Sexual Abuse Allegations in Divorce and Custody Disputes

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Child sexual abuse allegations arising during divorce and custody conflicts are complicated and difficult. Most professionals believe that the highest percentage of false allegations occurs in this circumstance, but there is disagreement over just how many of these allegations are false. In evaluating cases of suspected sexual abuse, the professional must remain open and objective, carefully examine each case, and take an empirical stance. Assessment and evaluation must be done with rigorous adherence to the highest standards of the profession, and professionals must attend to the characteristics of real versus false allegations. They must not immediately dismiss an allegation as false because the parents are in the midst of a divorce but must also guard against presuming guilt and aligning themselves with the reporting parent’s agenda.

Child sexual abuse allegations arising during a divorce and custody dispute present unusual difficulties. Any professional response to the accusations is complicated by the young age of the children involved, possible motivations of adults, and the need to protect the rights, interests, and welfare of the child and the accused parent. Mantell (1988) observes that child sexual abuse allegations tend to develop a life of their own that resist satisfactory resolution. He suggests that the process of evaluating an accusation may result in more damage to the interests of the child and to the child’s primary relationships than the original act in question. The potential consequences to child, parents, family and society are massive, long-lasting, and may be either beneficial or devastating. At all stages of the process accurate and correct decisions are imperative.

Mental health professionals and attorneys report seeing more accusations during marital conflict in the past few years although the increase may be no greater than the dramatic increase in sexual allegations in general over the past 10 to 15 years. Many professionals believe that false accusations of sexual abuse are also increasing. Although there is a disagreement as to the frequency and nature of false claims, many believe that false accusations have become a serious problem in vindictive, angry custody and visitation battles. Consequently, false accusations in divorce have received extensive media and professional attention (see for example, Ash, 1985; Benedek & Schetky, 1985a, 1985b; Bishop & Johnson, 1987a, 1987b; Blush & Ross, 1987 & 1990; Brant & Sink, 1984; Bresee, Stearns, Bess, & Packer, 1986; Dwyer, 1986; Ekman, 1989; Everstine & Everstine, 1989; Ferguson, 1988;
There have been major changes in attitudes and laws concerning divorce over the past several years. Along with media attention, these changes have created an environment that makes sexual abuse allegations more likely. Divorces have increased in all age groups, including young adults with young children. As the divorce rate has increased, much of the stigma associated with divorce has disappeared. Many states enacted "no-fault" divorce laws. These changes, however, have not reduced the anger and frustrations of divorcing spouses. Geffner and Pagelow (1990) note that with the trend toward no-fault divorce and community property laws, many angry and hostile couples have nothing left to fight over except the children. Therefore, although most couples who divorce do not become involved in litigation, there has been an increase in the number of disputes over custody.

In addition to no fault divorce laws, there have been changes in custody laws. No longer is the mother always given the presumption of custody; fathers are more likely to get custody if they seek it, and there has been a strong movement toward establishing joint custody (Ash & Guyer, 1986; Derdeyn, 1983; Ekman, 1989). Once joint custody is agreed upon, it is extremely difficult to get it changed. One of the few clear and immediate reasons for changing a custody order is an accusation of sexual abuse by one parent.

It is difficult to determine just how often sexual abuse accusations occur in custody and visitation disputes. Thoennes and her colleagues (Thoennes & Pearson, 1988a, 1988b; Thoennes & Tjaden, 1990) attempted to determine the incidence and validity of sexual abuse allegations through telephone interviews and mail surveys of 290 court administrators, judges, custody mediators, and child protection workers throughout the United States. They then conducted 70 in-depth interviews at five sites, and then finally tracked cases of sexual abuse allegations over a 6-month period from eleven court systems. This latter procedure yielded a pool of 160 cases of sexual abuse allegations.

Thoennes and her colleagues report the initial survey and interviews at the five sites revealed a general consensus that sexual abuse allegations in custody disputes occur in "a small but growing" number of cases (Thoennes & Pearson, 1988a). They estimate that accusations of sexual abuse are found in approximately 2% of contested custody cases (the range across court sites was 1% to 8%). They state that there are approximately one million divorces annually, and of these, about 55% or 550,000 involve minor children. About 15% of these (82,500) result in court involvement due to custody and/or visitation disputes. Thus, their estimate of 2% translates into 1,650 cases of sexual abuse accusations annually within the context of a divorce/custody dispute.

