



Pergamon

Child Abuse & Neglect 29 (2005) 1333–1345

Child Abuse
& Neglect

False allegations of abuse and neglect when parents separate

Nico Trocmé^{a,*}, Nicholas Bala^b

^a *University of Toronto, Faculty of Social Work, 246 Bloor Street, West, Toronto, Ont., Canada M5S 1A1*

^b *Queen's University, Faculty of Law, Kingston, Ont., Canada*

Received 2 July 2003; received in revised form 13 June 2004; accepted 20 June 2004

Abstract

Objective: The 1998 Canadian Incidence Study of Reported Child Abuse and Neglect (CIS-98) is the first national study to document the rate of intentionally false allegations of abuse and neglect investigated by child welfare services in Canada. This paper provides a detailed summary of the characteristics associated with intentionally false reports of child abuse and neglect within the context of parental separation.

Method: A multistage sampling design was used, first to select a representative sample of 51 child welfare service areas across Canada. Child maltreatment investigations conducted in the selected sites during the months of October–December 1998 were tracked, yielding a final sample of 7,672 child maltreatment investigations reported to child welfare authorities because of suspected child abuse or neglect.

Results: Consistent with other national studies of reported child maltreatment, CIS-98 data indicate that 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: 12%. Results of this analysis show that neglect is the most common form of intentionally fabricated maltreatment, while anonymous reporters and noncustodial parents (usually fathers) most frequently make intentionally false reports. Of the intentionally false allegations of maltreatment tracked by the CIS-98, custodial parents (usually mothers) and children were least likely to fabricate reports of abuse or neglect.

Conclusions: While the CIS-98 documents that the rate of intentionally false allegations is relatively low, these results raise important clinical and legal issues, which require further consideration.

© 2005 Published by Elsevier Ltd.

Keywords: Child sexual abuse; Custody and access; False abuse allegations

* Corresponding author.

0145-2134/\$ – see front matter © 2005 Published by Elsevier Ltd.
doi:10.1016/j.chiabu.2004.06.016

Introduction

There is a widespread misperception that there is a high incidence of intentionally false allegations of child abuse made by mothers in the context of parental separation and divorce in order to gain a tactical advantage or to seek revenge from their estranged partners.

Coining the term “Parental Alienation Syndrome” (Gardner, 1999), Columbia University psychiatrist Dr. Richard Gardner blames vindictive mothers for pressuring children to make false claims of sexual abuse in divorce custody disputes. While Gardner’s work is largely discredited by clinical studies (Faller, 1998), and large-scale studies of custody and access disputes have found that sexual abuse allegations in the context of parental separation are relatively rare (Thoennes & Tjaden, 1990), there continue to be misperceptions about the problem of false allegations of child abuse and neglect.

During its 1998 hearings, the Canadian Special Parliamentary Joint Committee on Child Custody and Access heard heated testimony from fathers, men’s groups, and professionals about the problem of false allegations of abuse in cases involving custody disputes. One witness was quoted as saying that false sexual abuse allegations were the “weapon of choice” of mothers in custody disputes. The Director of Legal Services for a local child welfare agency gave the Committee the “rough statistic” of “three of every five cases of alleged abuse . . . involve custody and access.” The director of another agency estimated that “only 15% of allegations made in divorce cases were likely true.”

This article challenges some of the misperceptions about the frequency and characteristics of intentionally false allegations in child welfare investigations and their relationship to custody and access disputes, based on a study of 7,600 child welfare investigations conducted across Canada. The rate of intentionally false allegations is relatively low, though it is somewhat higher in cases of parental separation than in other contexts. It is more likely that a noncustodial parent (usually the father) will deliberately fabricate an allegation of abuse than for custodial parents (usually mothers) to fabricate such an allegation.

One of the major limitations of research done to date is the lack of information about the context in which intentionally false allegations arise. Research based on files identified through custody and access disputes has generally paid little attention to the differences between cases where false allegations are made and cases where they are not made. Similarly, research based on child protection cases does not distinguish between cases involving custody disputes and cases where intentionally false allegations may arise for other reasons. Previous research has also been limited with respect to the extent to which intentionally false allegations are compared to other unsubstantiated allegations.

Improving on existing research, the CIS-98 examines rates of false allegations arising in the context of a custody and access dispute. While malicious referrals should clearly be an important area of research, the high rates of unintentionally false allegations reported in some jurisdictions are also cause for concern (Besharov, 1994; Besharov & Laumann, 1996). With an aim to fill the existing gap in false allegations research the CIS-98 distinguishes between unsuspected reports of child abuse and neglect, and allegations of maltreatment that remain suspected. The CIS-98 also distinguishes between maliciously made false allegations and other unsubstantiated allegations.

