accused party had sexually abused a child whose custody was not in dispute, for example, a niece, stepchild, or an unrelated minor.

Most reports (64%) centered around recent abuse which had been going on for a period of months. In 20% of the cases the abuse was a single recent episode. Only 6% of the cases involved allegations of a single abusive episode which reportedly occurred years previously. Another 10% involved allegations of multiple abuse incidents that had not occurred recently. Among those reporting that the abuse involved multiple episodes, nearly half indicated that the duration of the abuse was six months or less, and nearly 70% said the abuse lasted no more than 12 months. However, abuse that reportedly occurred over quite extensive periods of time was not uncommon. For example, nearly 15% of the reporting parties believed the child had been abused for 4 or more years. Finally, while most cases (88%) were limited to allegations of sexual abuse, in a few cases (11%) physical abuse of a child was also alleged.

**The validity of the allegations.** During the data collection process, both CPS worker and court evaluator decisions were coded as “likely abuse occurred,” “unlikely that abuse occurred,” or “worker could not determine whether abuse occurred.” The analysis excluded 40 cases in which such determinations were not available either because they fell outside of the jurisdiction of the participating CPS agency or their agency files could not be located. It is likely the eliminated cases included those which did involve abuse and some which did not. Of the remaining 129 cases for which an assessment was available, approximately 20% involved only the opinion offered by the child protective service worker. In another 47%, only the custody evaluator’s opinion was known, and in 33% both CPS worker and court evaluator opinions were available. In the latter cases there were few instances (10%) in which the conclusions of the two workers were in disagreement.

During data analysis, cases were classified in the following manner: If only one individual’s opinion was available, this determination was used; if two opinions existed and both agreed, the mutual determination was employed; if two different opinions existed, the classification “indeterminate” was employed. Assigning equal credibility to the opinions of custody evaluators and child protective service workers may be controversial, given the CPS agency’s role as the official abuse investigation agency. Yet, while CPS workers may receive more training in assessing sexual abuse reports, custody evaluators have the advantage of having a much longer period of time in which to complete their investigation, and appear, at least in this sample, to be more successful in gaining access to all parties. Given this classification scheme, we found that half of the cases in the present study were believed to involve abuse; in 33% no abuse was believed to have transpired; and in the remaining cases (17%), the investigators could reach no determination.

A comparison of cases believed to involve abuse with those believed not to involve abuse and those for which a determination could not be made, revealed several factors significantly related to the validity ruling in the case. Not surprisingly, the age of the alleged victim was a statistically significant factor in the evaluator’s ability to reach conclusions regarding the validity of the abuse. Of those cases involving children aged 3 years or younger, nearly 40% were ruled “indeterminate,” while only about 15% of the cases with children ages 4-6 years and 15% with children over age 7 years resulted in this inconclusive ruling (see Table 5). Conversely, among the cases involving children aged 7 or older, over half (56%) were believed to
involve abuse, while only a quarter of the cases with children under 3 years were believed to involve abuse.

The frequency of the alleged abuse was also significantly related to perceptions of validity. For example, cases involving only a single recent episode were less likely to be viewed as actual abuse cases (33%) compared with cases involving multiple recent episodes (61%). Although not statistically significant, the type of abuse alleged may also be relevant to the ultimate ruling on validity. While half of the abusive episodes described as penetration or oral-genital were believed to involve actual abuse, only about a quarter of the cases limited to an adult fondling exposing himself to a child were believed to have occurred. These patterns no doubt reflect the greater difficulty of substantiating cases which involve isolated episodes of abuse which may leave little physical evidence. The patterns may also indicate that evaluators believed that parents were more likely to have misinterpreted situations if their reports involved single incidents of abuse and were limited to inappropriate touching. There was also a statistically significant association between prior abuse reports and rulings on the current allegation. In half of the families with prior reports of child abuse the current allegation was perceived as likely to have occurred, while in only 3% of the cases the abuse was not believed to have occurred. By comparison, in families with no prior reports, nearly half (44%) of the current reports were not believed to involve abuse. This pattern suggests that evaluators are reluctant to dismiss allegations in families with prior abuse reports. Given that most of the earlier reports were made by parties not involved in the present dispute—and half were substantiated—this caution is understandable.

Although not statistically significant, allegations made by parents against third parties were slightly more likely to result in indeterminate rulings, perhaps because evaluators had difficulty gaining access to the third party during the investigation (see Table 6). However, allegations brought by mothers against fathers and those brought by fathers against mothers or mothers' new partners were equally likely to be believed, disbelieved, or to result in a ruling of "indeterminate."

