

THE EXTENT, NATURE, AND VALIDITY OF SEXUAL ABUSE ALLEGATIONS IN CUSTODY/VISITATION DISPUTES

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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).

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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-visitation 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

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-visitation 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

Table 1. Percentage Distribution of Cases by Relationship between the Accused and Accusing Parties

Relationship between the Accused and Accusing Parties	Percentage
Mother Accuses Father	48
Mother Accuses Child's Stepfather	6
Father Accuses Mother	6
Father Accuses Mother's New Partner	10
Mother Accuses Third Party	13
Father Accuses Third Party	6
Third Party Accuses Father	3
Third Party Accuses Mother or Her New Partner	4
Third Party Accuses Other Relative	4
<i>N</i>	165

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.

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

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

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

Number of Children Involved in Custody/Visitation Dispute:	
1 Child	75%
2 Children	17%
3 or More Children	8%
<i>N</i>	169
Number of Children Involved in Sexual Abuse Allegation:	
1 Child	82%
2 Children	14%
3 or More Children	4%
<i>N</i>	169
Sex of Children Involved in Sexual Abuse Allegation:	
Female Only	65%
Male Only	28%
Both Female and Male	8%
<i>N</i>	169
Age of Children Involved in Sexual Abuse Allegation:	
1-3 Years	28%
4-6 Years	34%
7-12 Years	27%
13 or More Years	11%
<i>N</i>	169

Table 4. Percentage Distribution of Cases by Characteristics of the Alleged Abuse

Relationship of Alleged Abuser to the Victim:	
Parent	58%
Stepparent or Parent's New Partner	22%
Stepsibling	3%
Other Family Member or Friend	17%
<i>N</i>	164
Type of Alleged Abuse:	
Parental Nudity, Sharing Beds or Bathing with Child	7%
Fondling Child, Masturbating before Child	49%
Oral-Genital Contact, Digital or Penile Penetration of Vagina or Anus	28%
Child Behaving in Sexualized Manner	11%
Child in Dispute Was Not Abused; Restricted Access due to Alleged Abuse of Other Children	5%
<i>N</i>	142
Number of Alleged Abuse Episodes:	
Single Episode Occurring Years Previously	6%
Multiple Episodes Occurring Years Previously	10%
Single Recent Episode	20%
Multiple Recent Episodes	64%
<i>N</i>	125
Duration of Alleged Abuse in Multiple Abuse Episodes:	
1-3 Months	29%
4-6 Months	19%
7-12 Months	22%
13-24 Months	10%
25-36 Months	4%
48 or More Months	15%
<i>N</i>	71

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

Table 5. Percentage Distribution of Cases Perceived Valid by Age of Victim, Frequency and Nature of Abuse, and Prior Abuse/Neglect Reports^a

Abuse Allegation Perceived As	Age of Victim ^b			Frequency of Abuse ^c		Nature of Abuse		Prior Report ^d	
	1–3 Years	4–6 Years	7+ Years	One Recent Episode	Multiple Recent Episodes	Fondling Exposure	Penetration/ Oral–Genital Contact	No	Yes
Likely	25%	42%	56%	33%	61%	50%	27%	37%	50%
Unlikely	38%	44%	29%	42%	11%	23%	37%	44%	5%
Indeterminate	38%	14%	15%	25%	29%	27%	37%	19%	45%
N	24	36	34	12	28	22	30	57	20

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

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

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

^d Differences between perceived validity are statistically significant, $\chi^2(2, n = 77) = 2.5, p < .005$.

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 or 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 5% 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 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^a

Abuse Allegation Perceived As	Relationship between Accused and Accusing Parties			Length of time ^b between Divorce Filing and Allegation		Perceived Level of Parental Anger	
	Mother Against Father	Father Against Mother	Parent Against Third Party	Less than 2 Years	More than 2 Years	Higher than Most	Similar/Less than Most
Likely	49%	42%	30%	41%	66%	37%	53%
Unlikely	33%	41%	45%	34%	23%	41%	33%
Indeterminate	18%	17%	25%	24%	10%	22%	13%
N	45	17	20	58	42	49	30

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

^b Differences between perceived validity are statistically significant, $\chi^2(2, n = 100) = 7.8, p < .05$.

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.

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-

curred 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 evaluator 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 children 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 believable 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 are any other reports of sexual abuse made to protective service agencies. As a result, the study does not suggest the need for methods 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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Résumé—Les auteurs ont utilisé des informations obtenues par correspondances postales et téléphoniques ainsi que par des interviews personnels avec des professionnels de la santé mentale et des juristes qui ont à faire à des cas de maltraitance à l'égard d'enfants; ils ont également utilisé des données empiriques provenant de douze tribunaux s'occupant de relations domestiques à travers les Etats Unis. Cette étude conduit à la conclusion que seule une petite portion des cas où la garde et le droit de visites sont contestés se compliquent d'accusations de sévices sexuels. Les dossiers gérés par les travailleurs associés aux tribunaux de famille placent ce pourcentage à moins de 2%. Dans 169 cas collectés à partir de dossiers de conseillers en tribunaux familiaux et d'agences de protection de l'enfance, on a trouvé que les accusations sont formulées par les mères dans 67% des cas, par les pères dans 28% des cas et par une troisième personne dans 11%. Ceux qu'on accusait étaient dans 51% de tous les cas les pères, mais des allégations sont aussi exprimées à l'égard des mères, des nouveaux compagnons des mères et des membres de la famille étendue. Dans 129 cas on a pu déterminer la validité de l'accusation; dans 50% les sévices ont pu être vérifiés, dans 33% il n'y avait en fait pas eu de sévices et dans 17% on n'a pas pu se déterminer. Les auteurs ont trouvé que 4 facteurs étaient associés de façon significative avec l'acceptation de la dénonciation de sévices comme étant valable: l'âge de la victime, la fréquence du sévice dénoncé, des rapports de maltraitance, négligence antérieurs et la longueur de temps qui s'était écoulée entre la demande de divorce et l'expression de l'accusation.

Resumen—Usando información obtenida por correo, encuestas telefónicas y entrevistas personales con profesionales legales y de salud mental que tratan con casos de abuso del niño, así como datos empíricos de 12 tribunales estadounidenses de relaciones domésticas, la investigación concluye que solo una pequeña proporción de casos impugnados de custodia y visita incluye alegaciones de abuso sexual. A base de los documentos de los tribunales el número parece ser menor de dos por ciento. Una muestra de 169 casos acerca de los cuales se obtuvo datos de asesores jurídicos, tribunales de familias y los archivos de las agencias de los servicios de protección de la infancia demostró que 67% de las acusaciones provenían de las madres, 28% de los padres y 11% de terceros. Los padres fueron acusados en 51% de los casos, pero también hubo alegaciones contra las madres, las nuevas parejas de las madres y los miembros de la familia extendida. En los 129 casos en que se pudo obtener una determinación de la validez de la alegación, en 50% de los casos el fallo fué de abuso, en 33% de no abuso, y en 17% de los casos el fallo fué indeterminado. Cuatro factores estaban significativamente asociados con la percepción del reporte de abuso como valido: la edad de la víctima, la frecuencia del supuesto abuso, informes anteriores de abuso/negligencia, y la cantidad de tiempo transcurrido entre la petición de divorcio y la emergencia de la alegación.