Unsubstantiated versus intentionally false allegations of abuse

Definitional confusion is a common source of misunderstanding in the debate about the problem of false allegations of abuse. Rates on unsubstantiated abuse typically reported by child welfare services range from 30 to 70%. Sixty percent of investigations tracked in the United States reported by the

third National Incidence Study were unsubstantiated (King, Trocmé, & Thatte, 2003), while aggregated statistics reported for 2002 by the National Child Abuse and Neglect Data System indicate that 60.4% of cases were not substantiated (US Department of Health and Human Services, 2002). In contrast, in Canada, the 1998 Canadian Incidence Study of reported Child Abuse and Neglect (CIS-98) estimated a 33% rate of “unsubstantiated investigations” of child abuse and neglect (Trocmé, MacLaurin, & Fallon, 2001). Unsubstantiated investigations must, however, be distinguished from intentionally false ones. Most unsubstantiated investigations are the result of well-intentioned reports triggered by a suspicious injury or concerning behavior or a misunderstood story. Mandatory reporting laws require the reporting of *reasonably suspected* child abuse or neglect, and do not expect reporters to conduct their own investigations prior to reporting.

In contrast to unsubstantiated allegations, intentionally false allegations are intentional fabrications that are made in the hope of manipulating the legal system, or are made to seek revenge against an estranged former partner, or may be the product of the emotional disturbance of the reporter. If there is a deliberate fabrication made, it is important to distinguish between cases in which it is a parent or other adult who is taking the lead in the fabricating from those where it is the child who is fabricating the allegation without adult influence.

It is also important to distinguish allegations that are clearly unsubstantiated or false, from those where abuse cannot be substantiated but remains suspected (Oates, Denson, Sirotnak, Gary, & Krugman, 2000). Because many jurisdictions and studies do not distinguish between suspected, unsubstantiated and intentionally false allegations, confusion in the interpretation of investigation statistics is understandable. Five states tracked intentionally false allegations in the US in 2002; only 0.02% of investigations were classified in this category (US Department of Health and Human Services, 2002). Intentionally false allegations were also separately tracked in the 1998 Canadian Incidence Study of Reported Child Abuse and Neglect (Trocmé et al., 2001). A third of the investigations tracked by the CIS-98 were unsubstantiated, with only 4% of all investigations being judged to have been triggered by intentionally false allegations of abuse or neglect. This paper presents an analysis of the factors associated with these intentionally false reports.

Previous research on intentionally false allegations of abuse

Research on intentionally false allegations of abuse has been primarily conducted in three contexts: studies on the accuracy of children’s recollections of abuse (Ceci & Bruck, 1993; Roberts & Powell, 2001); research examining adult’s false allegations or false memories of child sexual abuse made by adult “survivors” (Brown, Schefflin, & Whitfield, 1999; Flathman, 1999); and studies examining false allegations in the context of custody disputes (Bala et al., 2001). Research in the first two areas has already been extensively reviewed.

Research on false allegations of abuse made in the context of parental separation disputes falls into two categories: studies of divorce custody and access disputes where allegations of abuse arise, and studies of child protection investigations involving custody disputes. Five studies in the former category have examined intentionally false allegations of abuse arising in the context of a custody or access dispute. Rates of intentionally false allegations range from 23% (Bala & Schuman, 2000) to 4.7% (Faller & DeVoe, 1995), with three studies falling into a narrower 9–15% range (Brown, Frederico, Hewitt, & Sheehan, 1998; Faller, 1991; Thoennes, 1988). Three out of five of these studies only examined sexual abuse allegations, while the study with the highest rate of intentionally false allegations (Bala & Schuman,

2000) also included physical abuse allegations. It should be noted, however, that these studies are based on small samples of custody or access disputes where allegations of abuse had been made. Most of these studies involve cases that required litigation or further nonchild protection assessment to resolve. These types of cases are most likely to include those, which child protection investigations had difficulty in determining the validity of the allegation or in which there has been a deliberately false allegation that the child protection workers were unable to discover in the course of their investigation, requiring further independent assessment or litigation to resolve. This may explain why the rates of false allegations are higher in these studies than in the present paper.

