

COMBATING THE ABUSE OF TRUTH

RESPONSIBLE CITIZEN SUMMARY

Background

- Utah officials have found that many allegations of child abuse are false: in 2007, they could find evidence supporting only 41 percent of the 20,340 child-abuse referrals
- Some false allegations of child abuse are honest mistakes, whereas others are intentional

What's at stake?

- The best interests of children, and often the parent in contentious divorce proceedings that is accused by their spouse of abuse in order to gain an advantage in custody battles

What's next?

- Policymakers should increase penalties for fraudulent accusations of child abuse in divorce proceedings

[Responsible *Citizenship*](#)[™]

False allegations of child abuse divert officials' time and energy away from real victims and real perpetrators, while entangling unharmed children and innocent parents in a process that can itself prove abusively traumatic.

Ongoing National Child Abuse Awareness initiatives give Utahns a much-needed opportunity to refocus their efforts to combat a great social evil. Because every act of child abuse harms a deeply vulnerable and entirely innocent victim, any measure that helps us combat this evil deserves serious consideration. To that end, perhaps Utahns should consider the need to reduce the number of false allegations of child abuse. For false allegations divert officials' time and energy away from real victims and real perpetrators, while entangling unharmed children and innocent parents in a process that can itself prove abusively traumatic. What is perhaps even worse is that false allegations of child abuse can foster public skepticism about a very real social problem.

The number of false allegations runs high enough to stir concerns. Investigating 20,340 child-abuse referrals in 2007, Utah officials could find evidence supporting only 41 percent. In other words, more than half of the allegations of child abuse require state officials to invest effort in clearing up apparently false claims. Of course, officials can expect some false reports from individuals who mistakenly but quite innocently interpret as a sign of abuse the bruise a young boy has picked up on the playground or the cry a young girl lets out when she ignores her mother's warning about handling a hot dish. Though unfortunate, some such false reports are inevitable.

What is not inevitable are the deliberately false allegations of child abuse made by individuals motivated by malice or spite. Though this problem has yet to receive widespread attention in Utah, a San Diego grand jury concluded in 1992 that government officials were receiving an alarming number of false allegations of child abuse from individuals acting on "motives of harm or gain." These mendacious allegations of child abuse can arise in a variety of circumstances. However, one situation seems particularly likely to incubate them: a contentious divorce proceeding, particularly one involving a fight over the custody of children.

Without doubt, a divorce proceeding can expose real child abuse for the first time. Such abuse must be fully identified and dealt with rigorously. However, divorce lawyers now speak openly about the frequency with which embittered parting spouses resort to false allegations of child abuse to gain a legal advantage in the courtroom, especially if custody is being contested. Allegations of sexual abuse, in particular, have become "the nuclear weapon of marital custody battles," in one expert's judgment. The frequency with which divorcing parents make such accusations falsely constitutes "a growing problem," according to a two-year national study. Indeed, a second study concluded that 75-80% of child-abuse allegations lodged during divorce proceedings were "completely false." Sadly, however, the San Diego grand jury investigating such issues concluded that "the system appears to reward a parent who initiates such a [child-abuse] complaint," even when it is mendacious.

Judges and state officials cannot – must not – turn a deaf ear to allegations of child abuse that emerge in divorce proceedings, even if they harbor some doubt as to their veracity. But investigating such allegations

requires questioning children in ways that may be painful for them. That pain may be justifiable when officials are ferreting out real abuse. But when – as is increasingly the case – the allegation of child abuse is a lie that a calculating parent has deployed as part of a strategy for winning custody, the investigation itself constitutes a form of child abuse. Pity the poor child trapped in the terrible web of untruths created when one divorcing parent makes that child the intensively-coached messenger for a fraudulent accusation of child abuse, an accusation freighted with horrific consequences for the other parent! The anguish of such a child can only be nightmarish, since telling the truth that would exonerate one parent now feels like disloyalty to the other parent!

But it is not just the child who suffers when divorce spawns false child-abuse allegations. The parent unjustly accused typically loses custody of the child and may even spend time in prison. Even if never convicted, a falsely-accused parent may thereafter live under a permanent cloud of suspicion. And even if state investigators ultimately do dismiss the false allegation, they will do so only after wasting precious time and resources. What is more, any relatives and friends who have taken up the cause of the falsely-accused individual are likely to become dangerously skeptical of valid abuse allegations in other instances.

As policymakers consider ways to reduce the incidence of fraudulent allegations of child abuse in divorce cases, they might begin by toughening punishment for such allegations. To be sure, anyone deliberately making a false allegation of child abuse in any context is already subject to prosecution for a Class B Misdemeanor. A Class B Misdemeanor! Apparently, the government takes the offense of lodging a fraudu-

lent claim for Workman's Compensation (a felony, not a misdemeanor) more seriously than it does the life-wrecking, child-scarring act of deliberately making a false accusation of child abuse! What is worse is that in practice, court officials rarely prosecute individuals who have made such accusations, even when the evidence is rock solid, as it often is in contested divorce cases in which a maliciously-coached child finally breaks down and divulges the truth.

Defenders of the status quo may fear that increasing the penalty for deliberately making a false accusation of child abuse in a divorce proceeding would keep people from making good-faith accusations if they are not absolutely sure. But such fears are groundless: only accusations shown to have been deliberately fabricated would be punishable. Certainly, only a clear and convincing showing of deceit would justify a criminal conviction.

But even a minor upgrade in the penalty for lodging a false accusation of child abuse in a divorce proceeding would bring attention to this serious problem – and, if clearly communicated (perhaps through a notice on a divorce filing form or during the preliminary court proceedings) could discourage such false allegations.

Because false accusations of abuse compromise efforts to fight real child abuse even as they destroy adult lives and emotionally wound entangled children, stiffening the penalties is the least Utahns can do.

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