Although not statistically significant in the present sample, the court worker's evaluation of the degree of anger between the parents was related to the perceived validity of the abuse. The higher the anger level between the parents, as perceived by the court worker, the less likely the evaluator was to report that the abuse occurred. For example, the abuse was ruled "likely" in 53% of the cases with anger levels the same as or lower than average, but in only 37% of the cases involving higher levels of anger than are usually observed between parents

<table>
<thead>
<tr>
<th>Table 5. Percentage Distribution of Cases Perceived Valid by Age of Victim, Frequency and Nature of Abuse, and Prior Abuse/Neglect Reports*</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Abuse Allegation Perceived As</th>
<th>Frequency of Abuse</th>
<th>Nature of Abuse</th>
<th>Prior Report*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>One Recent Episode</td>
<td>Multiple Recent Episodes</td>
<td>Fondling Exposure</td>
</tr>
<tr>
<td>Likely</td>
<td>33%</td>
<td>61%</td>
<td>50%</td>
</tr>
<tr>
<td>Unlikely</td>
<td>42%</td>
<td>11%</td>
<td>23%</td>
</tr>
<tr>
<td>Indeterminate</td>
<td>25%</td>
<td>29%</td>
<td>27%</td>
</tr>
<tr>
<td>N</td>
<td>24</td>
<td>36</td>
<td>12</td>
</tr>
</tbody>
</table>

* Percentages may add up to more or less than 100 due to rounding error.

* Differences between perceived validity are statistically significant, \( \chi^2(4, n = 94) = 8.5, p < .05 \).

* Differences between perceived validity are statistically significant when 2 x 2 contingency table is used combining unlikely and indeterminate variables, \( \chi^2(1, n = 40) = 2.1, p < .10 \).

* Differences between perceived validity are statistically significant, \( \chi^2(2, n = 77) = 2.5, p < .005 \).
in contested divorces. There are at least two ways to interpret this finding. It is possible that extremely angry parents are prone to misinterpretations of a child's statement or behavior. Alternately, it is possible that angry parents are simply perceived by the evaluator to be distraught, quick to jump to conclusions, or perhaps may be viewed as vindictive. These two possibilities are, of course, not mutually exclusive and may both be operating.

The length of time between the filing for divorce and emergence of the abuse allegation was also significantly associated with whether or not the allegation was determined to be false. Among those cases where the abuse allegation was heard by the court worker within two years of the filing, only 41% were believed to involve abuse. Among those cases with allegations 2 or more years after the filing, the comparable figure was 66%. This finding is especially noteworthy given that some of the court workers we interviewed were skeptical of allegations that do not arise at the initial filing. As one court worker noted, "I'm pretty skeptical of the cases where dad becomes abusive only after the divorce." On the other hand, some mental health professionals mentioned that stress and opportunity may account for abuse beginning only following the divorce, and also noted that post-divorce cases may provide children with the sense of safety they need in order to make a disclosure.

There are several possible reasons why allegations of sexual abuse in post-divorce cases are more likely to be perceived as valid than allegations arising in new divorces. First, children tend to be older in post-divorce cases. Evaluating the reports of older children is less problematic; older children also tend to be more credible witnesses than younger children. Second, parents involved in actions to modify existing orders may be perceived as less angry than newly divorcing couples, and therefore less motivated by ulterior motives in alleging sexual abuse. Finally, post-divorce cases may have longer abuse histories.

In order to control for the effect of the child's age, we analyzed only cases with children aged 7 and older and recently alleged abuse. There were no differences with respect to the perceived validity of the abuse between the pre- and the post-divorce cases. When we compared the perceived anger levels and history of prior abuse between newly divorcing couples and those with two or more years between the divorce filing and the emergence of the abuse allegation, we found no differences. Post-divorce couples were no less likely to be perceived by court staff as angry, nor did these families have more prior abuse reports. We did, however, find that allegations emerging in custody modifications, as well as those arising in new divorces, were somewhat less likely to be believed than were allegations made at the time of a visitation modification. It is possible that court and CPS workers are more skeptical in the former cases because they view the allegation as a ploy to gain custody.

Table 6. Percentage Distribution of Cases Perceived Valid by Relationship between Accused and Accusing Parties, Length of Time between Divorce Filing and Allegation, and Perceived Level of Parental Anger*

<table>
<thead>
<tr>
<th>Relationship between Accused and Accusing Parties</th>
<th>Length of time between Divorce Filing and Allegation</th>
<th>Perceived Level of Parental Anger</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuse Allegation Perceived As</td>
<td>Less than 2 Years</td>
<td>More than 2 Years</td>
</tr>
<tr>
<td>Mother Against Father</td>
<td>49%</td>
<td>41%</td>
</tr>
<tr>
<td>Father Against Mother</td>
<td>42%</td>
<td>34%</td>
</tr>
<tr>
<td>Third Party</td>
<td>30%</td>
<td>24%</td>
</tr>
</tbody>
</table>

* Percentages may add up to more or less than 100 due to rounding error.