The actual frequency may be higher than Thoennes and Pearson's estimate. Guyer
and Ash (1986) noted a marked increase in the number of sexual abuse allegations in contested custody cases: 33% of 400 court-ordered evaluations in the preceding 5 years. Many matrimonial attorneys report that they are now handling more custody cases with sexual abuse allegations (Fisk, 1989; Kaser-Boyd, 1988). Ekman (1989) reports that according to some judges, sexual abuse is alleged in 10% or more of all custody disputes reaching their courts. Raskin reports that since 1974 he has conducted polygraph examinations on persons accused of sexual abuse of children. Test outcomes consistent with truthful denial of sexual abuse have increased from 50% in the 1974-82 period to 79% truthful in 1983-87. A large proportion of those allegations arose in domestic relations disputes (Raskin & Yuille, 1989).

There is disagreement over how many of these accusations are false, although most estimates range between 20% and 80%. Thoennes and her colleagues report that in 33% of the cases in their survey no abuse was believed to have occurred. Abuse was believed likely in 50%, and in 17% no determination could be reached (Thoennes & Pearson 1988a, 1988b; Thoennes & Tjaden, 1990). However, the criterion for determination was the opinion of custody evaluators and child protection workers rather than the decision of the justice system.

In over 500 cases of sexual abuse allegations where we have provided expert consultation over the past 6 years, 40% have been in divorce and custody disputes. Of the divorce and custody cases that have been adjudicated, in three-fourths there was no legal finding of abuse. That is, charges were dropped, never filed, the person was acquitted in criminal court, or there was a finding of no abuse in family or juvenile court.

Dwyer (1986) reports similar statistics, concluding that 77% of the divorce-linked allegations of sex abuse cases coming to the Human Sexuality Program at the University of Minnesota have turned out to be "hoax" cases. This conclusion was based on the opinion of the staff that the allegations were not accurate. Although other estimates are lower, most professionals agree that the proportion of false allegations is likely to be highest when the allegation surfaces in a conflict over custody and visitation.

Others, however, caution professionals not to conclude immediately that an allegation is false simply because it arises in a divorce and custody dispute. Proponents of this view believe that, although there may be a disproportionate number of false accusations in divorce and custody disputes, most accusations of sexual abuse in this context are true. Faller (1990b) gives three possible reasons why a truthful allegation might surface initially during a divorce: (1) the nonoffending parent finds out about the sexual abuse and decides to divorce the offending parent; (2) there is long-standing sexual abuse that is revealed only in the context of divorce; or (3) sexual abuse is precipitated by the marital dissolution.

Several authors (Berliner 1988; Corwin, Berliner, Goodman, Goodwin, & White, 1987; Faller, 1990b; MacFarlane, 1986; Sink, 1988b) suggest other reasons why valid allegations of sexual abuse may not surface until the time of a divorce. A child who is being abused may be afraid to disclose the abuse while the family is still together. Similarly, a child who has been threatened with the dissolution of the family may be able to tell once these consequences are happening anyway. It is
more difficult for the abusing parent to enforce secrecy once he or she is not living with the child. Also, a child may become genuinely terrified at the prospect of spending time alone with the abuser and therefore finally disclose the abuse in order to avoid a visit.

A few writers claim some parents are more likely to begin sexually abusing their children after the divorce, either to retaliate against the divorcing spouse or because the stress of the divorce results in more impulsive behavior. MacFarlane (1986) believes that a parent who is feeling rejected may be vulnerable to the acceptance and affection of a very young child and use the child to fulfill emotional needs. A man who has a history of only heterosexual behavior may reach out to his child sexually under the stress and loneliness of the divorce. Corwin et al. (1987) assert that the various stresses in a divorce are more likely to lead to actual abuse than to false allegations. They suggest the losses, stresses, and overall negative impact of separation and divorce may lead to regressive acting out by parents, including sexual abuse. At least one article suggests that women may sexually abuse children when there has been a significant experience of loss which could be a marriage dissolution (Wakefield, Rogers, & Underwager, 1990).

Faller (1990a) reports on her clinical experience with 196 stepfathers, biological fathers, and noncustodial fathers. The noncustodial fathers are said to begin abusing their children after the separation, during visitation. Faller believes an angry, bewildered, and/or emotionally devastated father may seek affection and comfort from his child that this interaction may become sexualized. The father may regress under the stress of the divorce and may therefore feel more comfortable with an immature sex object. In addition, an angry father may retaliate against his wife by sexually abusing the child.

Faller's study illustrates a major difficulty in the research in this area — the criteria for real versus false allegations. Although half of the biological fathers and stepfathers admitted to the abuse, only 20% of the noncustodial fathers did. Since these cases were all "validated," Faller assumed that the abuse was real and that those who did not admit were denying. However, there is no discussion of what is meant by "validated." Is it substantiation by a social worker, a statement by a child, suspicions of a caretaker or custodial parents, a finding by the justice system, Faller's opinion, etc.? When the criterion for the reality of the alleged abuse is simply an opinion by a mental health or law enforcement professional, there is little or no scientific evidence to support the validity and reliability of that opinion (Levine & Battistoni, 1991). Therefore, it is likely that an indeterminate number of false allegations are included among these subjects. Any study using this low and doubtful validity criterion must be regarded cautiously (Meehl, 1989).