If one considers studies based on larger samples of cases in which parents separate, the rate of deliberately false allegations of abuse is significantly lower than for the litigation-based studies. [Thoennes and Tjaden \(1990\)](#) review a sample of 9,000 court files involving parental separation or divorce and identified only 196 cases (2%) with allegations of sexual abuse. The child protection or court-based assessors involved in these cases believed that 50% of these 196 cases actually involved abuse, 33% were unsubstantiated, and 17% could not be determined. Although rates of intentionally false allegations were not documented, if one were to apply rates documented in other studies, where approximately 15% of abuse allegations were considered to be intentionally false, one would conclude that less than 0.3% of the custody and access cases in their sample involved an intentionally false allegation of child sexual abuse.

Four studies have examined rates of intentionally false allegations arising out of child protection investigations. In a study of 551 reports of child sexual abuse in Australia, [Oates et al. \(2000\)](#) reported a 2.5% rate of false allegations. Rates of intentionally false allegations were equally low in other studies, for example 2.5% in an Ontario study of 2,447 child abuse and neglect investigations ([Trocmé, McPhee, Tam, & Hay, 1994](#)). In a study of 576 child sexual abuse investigations in the United States, [Jones and McGraw \(1987\)](#) found that 6% of allegations made by parents and 2% of the allegations made by children could be classified as having been intentionally false. The highest rate of malicious and false reports, 8.5%, was reported in a study of 350 child sexual abuse investigations in the UK ([Anthony & Watkeys, 1991](#)).

Methodology

The CIS-98 is the first national study of investigated child abuse and neglect cases conducted in Canada. The study collected information directly from child protection investigators. A multistage sampling design was used, first to select a representative sample of 51 child welfare service areas across Canada. Child maltreatment investigations conducted in the selected sites during the months of October–December 1998 were tracked, yielding a final sample of 7,672 child maltreatment investigations reported to child welfare authorities because of suspected child abuse or neglect. All but four sites were randomly selected from each province and territory. The four nonrandomly selected sites were included on the basis of representativeness and accessibility. To ensure adequate representation, Aboriginal child welfare authorities were sampled from a separate stratum. The estimated response rate was 90% and the item completion rate was over 95% on all questions. Using a standard set of definitions, study participants reported the results of their investigations, details about the specific maltreatment incidents, and child and family characteristics ([Trocmé et al., 2001](#)). While the CIS-98 is the most comprehensive national child maltreatment dataset available in Canada, it is important to note that the study did not track: (1) incidents that were not reported to child protection authorities; (2) reported cases that were screened out by child protection workers before

being fully investigated; (3) new reports on cases already open by child protection authorities; (4) cases that were only investigated by the police; (5) cases involving separated parents who proceeded through the family courts without having a full child welfare investigation.

Twenty-two forms of maltreatment subsumed under four categories (physical abuse, sexual abuse, neglect, and emotional maltreatment) were tracked by the CIS. This classification reflects a fairly broad definition of child maltreatment, and includes several forms of maltreatment that are not specifically included in some provincial and territorial child welfare statutes. On the basis of the balance of evidence gathered during the investigation, the results of investigations were classified as substantiated, suspected, or unsubstantiated. In the unsubstantiated category, a further distinction was made by the investigating worker between unsubstantiated reports that were considered to have been made in good faith and unsubstantiated cases that were considered by the investigating child protection worker to have been intentionally false (i.e., that were made maliciously). The CIS-98 also collected information on sources of reports and key child and family characteristics, including household structure, household demographics, and two short parent and child risk factor checklists. Although the length of the questionnaire did not allow for detailed information on marital status and history, workers were asked to note if they were aware of an ongoing custody or access dispute between the parents.

Analyses presented in this paper include both weighted estimates (Table 1) and unweighted data describing the study sample of 7,672 investigations (Tables 2–5). While the weighted data provide relevant national estimates describing the scope of the problem of intentionally false allegations in Canada, the weighted data can be misleading when examining smaller subsamples within the study. Because the weights are designed to control for the sampling strategy used for the study (a disproportionate number of cases were collected from some jurisdictions), the weighted estimates in Table 1 should not be directly compared to the unweighted sample described in subsequent tables. Annual estimates in Table 1 were calculated by applying annualization and regionalization weights that reflect the sampling strategy used (see Trocmé et al., 2001 for details of weighting procedures). Variance estimates that take into consideration the stratified cluster sampling design were calculated using the replicate weights method with the WesVar PC JK_n jackknife procedure (Lehtonen & Pahkinen, 1995; Westat, 2000). Bivariate analyses (chi square) and multivariate analyses (logistic regression) were used to examine the relationship between source of referral, form of maltreatment, custody dispute, and false allegations. All significant results from the bivariate analyses were maintained in the multivariate model. Because the multivariate analyses do not add to the bivariate analyses, only the bivariate results are presented in the tables.

