Sexual Abuse Allegations in Custody Disputes: A review and evaluation considerations
Jeff Lee, Ph.D.
Valorie Unruh
www.nwfamilypsychology.com
jeffl@nwfamilypsychology.com

Contents
Base Rates
Evaluation procedures
Recommendations

BASE RATES
- Sample of 9,000 families of custody and visitation disputes, < 2% (range 1%-8%) involved an allegation of sexual abuse.
- Which is slightly higher than the general population (2.5/1,000 vs. 15/1,000).

When in the process allegations occur

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior to/Lead to Divorce</td>
<td>8%</td>
<td>4%</td>
</tr>
<tr>
<td>During</td>
<td>19%</td>
<td>45%</td>
</tr>
<tr>
<td>Change in Custody/Visitation</td>
<td>38%</td>
<td>55%</td>
</tr>
</tbody>
</table>

Relationship of the Alleged abuser to the victim

<table>
<thead>
<tr>
<th></th>
<th>Parent 58%</th>
<th>Stepparent/ Partner 22%</th>
<th>Stepsibling 3%</th>
<th>Other Family member/Friend 17%</th>
</tr>
</thead>
</table>

Who accuses whom?

<table>
<thead>
<tr>
<th></th>
<th>Mother 48%</th>
<th>Father 6%</th>
<th>Step-parent 3%</th>
<th>3rd party 4%</th>
</tr>
</thead>
</table>

Age of Victim

<table>
<thead>
<tr>
<th>Abuse Allegation Perceived as</th>
<th>1-3 years</th>
<th>4-6 years</th>
<th>7+ years</th>
<th>1 recent</th>
<th>Mult. Recent</th>
<th>Fondle/Genital Contact</th>
<th>No</th>
<th>Yes</th>
<th>Likelihood</th>
</tr>
</thead>
<tbody>
<tr>
<td>Likely</td>
<td>25%</td>
<td>42%</td>
<td>56%</td>
<td>33%</td>
<td>61%</td>
<td>50%</td>
<td>27%</td>
<td>37%</td>
<td>50%</td>
</tr>
<tr>
<td>Unlikely</td>
<td>38%</td>
<td>44%</td>
<td>29%</td>
<td>42%</td>
<td>11%</td>
<td>23%</td>
<td>37%</td>
<td>44%</td>
<td>5%</td>
</tr>
<tr>
<td>Indeterminate</td>
<td>38%</td>
<td>14%</td>
<td>15%</td>
<td>25%</td>
<td>29%</td>
<td>27%</td>
<td>37%</td>
<td>19%</td>
<td>45%</td>
</tr>
</tbody>
</table>

N

Time/Freq of abuse

<table>
<thead>
<tr>
<th></th>
<th>Penetr./Oral-Genital Contact</th>
<th>Likelihood</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>Yes</td>
<td>Likelihood</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Perceived level of anger</th>
<th>N</th>
<th>Likely</th>
<th>Unlikely</th>
<th>Indeterminate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Higher than average</td>
<td>41%</td>
<td>66%</td>
<td>37%</td>
<td>53%</td>
</tr>
<tr>
<td>Similar/ Less than average</td>
<td>41%</td>
<td>23%</td>
<td>41%</td>
<td>33%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24%</td>
<td>10%</td>
<td>22%</td>
</tr>
</tbody>
</table>

Time Between Divorce and Allegation

<table>
<thead>
<tr>
<th>Relationship between Accused</th>
<th>Perceived level of anger</th>
</tr>
</thead>
<tbody>
<tr>
<td>Against father</td>
<td>Higher than average</td>
</tr>
<tr>
<td>Against mother</td>
<td>Similar/ Less than average</td>
</tr>
<tr>
<td>Against 3rd party</td>
<td></td>
</tr>
</tbody>
</table>

N

Limitations

- Limitations to discriminate true and false allegations
- Unable to ascertain reliably the validity of allegations of abuse based upon analyses of components of children's reports.
- Unable to identify sex abuse perpetrators on the basis of either of patterns of data from objective psychological tests or patterns of observable behavior (Quincey & Lalumiere, 2001)

Summary

- Base rates in SA allegations not significantly higher in custody disputes than in general population.
- Older victims are more likely to be verified
- Multiple incidences are more likely to be verified
- No difference in likelihood of verification when considering sex of parent
- There is a trend of decreased perceived anger is a greater likelihood of verification

EVALUATIONS
The stage is set...