DEFINITIONAL ISSUES

Disagreement over the proportion of false allegations in divorce and custody disputes is partially due to differing definitions of a false allegation. The terms substantiated and unsubstantiated create confusion. Corwin et al. (1987), Paradise, Rostain, and Nathanson, 1988, and Quinn (1988) observe that unsubstantiated is not the same as false. It can always be argued that a different approach or more
information would have allowed the allegation to be substantiated. At the same time, however, substantiated does not necessarily mean the allegation is true.

Also, the definition of terms such as substantiated, founded, and indicated varies from jurisdiction to jurisdiction. For example, the Pennsylvania Department of Human Services calls a report indicated if there is substantial evidence that the alleged abuse actually occurred; the report is founded if there is a courtroom adjudication that the child was abused (Paradise et al., 1988). However, in the literature these terms are not always defined and sometimes used interchangeably.

What is mean by false allegation also differs. The category of false allegations sometimes includes all cases which cannot be substantiated. At other times this category is limited to cases in which the accuser is purposefully deceiving. It is more appropriate to differentiate between false and fabricated (or fictitious) allegations of sexual abuse. A false allegation refers to all situations in which abuse is judged not to occur. A fabricated allegation is a purposeful and deliberately false allegation. When an accusation of sexual abuse is false, this does not mean that it was deliberately fabricated. Most false allegations in divorce and custody disputes are not the result of deliberate fabrications (Guyer & Ash, 1988; Wakefield & Underwager, 1990).

If the definition of false allegation excludes cases that are unsubstantiated but not deliberately fabricated, there will be a much smaller proportion of such cases. This was done by Jones and McGraw (1987) who reported that only 8% of all sexual abuse allegations (not just those in the divorce and custody context) were false. Examination of their data indicates that only 53% of the allegations were founded, even including cases where the allegation of abuse was later recanted. Of the rest, there was insufficient information to make a determination in 24%; 17% were unsubstantiated; and 6% were deliberately fictitious. The 8% figure comes from dropping out the cases with insufficient information and recalculating the percentages. This procedure also inflates the percentage defined as founded, with the result that Jones and McGraw state that 70% of the reports are "reliable."

If actual abuse is defined in terms of substantiated cases, and false allegations are limited to deliberate fabrications, there will be only a small number of false allegations. There will be a greater number if a false allegation is defined as any case that is not substantiated. There will be a still larger number if the criterion is the justice system's finding of abuse, since not all allegations substantiated by social services result in a finding of abuse by the court.

It must also be kept in mind that the use of these concepts obfuscates the basic question of whether the abuse actually happened. These concepts are not dealing with whether or not the alleged abuse occurred but with the opinions of people involved and the determination of the justice system.

**FACTORS BEHIND FALSE ALLEGATIONS**

A false accusation is seldom a deliberate fabrication made for the purpose of obtaining custody. Instead, media coverage of sexual abuse, widespread
publication of so-called "behavioral indicators," and proliferation of child sexual abuse prevention programs may result in a parent becoming hypersensitive to the possibility of abuse. In an acrimonious custody conflict, a parent may be ready to jump to premature conclusions when presented with minimal data. Any suspicious circumstances may lead to suggestive questioning and inadvertent reinforcement of a young child. Statements about abuse may be unknowingly shaped and developed. Also, mandatory child abuse reporting laws mean that if a parent mentions suspicions to a health professional, the suspected abuse will have to be reported to the police and/or child protection services.

In a bitter divorce, not only is the child likely to undergo significant stress, but the parents are likely to blame the child's anxiety and distress on the other parent (Wallerstein & Kelly, 1975, 1980). Individuals going through a divorce often feel victimized and wronged, and their hostility, distrust, and anger may predispose them to believe the worst about their former spouses. They therefore may react to an ambiguous situation, such as masturbation, regressive or anxious behavior following a visit, or redness in the genitals, by immediately concluding that the other parent has sexually abused the child (Schaefer & Buyer, 1988; Wakefield & Underwager, 1988, 1990).

Still, in some cases a parent may deliberately foster a false accusation as a way to get custody (Wakefield & Underwager, 1989). Thoennes and Pearson (1988b) report that in 15% of the cases they studied, the case worker expressed doubt that the report was offered in good faith.

