

# fact sheet #1

## The myth of false accusations of child abuse

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### summary

#### myth:

Women routinely make false accusations of child abuse or domestic violence to gain advantage in family law proceedings and to arbitrarily deny their ex-partners access to the children.

#### fact:

Allegations of child abuse are rare;

False allegations are rare;

False allegations are made by fathers and mothers at equal rates;

The child abuse often takes place in families where there is also domestic violence;

Allegations of child abuse rarely result in the denial of parental contact.

### the myth

Fathers' rights groups often claim that women routinely make false accusations of child abuse or domestic violence to gain advantage in family law proceedings and to arbitrarily deny their ex-partners access to the children. For example, Dads On The Air (2005) state that 'virtually all the allegations of domestic violence, and all the allegations of child abuse, made in the context of custody allegations are false or greatly exaggerated'. But the Australian research shows that it is fathers' rights groups who are making the false accusation.

(This fact sheet focuses on allegations of child abuse. Fact Sheet #2 focuses on allegations of domestic violence.)

### allegations of child abuse are rare

Residence and contact disputes involving allegations of child abuse represent five to seven per cent of all disputes in children's matters before the Family Court of Australia, according to a study of disputes in 1995-96 (Brown et al, 2001:372). In another study of all cases in 1993 in Western Australia where children's residence or parental contact were in dispute, only one to two per cent involved allegations of child abuse (Young, 1998:103). In short, the contention that such allegations are rife in family law proceedings is mistaken. In any case, given the prevalence of child abuse in the general population, one should not be surprised that a proportion of family court cases involve allegations of abuse (Young, 1998:102-103).

Child abuse allegations in the context of family law proceedings have been analysed in four Australian studies. These examinations find that allegations rarely are made for tactical advantage, false allegations are rare, the child abuse often takes place in families where there is also domestic violence, and such allegations rarely result in the denial of parental contact.

## false allegations of child abuse are rare

In an examination of 50 South Australian Family Court files in which allegations of child sexual abuse had been made between 1990 and 1992, abuse was confirmed in these cases by the statutory agency at a higher rate (42%) than for the general population (37%), and this was higher still if the allegation involved sexual abuse by fathers (Hume, 1996). An analysis of the Family Court records of 200 cases where child abuse allegations had been made over 1995-96 from two of Australia's states found that only nine per cent of allegations were false, that is, proven to be untrue, arising either from misunderstandings or from fictitious accusations (Brown et al, 2001:118). This incidence was the same as in the earlier South Australian study, and no greater than the incidence of such allegations outside family law proceedings as reported by child protection services. False allegations were made by both mothers and fathers, and others. Brown et al report that the substantiated abuse typically was serious and involved multiple forms of harm. The abuse often took place against a background of domestic violence, family violence was more common in these families than in other families known to child protection authorities, and this violence was the most common cause of the relationship breakdown (Brown et al, 2001:119-120).

When allegations of child abuse are investigated by child protection authorities, their reports may indicate that the allegations were substantiated, not substantiated (where there is insufficient information to support either substantiation or an assessment of a untrue accusation), or false (Brown, 2003:374). Fathers' rights advocates at times inaccurately have represented all unsubstantiated allegations of child abuse as 'false', thus dishonestly inflating the proportion of all allegations seen to be without substance.

The most recent Australian study examined all resident and contact disputes where allegations of serious child abuse had been made that came to two registries of the Family Court in one Australian state, over a one-year period (Brown, 2003). While Brown et al's (2001) early study examined cases selected from all families with abuse allegations

and found a rate of substantiation of 22 per cent of allegations, the second study found a rate of 52 per cent. Among substantiated abusers, 61 per cent were fathers, 31 per cent were other family members (almost all male), and eight per cent were mothers. Of the four types of abuse (physical, sexual or emotional abuse, and neglect), sexual abuse was the type most likely to be substantiated and males were the most common perpetrators of this (Brown, 2003:376-377).

Mothers notify the family courts of concerns regarding child abuse at over twice the rate of fathers, according to the recent Australian study, but these are four times as likely to be substantiated. Of mothers' allegations, 63 per cent are substantiated, compared to 13 per cent of those made by fathers (Brown, 2003:372-375). Allegations were assessed as false in 11 out of 147 families, and fathers and mothers were equally likely to have made these. Domestic violence was alleged in 40 per cent of the families studied, and when it was alleged child abuse of all kinds was more likely to be substantiated.

## allegations rarely result in the denial of parental contact

When fathers are subject to allegations of abuse, their chances of being denied contact with children are remote even if these allegations are substantiated, and the numbers of parents falsely accused of child abuse are tiny compared to the numbers of children who are being abused and about whom the Family Court never hears (Young, 1998:108).

Fathers' rights advocates contend that women's allegations of abuse are a *successful* weapon in family law proceedings. Again, the evidence suggests otherwise. Examination of cases in Western Australia found that the alleged abuser's contact with the child(ren) was suspended in only a handful of cases (Young, 1998:106-107). In practice, the Family Court tries to determine whether the abuse took place using a far higher standard of proof than the formal, civil standard of a 'balance of probabilities', one that is close to the criminal standard of 'beyond a reasonable doubt'. As a result, it usually finds that no abuse took

place and therefore there is not the 'unacceptable risk of abuse' that would compel the Court to avoid granting the child's residence or contact with the alleged abuser (Young, 1998:107-108). In a more recent study, children going through the West Australian Family Court expressed frustration that their disclosures of abuse and their preferences for no contact with abusive fathers were minimised and rejected as maternal influence (Hay, 2003). Qualitative research among single mothers documents that of women who left violent relationships and then used the Family Court system, none were able to prevent their children's continuing exposure to abuse through court-ordered contact (McInnes, 2002).

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