Findings

An estimated 135,574 child maltreatment investigations were conducted in Canada in 1998, a rate of 21.58 investigations per thousand children. Forty-two percent of investigations were substantiated, and an additional 23% of investigations of maltreatment remained suspected (Table 1). The remaining 35% of all investigations were considered to be unsubstantiated reports. While most (31%) of the reports of abuse that were unsubstantiated were considered to have been made in good faith, 4% of all reports were judged to have been intentionally false.

More than half (65%) of all reports of child abuse and neglect in the study sample were from professionals or staff involved in providing services to children and families, with schools (23%) and the police

Table 1
 Estimated number of child maltreatment investigations by level of substantiation, Canadian annual estimate, 1998 ($N=7,672$)

	Maltreated children (study sample)*	Estimated number of maltreated children in Canada (1998)		95% confidence interval		Estimated rate of maltreated children per 1,000 children	95% confidence interval	
				Lower	Upper		Lower	Upper
Level of substantiation								
Substantiated	3,568	56,541	42%	39,450	73,631	9.00	6.28	11.71
Suspected	1,391	31,159	23%	22,760	39,557	4.96	3.62	6.29
Unsubstantiated, good faith	2,397	42,552	31%	27,412	57,692	6.77	4.36	9.18
Intentionally false	316	5,322	4%	3,158	7,486	0.85	0.50	1.19
Total maltreatment investigations	7,672	135,574	100%	97,379	173,767	21.58	15.49	27.65

Note. Study sample refers to $N=7,672$.

Table 2
Source of report by level of substantiation, all types of maltreatment, 1998 Canadian Incidence Study of Reported Child Abuse and Neglect (N = 7,230)

	Custodial parent		Reported child		Noncustodial parent		Rel/neigh/acq		School		Police		Other/ Professional		Anonymous		Total	
Number of investigations (row%)	513 (7)		166 (3)		313 (4)		1,253 (17)		1,680 (23)		862 (12)		2,178 (30)		265 (4)		7,230 (100)	
Substantiated	240	47%	89	54%	104	33%	500	40%	745	44%	520	60%	1,063	49%	42	16%	3,303	46%
Suspected	124	24%	29	17%	47	15%	204	16%	328	20%	138	16%	419	19%	40	15%	1,329	18%
Un-substantiated good faith	137	27%	41	25%	117	37%	455	36%	589	35%	195	23%	655	30%	118	44%	2,307	32%
Intentionally false	12	2%	7	4%	45	15%	94	8%	18	1%	9	1%	41	2%	65	25%	291	4%
Total maltreatment investigations	513	100%	166	100%	313	100%	1,253	100%	1,680	100%	862	100%	2,178	100%	265	100%	7,230	100%

Note. Unweighted data, see Table 1 for annual Canadian estimates. Investigations with missing information (N = 442) are not included in this table.

Table 3

Primary form of maltreatment by level of substantiation, 1998 Canadian Incidence Study of Reported Child Abuse and Neglect ($N = 7,672$)

	Physical abuse		Sexual abuse		Neglect		Emotional maltreatment		Total		
Number of investigations (row%)	2,349 (31)		798 (10)		3,257 (42)		1,268 (17)		7,672 (100)		
Level of substantiation											
Substantiated	882	38%	306	38%	1,624	50%	756	60%	3,568	47%	
Suspected	421	18%	162	20%	513	16%	295	23%	1,391	18%	
Unsubstantiated	948	40%	287	36%	968	30%	194	15%	2,397	31%	
Intentionally false	98	4%	43	6%	152	4%	23	2%	316	4%	
Total	2,349	100%	798	100%	3,257	100%	1,268	100%	7,672	100%	

Note. Unweighted data, see Table 1 for annual Canadian estimates.

