

CHILD CUSTODY OUTCOMES

in cases involving **parental alienation** and **abuse allegations** in U.S. family courts



COURTS ARE SKEPTICAL of accusations of paternal abuse; this disbelief increases when alienation is cross-claimed

- In simple abuse cases mothers reporting abusive fathers are believed less than half the time on average (41%) — and even less when alleging child abuse (CPA 29%; CSA 15%)
- When fathers respond to abuse claims with an alienation cross-claim, only 23% of mothers are believed (DV 37%; CPA 18% CSA 2%); courts almost never believe child sexual abuse claims (1/51)
- Independent research has found that 50-75% of child sexual abuse allegations in the custody context are believed to be likely valid, and less then 14% are considered intentionally false



Mothers alleging abuse experience a LOSS OF CUSTODY

- In simple abuse cases, 25% of mothers who allege fathers' abuse lose custody when fathers cross-claim alienation this increases to close to 50%
- 73% of mothers lose custody when the courts believe the mother is an alienator —sometimes even when courts acknowledge the father has abused the mother or children



Court-appointed experts EXACERBATE GENDER BIAS

 Court-appointed experts — such as a custody evaluator or Guardian ad Litem (GAL) — are associated with even greater gender bias in outcomes



Alienation defenses are associated with GENDER BIAS

- When fathers cross-claim alienation, courts are four-times more likely to disbelieve mothers' allegations of child abuse
- Mothers accused of alienation have twice the odds of losing custody compared to fathers accused of alienation

MAJOR OUTCOMES

- Overall, courts only believe mothers' abuse claims 39% of the time
- Courts reject mothers' abuse claims far more often when alienation is cross-claimed
- In the 14 cases where courts concluded both that a father was abusive and a mother was alienating, six of the mothers (43%) lost custody to the abusive father

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This research is the product of National Institute of Justice Grant Award #NIJ-2014-MU-CX-0859 (January 1, 2015 - June 30, 2019) Joan S. Meier, Esq., George Washington University Law School | 202-994-2278 | jmeier@law.gwu.edu (Principal Investigator) | Co-authors, Study Consultants, and Quantitative Analysts: Sean Dickson, JD, MPh | Jeffrey Hayes, Ph.D. | Leora Rosen, Ph.D. | Chris O'Sullivan, Ph.D. | The study relies solely on electronically available published opinions in child custody cases, mostly, but not only, appellate decisions. However, it analyzes the trial court's decision in each case. The comprehensive electronic search netted a total of 4338 cases involving an abuse or alienation allegation by one parent against the other.