The system that responds to sexual abuse accusations rewards making such accusations. The hated former spouse is punished. There is social approval for making the accusation. Custody of children is immediately given to the accusing parent, and the other parent is prevented from any contact with the child. There may be free legal counsel along with support and encouragement from social workers, therapists, friends, family, and neighbors. There is no response cost for making an accusation. As Green and Schetky (1988) observe:

A small number of parents caught up in custody battles or visitation disputes have exploiting the epidemic of sexual abuse by using such allegations to promote their own interests at the expense of their child and their former spouse. Allegations have become a surefire way of getting a judge's attention of cutting off visitations. They have the same emotional impact that issues of adultery once had in custody battles a decade or more ago (p. 104).

Gardner (unpublished) notes that an accusation of sexual abuse is a powerful weapon in a divorce and custody dispute. The vengeful parent may exaggerate a nonexistent or inconsequential sexual contact and build up a case for sexual abuse. The child, in order to ingratiate himself or herself with the accusing parent, may cooperate. On this basis of such observations, Gardner describes a "parental alienation syndrome" in which the child identifies with the vilifying parent and communicates absolute hatred toward the other parent. A false accusation of sexual abuse may develop in this situation (Gardner, 1987a).
Gardner (unpublished) also observes that in some cases a mother obsessed with hatred toward the father may bring the child to the point of having paranoid delusions about the father. A "folie à deux" relationship may evolve in which the child acquires the mother's paranoid delusions (Ferguson, 1988; Kaplan & Kaplan, 1981; Rand, 1989, 1990). Green (1986) reports that such women are usually diagnosed as histrionic or paranoid personality disorders, or paranoid schizophrenics.

Blush and Ross (1987) and Ross and Blush (1990) gathered social, psychological, and legal data related to child sexual abuse allegations arising in a court clinic setting in Michigan. These data suggested patterns characterizing accusations that are more likely to be false. Important variables were the escalation and timing of the cases, the personality characteristics of the adults involved, and the behavior of the children. Blush and Ross (1987) termed the typical pattern of false allegations the SAID (Sexual Allegations in Divorce) Syndrome characteristics of which include:

1. The accusations surface after separation and legal action begins.
2. There is a history of family dysfunction with unresolved divorce conflict and hidden underlying issues.
3. The female (accusing) parent often is a hysterical or borderline personality or is angry, defensive and justifying.
4. The male (the accused) parent is generally passive, nurturing, and lacks "macho" characteristics.
5. The child is typically a female under age eight.
6. The allegations surfaces via the custodial parent.
7. The mother takes the child to an "expert" who confirms the abuse and identifies the father as the perpetrator.
8. The court reacts to the expert's information by terminating or limiting visitation.

Wakefield and Underwager (1990) reviewed their files from contested divorce and custody cases including false allegations of sexual abuse. In many of the files, there were mental health diagnostic opinions about the individual's personality characteristics. The personalities of 72 falsely accusing parents and 103 falsely accused parents were compared to each other and to a control group of 67 parents who were involved in equally bitter custody disputes but without allegations of sexual abuse. Although most of the falsely accusing parents were women and the falsely accused parents men, there were four falsely accusing men and four falsely accused women.

The falsely accusing parents were much more likely than the other two groups to have a diagnosis of personality disorder such as histrionic, borderline, passive-aggressive, or paranoid — 74% had personality disorder diagnoses and 3% other diagnoses while 24% were judged to have no psychopathology. In comparison, 66% in the custody control group and 70% in the falsely accused group were assessed as normal.
Wakefield and Underwager (1990) suggested a typology of parents who make or encourage false accusations of sexual abuse in divorce and custody battles:

1. The highly disturbed individual whose personality disorder interferes with functioning, judgment, and sometimes the ability to differentiate between fact and fantasy. Such individuals often have a history of psychiatric involvement and unstable relationships. They are seen as unstable, moody, impulsive, and over-reactive. Under the stress of the divorce, they are apt to over-react and misinterpret events and jump to premature conclusions about abuse.

2. The individual (who may or may not have a personality disorder) who is obsessed with hatred and hostility toward an estranged or former spouse. This person does whatever he or she can to hurt the spouse, and their child becomes a pawn in the ongoing battle. Gardner's (1987a) concept of a "parental alienation syndrome" is often applicable here.

3. The individual who is obsessed with the possibility that the child has been or may be sexually abused. This person may have been sexually abused or raped or may have simply overreacted to the media attention to abuse, becoming hypervigilant about the possibility of this happening to the child. Such a parent may question the child repeatedly, examine genitals following visits with the other parent, and repeatedly take the child to doctors until some professional affirms the suspicion. There may be one or more unsubstantiated reports of abuse in the records of the child protection system.