Table 4

Source of false reports by primary form of maltreatment, 1998 Canadian Incidence Study of Reported Child Abuse and Neglect ($N = 316$)

	Physical abuse		Sexual abuse		Neglect		Emotional maltreatment		Total		
Number of investigations (row%)	98 (31)		43 (14)		152 (48)		23 (7)		316 (100)		
Source of false report											
Custodial parent	2	2%	8	19%	2	1%	0	0%	12	4%	
Reported child	5	5%	0	0%	1	1%	1	4%	7	2%	
Noncustodial parent	12	12%	7	16%	22	14%	4	18%	45	14%	
Rel/neigh/acq	27	28%	6	14%	53	35%	8	35%	94	30%	
Other	26	27%	8	19%	27	18%	7	30%	68	21%	
Anonymous	21	21%	7	16%	34	22%	3	13%	65	21%	
Missing/unknown	5	5%	7	16%	13	9%	0	0%	25	8%	
Total false allegations	98	100%	43	100%	152	100%	23	100%	316	100%	

Note. Unweighted data, see Table 1 for annual Canadian estimates.

Table 5

Custody dispute by level of substantiation by source of report, 1998 Canadian Incidence Study of Reported Child Abuse and Neglect ($N = 7,509$)

	No custody dispute		Custody dispute		Total	
Custody dispute (row%)	6,606 (88)		903 (12)		7,509 (100)	
Level of substantiation						
Substantiated	3,134	47%	358	40%	3,492	47%
Suspected	1,224	19%	129	14%	1,353	18%
Unsubstantiated	2,049	31%	307	34%	2,356	31%
Intentionally false	199	3%	109	12%	308	4%
Total maltreatment investigations	6,606	100%	903	100%	7,509	100%

Note. Unweighted data, see Table 1 for annual Canadian estimates. Investigations with missing information ($N = 163$) are not included in this table.

(12%) providing the largest proportion of reports (Table 2). Over a quarter (31%) of reports were from family members, including postseparation custodial parents (7%), noncustodial parents (4%), relatives (17%), and the children themselves (3%).

As shown in Table 2, substantiation rates vary significantly by source of report, with reports from the police (60%), custodial parents (47%), and children (54%) being generally most likely to be substantiated, while noncustodial parents have a lower substantiation rate (33%), and anonymous reports being least likely to be substantiated (16%) ($\chi^2 = 220.19$, $df = 7$, $p = .001$). The rate of intentionally false allegations varied even more dramatically. Approximately, 1% of reports from the police and schools were considered to have been intentionally false, while 25% of reports from anonymous sources, and 15% of reports from noncustodial parents being classified as intentionally false reports, though only 2% of reports from custodial parents were classified as intentionally false ($\chi^2 = 501.87$, $df = 7$, $p = .001$). The fact that a report was considered to be intentionally false did not necessarily mean that the reporter was dishonest, as it is not uncommon for a professional or other person to make a report in good faith, which on subsequent investigation proves to have been disclosed to the reporter with the intent of deceiving that person and others.

Table 3 presents substantiation rates by form of reported maltreatment. Rates of substantiation were highest in cases of neglect (50%) and emotional maltreatment (60%) ($\chi^2 = 199.54$, $df = 3$, $p = .001$). Although the rate of intentionally false reports was highest in cases of sexual abuse (6%), neglect cases accounted for 152 (48%) of the total 316 cases of false allegations ($\chi^2 = 22.80$, $df = 3$, $p = .001$). In total, 43 intentionally false allegations in the CIS sample were made because of sexual abuse, yielding a national annual estimate of 591 investigations per year across Canada (95% confidence interval: 122–1,060).

Table 4 provides a further breakdown of false reports by source of report and primary form of maltreatment. No false allegations of sexual abuse were made by children in the study sample, and only 17% were made by relatives (like grandparents), neighbors, or family acquaintances, whereas 22% were made by custodial parents. The most frequent type of false allegation made were allegations of neglect reported by relatives, neighbors, or acquaintances.

In 12% of all investigations in the CIS sample ($N = 903$), the child protection workers noted in their files that a custody or access dispute was ongoing (Table 5). Rates of substantiation were significantly lower in cases involving separated parents who were engaged in a custody or access dispute (40%) compared to cases where no dispute was noted (47%) ($\chi^2 = 19.4$, $df = 1$, $p = .001$). Conversely, rates of false allegations were significantly higher in these cases: 12% in cases involving custody or access disputes compared to only 3% in other cases ($\chi^2 = 165.71$, $df = 1$, $p = .001$). A custody or access dispute was noted in over a third (199 out of 308 cases) of all cases judged to be intentionally false allegations. The CIS-98 documented only two intentionally false allegations made *against* noncustodial fathers.

Table 6 provides a further breakdown of intentionally false reports by source of report and by custody dispute. Noncustodial parents were responsible for 43% of intentionally false reports in cases involving custody or access disputes, with relatives, neighbors, or acquaintances accounting for another 19% of these cases. Custodial parents (14%) and children (2%) were responsible for relatively few intentionally false allegations in cases arising in a context in which there was an ongoing dispute over custody or access. 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.

