

RESEARCH SUMMARY OF DATA ON FALSE ALLEGATIONS OF ABUSE in CUSTODY CONTEXT

Adult vs Adult Domestic Violence

Shaffer & Bala (2003) (45 Canadian custody cases 1997-2000 involving spousal abuse claims)

- Judges credited 74% (31 out of 42 allegations vs men) in custody context.
- Only 2 allegations vs women; one credited.

Arizona Criminal Justice Commission Statistical Analysis Center (2012):

- Found *only one* reported case of false reporting of sexual assault by a spouse in the years from 2005-2010. Arrest only; disposition unknown.

Wendy Davis, (Dec. 2004): New Zealand Law Commission examined claims that women were misusing protection orders and false allegations of DV to gain advantage in custody battles:

- Found ‘no empirical or qualitative evidence to substantiate . . . allegations’ that ‘women were making strategic use of POs to prejudice fathers’ positions in custody’ (304);
- Author’s own experience was that only 2 out of 27 (7%) contested factual hearings in PO cases resulted in judicial finding against woman’s credibility (but parties agreed the incidents occurred)

Child Abuse Allegations

Thoennes and Tjaden (1991)¹ empirical data from 12 domestic relations courts throughout the United States:

- Only 2% of 9000 custody cases in 12 jurisdictions contained CSA allegations
- CSA allegations were found equally credible when alleged by mothers or fathers, and
- whether in custody litigation or not

Dr Kathleen Faller (U. Mich, School of Social Work, leading expert in controversies of interviewing children about sexual abuse, the co-morbidity of child maltreatment and domestic violence)²:

- Comprehensive review of extant research found that over 50% of csa allegations in custody litigation were valid; only 14% intentionally false
- Faller also found that other studies have found rates of 1/3 or less false allegations and 70% or more “likely valid” (107)

¹ <https://pubmed.ncbi.nlm.nih.gov/2340426/>

² https://www.researchgate.net/publication/43118066_The_Parental_Alienation_Syndrome_What_is_it_and_What_Data_Support_it

Trocme and Bala (2005)³ (Large Canadian national study of multiple jurisdictions of 7672 child maltreatment investigations reported to child welfare authorities):

- Overall more than one-third of maltreatment investigations are unsubstantiated, but **only 4% of all cases are considered to be intentionally fabricated**. Within the subsample of cases wherein a custody or access dispute has occurred, the rate of intentionally false allegations is higher, but still a low percent overall: In cases in custody litigation:
 - Only 12% of all child maltreatment (including neglect) allegations were deemed intentionally fabricated – only 6% of child sexual abuse allegations
 - **Non primary caregivers/noncustodial parents (mostly fathers) were the *most likely* to fabricate child maltreatment claims** (including neglect) **(43%)**
 - **Custodial mothers and children were the *least likely* to fabricate** false claims of child abuse or neglect (14% mothers; 2% children)
 - Only 2 out of 308 cases involved mothers intentionally fabricating maltreatment allegations against fathers (not specified whether CSA or other claim)

³ <https://www.sciencedirect.com/science/article/abs/pii/S0145213405002590?via%3Dihub>. The authors concluded: **“This indicates that the problem of deliberate fabrication by noncustodial parents (largely fathers) is more prevalent than deliberate fabrications of abuse by custodial parents (largely mothers) and their children.”** Moreover, “[o]ver one-fifth of all investigations tracked by the study were inconclusive...Cases that remain unresolved leave the child and the alleged perpetrator in very difficult and potentially dangerous positions.”