4. The individual who reacts fairly appropriately to an ambiguous situation by seeking guidance from a therapist or physician, who prematurely and immediately tells the parent that the child has been sexually abused. When a high status professional says authoritatively that the child has been sexually molested, a normal, loving parent may be intimidated or coerced into believing it. In this fourth type, the parent may be a victim of the system along with the accused and the child.

Bresee et al. (1986) assert that an allegation of child abuse is clear evidence that the child is at risk, whether or not the allegation can be proved. If the parent is over-reacting or fabricating an allegation, the child's emotional health is also threatened. Wakefield & Underwager (1988) believe that a parent involved in developing a false allegation may not be qualified to be a custodial parent.

LEADING AND SUGGESTIVE INTERVIEWS

Although repeated and/or suggestive interviews and flawed investigations do not mean that a child has not been abused, they make it very difficult to sort out what, if anything, may have happened. Suggestive interviews, especially if repeated, result in mistakes on both sides. Children who have not been abused are treated as though they were and innocent parents are prevented from having contact with their children. At the same time, a coercive interview can be used by the defense as support for the lack of credibility of the child, and an actual abuser may go
unpunished. It is therefore extremely important that professionals conduct careful and thorough evaluations and proper interviews.

The goal of investigatory evaluation in cases of suspected child sexual abuse is to gather uncontaminated data. Contamination occurs when the child's recollections become altered through poor interview techniques, an adverse interview environment, the interviewer's inappropriate behaviors, or influences outside the interviewer's control (Quinn, White, & Santilli, 1989; White, 1990). The child’s memory of any actual experience may be significantly altered by the questioning about the incident (White, 1990; Clarke-Stewart, Thompson, & Lepore, 1989) and the child may even develop a memory for events that never happened (Loftus & Ketcham, 1991; Underwager & Wakefield, 1990).

Hall (1989) observes that there are few formal guidelines for the psychological assessment of child abuse by professional psychologists. However, psychologists should follow the ethical guidelines concerning custody evaluations and these evaluations should be very carefully conducted. Techniques such as the penile plethysmograph are questionable from the perspective of determining whether abuse occurred. The use of other procedures with doubtful or nonexistent reliability and validity will increase the chance of an erroneous decision. These unsupported procedures include drawings, projective tests, play therapy, and anatomically detailed dolls (Dawes, 1988; Levy, 1989; Mantel, 1988; Terr, 1988; Underwager & Wakefield, 1990; Wakefield & Underwager, 1988). Weiner (1989) says flatly that if psychologists use procedures not supported by empirical evidence in assessing alleged sexual abuse they are behaving unethically by being incompetent.

Several professionals have suggested how to conduct an unbiased evaluation and noncontaminating interviews (e.g., see Daly, 1991; Quinn et al., 1989; Raskin & Yuille, 1989; Slicner & Hanson, 1989; Wakefield & Underwager, 1988). Recently, information and initial American research on Criterion Based Content Analysis / Statement Validity Analysis has become available. This is a European procedure for interviewing children suspected of being abused and for analyzing the resulting interview. This technique assumes that an account based on a real memory of an actual event will differ in content and quality from accounts based on fabricated, learned, or suggested memory. The procedure requires a relatively complete statement obtained as soon as possible after the child has disclosed an incident. It is not intended for eliciting the initial report in cases where abuse has only been suspected because of clinical or behavioral indices. The interview must be designed to obtain as much free narrative as possible, and leading questions and suggestions must be avoided, except at the end when deliberately used to assess the child’s susceptibility to suggestion. The entire interview is tape-recorded and transcribed for later analysis (Köhnken & Steller, 1988; Raskin & Esplin, 1991; Rogers, 1990; Undeutsch, 1988).

A professional is often asked to assess a case after others have interviewed the child. If the initial evaluation and interviews have been conducted by someone else, careful examination of the procedures is necessary in order to assess possible contamination (Wakefield & Underwager, 1988; White & Quinn, 1988). When children have been subjected to leading and coercive interviews, the contamination is likely to have altered their recollections so that it becomes extremely difficult to
sort out the truth.

**BEHAVIORAL INDICATORS**

A frequent trigger for suspicion of possible sexual abuse is one of the so-called behavioral indicators. Lists of behaviors believed to be caused by sexual abuse have been widely publicized with the result that suspicious behavior following visitation may lead a parent to question a child in a way that inadvertently elicits statements suggesting abuse. Television programs, workshops, newspapers, pamphlets, and magazines encourage parents, relatives, teachers, physicians, clergy, day-care workers, and neighbors to be alert to the physical and behavioral signs of sexual abuse in children and to report their suspicions to medical or legal authorities.