** Differences between perceived validity are statistically significant, \( x^2 (2, n = 100) = 7.8, p < .05. **
CONCLUSIONS AND DISCUSSION

Our research shows that the rate of sexual abuse allegations in families with custody and visitation disputes is much smaller than public opinion and media accounts indicate. Less than 2% of the approximately 9,000 families with custody and visitation disputes served by 8 domestic relations courts included in the study involved an allegation of sexual abuse. The range across the court sites varied from a low of 1% to a high of 8%. Support for these findings can be found in data collected independent of this research at the Alameda County Court in Oakland, California. During a 3-month time span in 1985-1986, this court reported sexual abuse allegations in 6% of the 524 contested cases receiving services, and during a similar time span in 1986-1987, the same court reported sexual abuse allegations in 5% of the 861 cases receiving services (Duryee, 1987).

Though small, the incidence of sexual abuse reported in families with contested custody and visitation disputes found in our study appears to be greater than the incidence of child sexual abuse reported in the general population. According to the 1988 Study of National Incidence and Prevalence of Child Abuse and Neglect (1988) funded by the National Center of Child Abuse and Neglect, there were 2.5 sexually abused children per 1,000 in the population in 1986. The study included in its data any sexual abuse that was reported or seen by some official or professional, or was reported to a child protective service agency. Assuming there was an average of 1.5 children in the 9,000 families receiving services from the courts in our study, there were 13,500 children at risk of being sexually abused. Our sample included 209 child victims, producing a rate of 15 sexually abused children per 1,000 in the population of families with custody and visitation disputes, a rate 6 times greater than that found in the National Incidence Study.

As noted by Corwin and associates (1987), several studies have reported a higher incidence of child sexual abuse in families after marital dissolution. For example, a review of 125 abused children under 7 years of age by Mian and associates (1986) found that 67% of the children reporting intrafamilial abuse had parents who were separated or divorced compared to 27% of those reporting extrafamilial abuse. In his survey of 796 college students, Finkelhor (1984) found that child sexual abuse was significantly related to "having had a stepfather" and "ever having lived without their mother" among female respondents. And, in her random retrospective survey of 930 women, Russell (1984) found that 17% of the women raised by a stepfather reported having been sexually abused by a stepfather, while only 2.3% of the women raised in intact families reported having been sexually abused by their biological father.

There are several reasons why child sexual abuse may occur more frequently in the context of marital dissolution. First, child sexual abuse, like other psychosocial problems, may create stress in a marriage and lead to its eventual breakdown; thus, a higher incidence of reported sexual abuse would be expected in families coming in contact with domestic relations courts. Second, a separation or divorce may create opportunities for abuse that are not present in intact families. As one psychologist we interviewed concluded:

It's not hard to believe that some abuse starts after divorce. If you take parents with such inclinations and make them lonely and needy, and give them a child who is also lonely and scared, and put them together for entire weekends, alone, you've created a perfect opportunity for abuse to occur. How many fathers in intact families spend that much time alone with daughters?

And finally, as Corwin and associates (1984) suggest, children may be more likely to disclose abuse by a parent following separation or divorce because the abusing parent is less able to enforce secrecy; further, because of decreased dependency and increased distrust between the parents, the other parent is more willing to believe the child.
Our research also questions the popular conception that sexual abuse allegations in contested custody and visitation cases are uniformly brought by mothers against fathers. Although mothers brought the allegations in nearly 70% of the cases in the study, in only 48% of the cases did the mother accuse the child's father. Nor did we find that sexual abuse allegations in families with custody and visitation disputes were more likely to be determined false than child sexual abuse reported in the general population. Using a classification scheme that provided for rulings of likely, unlikely, and cannot be determined that abuse occurred, we found that in half of the cases in the present study, the abuse was believed to have occurred; in 33%, no abuse was believed to have occurred; and in 17%, the investigator (either a CPS worker or a court evaluator, or both) could reach no determination. We also found no evidence to support the belief that these cases typically involved mothers falsely accusing fathers to gain or maintain custody of the children. In the present samples, cases involving allegations made by mothers against fathers were equally likely to be perceived as valid as allegations made by fathers against mothers.