Table 6

Sources of false allegations involving intentionally false allegations by custody dispute ($N = 283$)

	No custody dispute		Custody dispute		Total	
Custody dispute (row%)	197 (70)		86 (30)		283 (100)	
Source of allegation						
Custodial parent	0	0%	12	14%	12	4%
Reported child	5	3%	2	2%	7	3%
Noncustodial parent	5	3%	37	43%	42	15%
Rel/neighbor/acq	75	38%	16	19%	91	32%
Other	52	26%	16	19%	68	24%
Anonymous	60	30%	3	3%	63	22%
Total maltreatment investigations	197	100%	86	100%	283	100%

Note. The person who is making the report may not be the person who made the intentionally false allegations, e.g., a professional might have in good faith reported an allegation that was fabricated by a parent. Unweighted data, see Table 1 for annual Canadian estimates. False allegations with missing data ($N = 33$) are not included in this table.

Discussion

The 4% rate of intentionally false allegations documented in the CIS-98 falls well within the range documented in previous studies of investigated child abuse or neglect (Jones & McGraw, 1987; Oates et al., 2000; Trocmé et al., 1994). Within the subsample of cases involving custody and access disputes, the rate of intentionally false allegations is higher, 12%, but also falls within the range documented in studies of custody disputes involving allegations of abuse (Anthony & Watkeys, 1991; Brown et al., 1998; Faller & DeVoe, 1995; Thoennes & Tjaden, 1990). Findings from the CIS-98 add to this literature in two important ways. First, this is the first large-sample national study to examine intentionally false allegations. Second, it examines a broader array of characteristics associated with intentionally false allegations. The latter reveals a number of surprising findings: (a) intentionally false allegations of child neglect are far more common than intentionally false allegations of abuse; (b) when parents have separated, noncustodial parents (usually fathers) are more likely to make intentionally false allegations than are custodial parents (usually mothers); and (c) the largest source of intentionally false allegations is through neighbors, relatives, and acquaintances, though anonymous sources are also a significant source of intentionally false allegations. The results also confirm that children are very rarely the source of intentionally false allegations of sexual abuse.

Abuse investigations are by their very nature intrusive and upsetting events, especially in emotionally charged situations such as when parents have separated. While intentionally false allegations of abuse are not as common as has been claimed by some critics of the child protection system, the possibility that allegations of abuse can in some instances be fabricated raises important clinical and legal issues that need to be better understood.

Intentionally false allegations in the context of parental separation are not as prevalent as suggested by some fathers' rights advocates and critics of the child protection system. The findings presented in this paper nevertheless indicate that high rates of unsubstantiated maltreatment may be a problem requiring further examination, especially in situations involving custody and access disputes. Nearly half of the investigations involving custody or access disputes proved to be unsubstantiated. Most of these appear

to be reports made in good faith in response to circumstances that indicated that abuse or neglect may have occurred. In the conflictual and emotionally charged environment of a custody or access dispute, communication between the parents is likely to be poor and one might expect a higher likelihood of misunderstanding or misinterpretation leading to such allegations (Bala & Schuman, 2000).

Although not necessarily instigated in a malicious fashion, investigations in these cases are nevertheless intrusive and may further complicate a difficult situation. A better understanding of the characteristics and circumstances associated with these unsubstantiated allegations is, therefore, needed.

The CIS-98 findings also point to the particularly problematic and understudied category of investigations where abuse or neglect can be neither substantiated nor unsubstantiated. Over one-fifth of all investigations tracked by the study were inconclusive. Although some of these investigations may have been resolved upon further assessment, the CIS-98 only gathered information after completion of the initial investigation, usually within 3 months of the allegation. Cases that remain unresolved leave the child and the alleged perpetrator in very difficult and potentially dangerous positions. Uncertain outcomes are very stressful for everyone involved in a case, and pose the risk of either exposing a child to further harm or unjustifiably interfering with the relationship between a nonabusive parent and a child.

Limitations

It is important to note that in this study the finding of a false allegation is a clinical judgment made by the investigating child welfare worker. Despite their best intentions, an error in clinical judgment may occur both with respect to the worker's perception of the reporter's intentionality, and also in terms of verifying that the allegation is indeed false.

The judgment of veracity and intentionality of the allegations was not independently verified. Similarly, information about custody disputes was provided by the investigating worker and was not verified through court records.