Lists by various experts (e.g., Council on Scientific Affairs, 1985; Cohen, 1985; Sgroi, 1982) have included a large number of behavioral signs said to indicate possible sexual abuse. Nearly every problem behavior ever detected in children has been offered by someone as a sign of possible child sexual abuse. The difficulty is that such behaviors are known stress responses. There is a high probability that any normal child might at some point in childhood exhibit one or more of these behaviors. In addition, not all sexually abused children are symptomatic following sexual abuse (Gomes-Schwartz, Horowitz, & Cardarelli, 1990). Thus, the absence of behavioral symptoms cannot be used to rule out sexual abuse.

Reliance upon behavioral indicators in assessing possible sexual abuse is likely to result in mistaken decisions. Levine and Battistoni (1991) point out that it is not established that any of these indicators, in any combination, are valid without a direct statement by the child about sexual involvement or sexual knowledge. Besharov (1990) observes, "Behavioral indicators, by themselves, are not a sufficient basis for a report" (p. 39).

It is of interest that in the 1890s John Kellogg, M.D., originator of corn flakes, published manuals for parents instructing them on how to deal with masturbation by children. Among the behavioral indicators of masturbation listed by Kellogg are many of the same behaviors listed today as indicators of sexual abuse (Legrand, Wakefield, & Underwager, 1989). This leads Money (1985) to remark that:

> Kellogg's listing of suspicious signs has been given a new lease on life currently by the professional detectives of sexual child-abuse. Here is an example of those who have not learned from history being condemned to repeat it, replete with all its dreadful consequences (p. 97).

The symptoms of children whose parents are divorcing are similar to the alleged behavioral indicators of child sexual abuse. This is not surprising since such behavior symptoms are found in many different situations, including conflict between parents, divorce, economic stress, wartime separations, father absence, natural disaster, and almost any stressful situation children may experience (Emery, 1982; Hughes & Barad, 1983; Jaffe, Wolfe, Wilson, & Zak, 1986; Porter & O'Leary, 1980; Wallerstein & Kelly, 1980; Wolman, 1983).
Children who are distressed, whether by bitter conflict between parents, by physical or emotional but nonsexual abuse, or by any number of troubling events, may reflect their distress in many different ways. Which behaviors develop in a particular child will be an interaction of the predispositions and the learning environment of that child. There is no behavior or set of behaviors that occur only in victims of child sexual abuse.

Age-inappropriate sexual play or knowledge appears to be a more reliable sign than other behavioral indicators. However, there is evidence that what children normally do sexually is more frequent and involved than most people assume (Best, 1983; Gundersen, Melas & Skar, 1981; Martinson, 1981). When interpreting observed sexual behavior by a child, the antecedent probability of the behavior must be considered. Friedrich, Grambsch, Broughton, Kuiper, & Beilke (unpublished) asked mothers of 880 nonabused 2- to 12-year-old children to complete questionnaires concerning sexual behavior. Although behaviors imitative of adult sexual behaviors were relatively rare, the children exhibited a wide variety of sexual behaviors at relatively high frequencies. Thus, while precocious sexual activities of young children may be more indicative of sexual abuse than are other behavioral signs, such activities should still be interpreted cautiously.

Base rates for the presence of problem behaviors in normal children, in troubled children, in nonabused children, in children whose parents are divorcing, and as part of the developmental process for all children, are so high that any attempt to use these behaviors as signs indicating abuse will result in a high rate of error. This does not mean that adults should not try to identify and aid children who show signs of distress. But the professional must not immediately conclude that sexual abuse is the cause of the problem behaviors.

DIFFERENTIATING BETWEEN REAL AND FALSE ALLEGATIONS

The justice system makes the ultimate determination about whether or not abuse occurred, but the response of the professional early in the case can affect the outcome. Also, when there is a sexual abuse allegation in a custody dispute, the findings of fact about the abuse itself must be made separately from and prior to the court's consideration of custody and visitation; the judge cannot make a decision concerning custody until there is a finding about the alleged abuse (Brooks & Milchman, 1991). Few family court judges, however, are prepared to address allegations of sexual abuse. Thus, when there is an accusation, the justice system solicits opinions and information from mental health and medical professionals to help it make a determination of fact. Professionals therefore should learn possible indicators of a false accusation of child sexual abuse.