Our findings on validity ratings among families with custody/visitation disputes were consistent with substantiation rates found in sexual abuse cases reported to child protective service agencies. For example, a study of a 10% sample of sexual abuse cases reported to the Department of Human Services in Cuyahoga County, Ohio, between January 1983 and November 1984, revealed that only half of the cases were substantiated (Solomon, 1986). In their study of 576 reports of suspected sexual abuse made to the Denver Department of Social Services in 1983, Jones and McGraw (1988) found that the agency categorized 53% as founded and 47% as unfounded. And finally, another Denver study conducted by Thoennes, Cosby and Pearson (1986) found that approximately 50% of the cases reported to the Department of Social Services between January and March of 1985 involving incest or sexual abuse by an adult in a position of trust were substantiated.

Our findings on validity determinations do not support conclusions drawn from previous clinical assessments which suggest that false sexual abuse allegations are disproportionately high in custody and visitation disputes. After finding 4 false allegations in 11 children reported to be sexually abused by the noncustodial parent in the context of child custody and visitation disputes, and after reviewing Benedek and Schetky's (1984) study of 18 incest cases involving custody disputes in which 10 (55%) were unsubstantiated, Green (1986) concluded the incidence of false allegations was "strikingly high" and claimed that "more frequent false allegations of sexual abuse are made by parents during court litigation involving custody and/or visitation." He further claimed that vindictive or delusional mothers were frequently behind these false allegations. Jones and Seig (1987) examined 20 cases seen at the Kempe Center in Denver where sexual abuse allegations accompanied legal disputes and concluded that 14 (70%) were reliable while 4 (20%) were fictitious. Three of the four fictitious cases involved mothers accusing fathers and had high levels of vindictiveness. Given the high rate of reliable cases in the sample, Jones and Seig reported that sexual abuse allegations in custody and visitation disputes should not be dismissed. However, they also concluded that "... the setting of the divorce and custody dispute does seem to raise the likelihood that clinicians will find an increased number of fictitious allegations" (1988). Again, our research indicates that allegations of sexual abuse among families in dispute over custody and visitation are no more likely to be determined false than are allegations of child sexual abuse in the general population. Further, mothers are no more likely than fathers to make false allegations.

We found several factors to be significantly related to the validity ruling on a case: age of the child, length of the abuse, prior abuse or neglect reports, and the length of time between the filing for divorce and the emergence of the allegation. Not surprisingly, the older the child the more likely the allegation would be perceived as valid. In only a quarter of the cases involving a child 1 to 3 years of age was the abuse allegation perceived as likely to have oc-
occurred compared to approximately half of the cases involving victims aged over 7. This finding
is supported by Berliner (1988) and Waterman and Lusk (1986), who note that it is extremely
difficult to determine that sexual abuse occurred in cases involving very young children.

There are several reasons why sexual abuse allegations involving multiple episodes are more
likely to be perceived as valid than allegations involving single episodes. They are associated
with older children who are better able to communicate with court evaluators and protective
service workers. They may also result in more evidence being promulgated. And finally, in
cases involving more than one episode, the parent is less likely to be perceived as misinterpreting
a situation to involve abuse than in cases with just a single episode.

Since the prior report is frequently made by someone other than the current alleging party,
it is not surprising that a history of abuse/neglect report increases the likelihood that the evalu-
ator will rule the abuse as "likely" to have occurred. At a minimum these cases are ruled as
"indeterminate."

In this study, cases with a two-year or more time lag between the filing of divorce and the
allegation were more likely to be perceived as valid than cases in which the allegation occurred
within two years of the divorce filing. This finding is surprising since court and child protective
service personnel frequently informed us they are wary of cases in which allegations arise some
time after the initial divorce filing. In part, this finding reflects the fact that most of the
cases involving a two-year or more time lag between filing and allegation involve older chil-
dren who are better able to present clear accounts of what transpired. In addition, many of
these older cases also involve requests to modify visitation. In general, court evaluators and
protective service workers find allegations accompanying visitation modifications more be-
lievable than allegations arising out of newly contested divorce cases or custody modifications
because the accusing parent is not perceived as using the allegations as a ploy to obtain
custody.

In summary, the findings presented above offer little support for the assumption that an
epidemic number of mothers are falsely accusing fathers of sexual abuse during custody and
visitation disputes. Rather, the study suggests that these cases are relatively rare, are often
complex, involving a variety of accused and accusing parties, young children, and serious
allegations, and are no less likely to be "unfounded" than any other reports of sexual abuse
made to protective service agencies. As a result, the study does not suggest the need for meth-
ods to discourage such reports or to reduce their numbers. Rather, the study reveals the need
for courts and CPS agencies to develop cooperative, coordinated approaches to manage these
cases, and to offer them the full and unbiased time and attention that they require.

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