It should also be noted that the CIS-98 only tracks reports to child protection authorities and does not include reports investigated only by the police.

Conclusion

The issue of unsubstantiated allegations is a serious one for professionals in the child protection and justice systems, and even more for the children involved and their parents. Being subjected to a child protection investigation that ultimately proves unsubstantiated is an intrusive and often highly stressful experience for children and parents, and in some cases parents will only "clear their name" after incurring large expenses for lawyers and assessors.

The data presented here clearly reveal that rates of deliberate fabrication of abuse by custodial parents is relatively low, alleviating the concerns that there is a widespread problem of custodial parents trying to manipulate the legal system or seek vengeance against their former partners. However, the data also reveal that the issue of unsubstantiated and suspected allegations is significant, especially in the context of parental separation. Custody disputes represent a significant portion of all child protection investigations and this is a context in which there is a high rate of unsubstantiated allegations.

While intentionally false allegations are a significant issue, undue emphasis placed on fabricated allegations may be diverting attention from the more prevalent problems of unsubstantiated allegations

made in good faith and unresolved investigations where suspicions of abuse or neglect remain but cannot be confirmed. Improved investigation and assessment techniques and more extensive training for child protection workers may help to resolve some cases where maltreatment is difficult to confirm or rule out. High rates of unsubstantiated maltreatment, however, can only be addressed by changing reporting practices. Training professionals who work with children to identify abuse and neglect more accurately may be one avenue needing to be explored (Donohue, Carpin, Alvarez, Ellwood, & Jones, 2002; Hawkins & McCallum, 2001; Reiniger, Robison, & McHugh, 1995). There has been a small number of well-publicized cases which provide dramatic illustrations of the dangers of inadequately trained professionals using faulty diagnostic methods to identify suspected abuse and also points to the tragic problems that can result from biased investigations (Harris, 1998; *Kvello v. Miazga*, 2003; Ross, 1997). In the New Jersey v. Michaels case, a day care worker was convicted of sexually abusing children in a day care setting and was imprisoned for 5 years (see Ross, 1997 for details). Her conviction was overturned by the New Jersey Supreme Court, which ruled that the police interrogations of the children were highly suggestive and that the children were pressured into making unfounded allegations. While small in number, these cases had traumatic consequences for the children and falsely accused adults, and undermine public confidence in the child protection system.

Developing more flexible case consultation protocols is another avenue for avoiding unnecessary investigations. Inflexible directives to report to child protection authorities all cases of domestic violence involving children has led in some Canadian jurisdictions to dramatic increases in investigations with little consideration being given to case-specific situations that may or may not warrant investigative responses (Trocmé, Fallon, & MacLaurin, 2005). The differential response initiatives that are being developed in a growing number of jurisdictions may also provide professionals who have concerns about a child's family situation with an alternative to making a formal allegation of abuse or neglect (Waldfoegel, 1998).

References

- Anthony, G., & Watkeys, J. (1991). False allegations in child sexual abuse: The pattern of referral in an area reporting is not mandatory. *Children and Society*, 5(2), 111–122.
- Bala, N., Paetsch, J., Trocmé, N., Schuman, J., Tanchak, S., & Hornick, J. (2001). *Allegations of child abuse in the context of parental separation: A discussion paper*. Department of Justice Canada, Research Report, 2001–FCY–4E.
- Bala, N., & Schuman, J. (2000). Allegations of sexual abuse when parents have separated. *Canadian Family Law Quarterly*, 17, 191–241.
- Besharov, D. J. (1994). Responding to child sexual abuse: The need for a balanced approach. *The Future of Children*, 4(2), 135–155.
- Besharov, D., & Laumann, L. (1996). Child abuse reporting. *Society*, 33(4), 40–47.
- Brown, T., Frederico, M., Hewitt, L., & Sheehan, R. (1998). Problems and solutions in the management of child abuse allegations in custody and access disputes in the family court. *Family and Conciliation Courts Review*, 36(4), 431–443.
- Brown, D., Schefflin, A., & Whitfield, C. (1999). Recovered memories: The current weight of the evidence in science and in the courts. *Journal of Psychiatry & Law*, 27(1), 5–156.
- Ceci, S. J., & Bruck, M. (1993). The suggestibility of the child witness: A historical review and synthesis. *Psychological Bulletin*, 113, 403–439.
- Donohue, B., Carpin, K., Alvarez, K., Ellwood, A., & Jones, R. (2002). A standardized method of diplomatically and effectively reporting child abuse to state authorities. *Behavior Modification*, 26(5), 684–699.
- Faller, K. (1991). Possible explanations for child sexual abuse allegations in divorce. *American Journal of Orthopsychiatry*, 61(1), 86–91.
- Faller, K. (1998). The parental alienation syndrome: What is it and what data support it? *Child Maltreatment*, 3(2), 100–115.