Although there is no checklist or test, there is a growing body of literature on the criteria for assessing the validity of an allegation of sexual abuse (see e.g., Benedek & Schetky, 1985a; Berliner, 1988; Blush & Ross, 1990; Bresee et al., 1986; Brooks & Milchman, 1991; de Young, 1986; Faller, 1988; Gardner, 1987a, 1987b; Green & Schetky, 1988; Jones & McGraw, 1987; Klaajner-Diamond, Wehrspann, & Steinhauer, 1987; Köhnken & Steller, 1988; Mantell, 1988; Paradise et al., 1988; Quinn, 1988; Raskin & Esplin, 1991; Raskin & Yuille, 1989; Rogers, 1990; Ross & Blush, 1990;

The Origin of the Original Disclosure

Allegations of child sexual abuse are less likely to be correct when the parent, rather than the child, initiates the disclosure (Yates & Musty, 1988, Yates, 1988). Young children almost never initiate false allegations without influence from an adult. The child is influenced by an adult who already believes the suspected abuse is true. The child is unable to concoct elaborate lies but is suggestible to suggestions and influence of the adult. False allegations are most likely the result of adult indoctrination rather than childhood fantasy (Klajner-Diamond et al., 1987). A spontaneous disclosure made by a young child without evident adult influence is more likely to be true.

The Timing of the Allegations

Although false accusations of sexual abuse may occur at any stage in a bitter and acrimonious divorce (Underwager & Wakefield, 1988; Blush & Ross, 1987), Benedek and Schetky (1985a) report that they are especially common in disputes about child custody arising after a divorce has been granted and centering around issues of visitation. There is a difference between an accusation that appears in a marriage that may be troubled but is continuing and an accusation that first appears in the midst of an acrimonious custody battle. It is therefore necessary to examine carefully the chronology of the development of an accusation and attend to other events such as legal maneuverings, new relationships, and therapeutic contacts.

If it can be determined that the divorce occurs as a result of the abuse disclosures, the alleged abuse is more likely to be true. Sirles and Lofberg (1990) studied 128 families in which sexual abuse occurred and approximately half of these families ended in separation and/or divorce.

The Age of the Child

Some writers believe allegations that turn out to be false involve very young children. Schaefer and Guyer (1988) report that the children in their false cases were most often under 5 years old. Everstine and Everstine (1989) note that in a divorce case, the younger a child is, the more emotionally dependent he or she is on a parent. The very young child therefore may be more vulnerable to the manipulations of an angry and vengeful parent.

Behavior of the Accusing Parent

Does the parent making the accusation initially report not believing the abuse, or thinking that the child was mistaken? Or is the initial reaction one of "I knew it all along" (Faller, 1990b). Gardner (1987a) notes that in real abuse, the accusing
parent is upset, secretive and embarrassed, whereas in false cases, he or she has the need to tell everyone and expresses no shame. Jones and Seig (1988) observe that in a false allegation there is apt to be an accusing parent who is prematurely convinced and unwilling to "hear" any other possibilities.

Bresee et al. (1986) note that in cases of actual abuse, the accusing parent is willing to consider other possible explanations for the behavior or statements that aroused his or her suspicions. In false allegations, the accusing parent is more likely to be unwilling to consider any other explanations for the child's behavior or statements. In real cases, the parent is willing to have the child interviewed alone, but when the accuser is primarily interested in attacking the accused, he or she is more apt to insist on being present when the child is interviewed.

In false cases, when the original professional says that abuse is unlikely, the falsely accusing parent may shop for other professionals who will verify his or her suspicions. Such parents may involve the child in multiple examinations, and demand that the investigation continue, regardless of the impact on the child (Bresee et al., 1986; Rand, 1989, 1990; Schaefer&Guyer, 1988).

Some parents continue believing their child was abused even after the court makes a determination of no abuse and orders that contact with the accused parent be restored. Sometimes such parents take their children and disappear with the help of a supportive network of persons who maintain that most allegations in custody disputes are true. This "underground railroad" asserts that the mother of an abused child is victimized by a disbelieving court system supported by mental health professionals who agree the allegation is false. Therefore, the only thing a mother can do to protect her child is to disappear (Faller, 1990b; Fisher, 1990; Gest & Galtney 1988; Podesta & Van Biema, 1989). Obviously, everyone, most of all the child, loses when this happens (Lloyd, 1990).

**Nature of the Allegations**

Schaefer and Guyer (1988) note that in cases involving false allegations of sexual abuse, the allegations are usually vague and not easily amenable to being verified or refuted. In one-third of the families in their sample, the allegation involved no concrete or specified parental behavior. Rather, there was a vague assertion that "something is happening," or "something is just not right, I know it." However, this had little effect on the level of subjective certainty. Often there was a pairing of an adamant and sure assertion with a description of a vague and ill-defined behavior. Frequently, it was a parent's perception of a child's behavior that provoked the suspicions.