- Faller, K., & DeVoe, E. (1995). Allegations of sexual abuse in divorce. *Journal of Child Sexual Abuse*, 4(4), 1–25.
- Flathman, M. (1999). Trauma and delayed memory: A review of the “repressed memories” literature. *Journal of Child Sexual Abuse*, 8(2), 1–23.
- Gardner, R. A. (1999). Differentiating between parental alienation syndrome and bona fide abuse-neglect. *American Journal of Family Therapy*, 27(2), 97–107.
- Harris, F. (1998). *Martensville, truth or justice? The story of the Martensville daycare trials*. Toronto: Dundurn Press.
- Hawkins, R., & McCallum, C. (2001). Mandatory notification training for suspected child abuse and neglect in South Australian schools. *Child Abuse & Neglect*, 25(12), 1603–1625.
- Jones, D. P. H., & McGraw, J. M. (1987). Reliable and fictitious accounts of sexual abuse to children. *Journal of Interpersonal Violence*, 2(1), 27–45.
- King, G., Trocmé, N., & Thatte, N. (2003). Substantiation as a multi-tier process: The results of an NIS3 Analysis. *Child Maltreatment*.
- Kvello v. Miazga. (2003). SKQB 559 (December 30, 2003, Saskatchewan Q.B.).
- Lehtonen, R., & Pahkinen, E. J. (1995). *Practical methods for design and analysis of complex surveys*. Chichester, UK: Wiley.
- Oates, R. K., Jones, D. P. H., Denson, D., Sirotnak, A., Gary, N., & Krugman, R. D. (2000). Erroneous concerns about child sexual abuse. *Child Abuse & Neglect*, 24(1), 149–157.
- Reiniger, A., Robison, E., & McHugh, M. (1995). Mandated training of professionals: A means for improving reporting of suspected child abuse. *Child Abuse & Neglect*, 19(1), 63–69.
- Roberts, K., & Powell, M. (2001). Describing individual incidents of sexual abuse: A review of research on the effects of multiple sources of information on children’s report. *Child Abuse & Neglect*, 25(12), 1643–1659.
- Ross, K. L. (1997). A New Jersey Supreme Court prescription for the rest of the country. *Institute for Psychological Therapies Journal*, 9(1/2), 1–15.
- Thoennes, N. (1988). *Sexual abuse allegations. Report of a study funded by the US Department of Health and Human Services*. Washington, DC: National Center on Child abuse and Neglect.
- Thoennes, N., & Tjaden, P. G. (1990). The extent, nature, and validity of sexual abuse allegations in custody/visitation disputes. *Child Abuse & Neglect*, 14, 152–163.
- Trocmé, N., Fallon, B., MacLaurin, B., & Neves, T. (2005). What is driving increasing child welfare caseloads in Canada? Analysis of the 1993 and 1998 Ontario Incidence Studies of Reported Child Abuse and Neglect. *Child Welfare*, 84(3), 341–359.
- Trocmé, N., MacLaurin, B., & Fallon, B. (2001). Canadian incidence study of reported child abuse and neglect: Methodology. *Canadian Journal of Public Health*, 92(4), 259–263.
- Trocmé, N., McPhee, D., Tam, K. K., & Hay, T. (1994). *Ontario incidence study of reported child abuse and neglect*. Toronto: Institute for the Prevention of Child Abuse.
- US Department of Health and Human Services, Administration on Children, Youth and Families. *Child maltreatment*. (2002). Washington, DC: US Government Printing Office, 2003, pp. 16–17, Table 2–5. Retrieved May 20, 2004, from <http://www.acf.hhs.gov/programs/cb/publications/cm02/cm02.pdf>.
- Waldfoegel, J. (1998). Differential response: A new paradigm for child protection. In J. Waldfoegel (Ed.), *The future of child protection: How to break the cycle of abuse and neglect*. Cambridge, MA: Harvard University Press.
- Westat. (2000). *Wesvar 4.0 user’s guide [Computer Software]*. Rockville, MD: Westat.

Résumé

French-language abstract not available at time of publication.

Resumen

Spanish-language abstract not available at time of publication.