Another consideration is the nature of the behaviors alleged. Are the behaviors alleged consistent with what is known about the behavior of actual sexual abusers and incest perpetrators? (Wakefield & Underwager, 1988). Or are the behaviors simply not probable? It is important to look at what is known about what actual sexual abusers do. Bizarre allegations including multiple adults, sadism with feces and urine, and satanic rituals are likely to be false.
Characteristics of the Child's Statement

Does the child's statement have the characteristics of true accounts of abuse? Jones and Seig (1988) point out that in a false allegation there is apt to be an inconsistent, sparse, or unrealistic account from the child. De Young (1986) suggests looking for specific action as well as details, especially affective and contextual details. In a false allegation, the child is unlikely to give elaborated details. Sink (1988a) notes that real accounts contain contextually descriptive information, given spontaneously. Jones and McGraw (1987) report that valid accounts include an appropriate level of detail given the child's age, unique or idiosyncratic details, emotion congruent with the topic discussed, and reports of secrecy, coercion, or threats.

Strong hatred expressed toward the accused, based upon trivial and vague reasons, may be the result of learning from the accusing parent rather than from actual abuse (Gardner, 1987a). Also, a child who is very eager to talk about the abuse may have learned that adults reward such talk (Wakefield & Underwager, 1988).

Faller (1988) examined three characteristics said to be associated with true allegations: (1) information about the context of the sexual abuse; (2) description or demonstration of the sexual victimization; and (3) the victim's emotional state. She reviewed 103 cases in which the perpetrator had confessed to some level of abuse. A description of the sexual behavior and an emotional reaction to the abuse was found in over four-fifths of the statements. Contextual details were found in over three-fourths. Over two-third of the allegations contained all of these characteristics. Faller concludes that these data support the clinical assumptions concerning these criteria.

These characteristics of a statement based on an actual event are similar to those looked for in the Criterion Based Content Analysis / Statement Validity Analysis procedure described earlier (Köhnken & Steller, 1988; Raskin & Esplin, 1991; Rogers, 1990; Undeutsch, 1988). The agreement among professionals concerning the nature of the child's statement suggests these criteria are useful. However, the statement must be obtained as soon as possible from a child who has made a spontaneous disclosure and must be based upon the child's narrative account and not on responses to leading questions.

Personality Characteristics of the Parties Involved

When accusations of sexual abuse surface in a bitter divorce and custody dispute, the personality characteristics of the parties involved should be considered in evaluating the allegations. Parents making false allegations are likely to have personality disorders and/or other psychiatric problems (Ross & Blush, 1990; Green & Schetky, 1988; Jones & McGraw, 1987; Rogers, 1990; Klapner-Diamond et al., 1987; Wakefield, & Underwager, 1990). Faller (1990b) notes that a childhood history of abuse in the mother may result in distortions of events or hypervigilance.

Therefore, in the absence of corroborating evidence, when the parent making the accusation is disturbed and the accused is psychologically normal, a false
accusation should be considered. However, as Bresee et al. (1986) point out, even histrionic or combative women who make allegations with vengeful motives may have discovered genuine evidence of sexual abuse.

**Behavior of the Professionals Involved**

In evaluating cases of suspected sexual abuse, it is necessary to remain open and objective and guard against either a presumption of guilt or of innocence. Klajner-Diamond et al. (1987) say one factor suggesting a false accusation is a professional committed prematurely to the truth of the allegation. Blush and Ross (1990) observe that false cases are characterized by a loss of control early on when professionals decide that abuse is real before doing a careful investigation. Unfortunately, there are a few professionals who may be willing to collude with parents to develop false accusations (Wakefield & Underwager, 1989).

In cases that turn out to be false, a professional often very quickly reaches a decision that abuse has occurred, the decision is made on the basis of limited data, disconfirming data are ignored, and no alternative options are examined. Often, the conclusion is reached without talking to the person accused, even if that person wants to be interviewed.

**CONCLUSIONS**

Mistakes on either side regarding allegations of child sexual abuse have significant and long-lasting ramifications for all parties involved. Much attention in the professional and popular literature has been given to the plight of the abused child who is not believed, may be pressured to retract, and may not be protected from an abusing parent. Therefore, some professionals assert that they choose to "err on the side of the child" by not taking any chances when abuse is alleged. However, when a false accusation is judged to be true, the child is also hurt. The nonabused child has been subjected to a process of interrogation and often to sexual abuse therapy that is confusing and potentially iatrogenic. The relationship with a formerly loved parent may be irretrievably damaged. If the adults make a mistake and treat a nonabused child as if the child has been abused, the consequences can be long-term and disastrous. The need to improve the accuracy of adult decision-making in this area cannot be ignored.

There are no easy answers. These cases are extremely difficult for everyone. Professionals must remain open and objective and attend to what is known. They must carefully examine each case and not immediately dismiss an allegation as false because the parents are in the midst of a divorce. But they must also guard against a presumption of guilt, and resist aligning themselves with the reporting parent's agenda.

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