- Bow, Quinnell, Zaroff, & Assemany (2002)
  - Practices and procedures in the child custody area
  - Sexual abuse evaluation techniques
  - Assessment of alleged sexual offenders

Bow and colleagues (2002)

- No prior involvement with the case and appointed by the court.
- Review all relevant records
- Assess the nature, sequence, and circumstances of the allegations
- Multiple data sources
  - Interviews
  - Testing
- Sexual histories
- Direct parent-child observations
  - At the end of the evaluation process
  - After determining the procedure is unlikely to re-traumatize the child
  - After baseline behavior is gathered about the child
- Collateral informants
- Formulate in a comprehensive report

Ehrenberg and Elterman (1995)

- Have necessary knowledge, training, and skills
- Clarify role as assessor
- Collect as much relevant data through multiple assessment techniques
- Develop multiple hypotheses or possible explanations for the allegation
- Repeat steps 3 and 4 until satisfied
- Document and explain data that are both consistent and inconsistent
- Integrate data in order to conclude whether consistent, inconsistent, or inconclusive with allegations
- Develop specific recommendations about custody and visitation
Kirkpatrick (1999)

• Background
  – Testing and interviews of parties
  – Interviews and observations of the child
  – Interviews and observations of the child and parties
  – Collateral interviews and home visits

• Record review
  – Court records
  – Criminal records
  – Police records
  – DHS records
  – Pediatric records
  – School records


• Considerations
  – Child is a victim, allegation credible and accurate
  – Child is victim, allegation is undetermined/unsubstantiated
  – Child is a victim, but will not disclose due to fear
  – Child is a victim, but will not disclose due to loyalty
  – Child is not a victim, this is credible
  – Child is not a victim, has been unintentionally contaminated by hypervigilant caretaker
  – Child is not a victim, has been intentionally manipulated into believing so
  – Child is not a victim, knowingly falsely accuses someone due to pressure from caretaker or authority figures
  – Child is not a victim, knowingly falsely accuses someone for personal reasons or revenge.

Faller, Corwin, & Olafson (1993)

Characteristics of Child-focused
• Expressed remorse for not protecting the child
• Willing to consider other possible explanations
• Willing to have the child interviewed w/out parent
• Concerned about impact on the child if to testify
• Willing to “let it go” if unable to verify so long as the child’s well-being can be monitored

Characteristics of Ex-spouse-focused
• Expresses little or no remorse for child, vindictive toward ex-spouse
• Unwilling to consider any other explanation
• Insists on being present when child is interviewed
• Is eager for child to testify
• Shop for professionals who will verify suspicions, involving the child in several evaluations
<table>
<thead>
<tr>
<th>Level of Assessment</th>
<th>Brief Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unguided Clinical Judgment</td>
<td>Reviews case material w/out any significant a priori list or theory.</td>
</tr>
<tr>
<td>Guided Clinical Judgment</td>
<td>Start with an a priori set of ideas, but set is based on clinician's own ideas and theories w/out empirical support.</td>
</tr>
<tr>
<td>Clinical Judgment based on anamnestic approach</td>
<td>Analyze the client's life history of factors of particular importance to the specific client's historically demonstrated risk, then examines the degree to which those factors remain.</td>
</tr>
<tr>
<td>Research-guided clinical judgment</td>
<td>Use of a prior set of factors, with different factors given different levels of weight.</td>
</tr>
<tr>
<td>Clinically adjusted actuarial approach</td>
<td>Initial employment of one or more actuarial instrument followed by adjustments based on clinically derived considerations.</td>
</tr>
<tr>
<td>Purely actuarial approach</td>
<td>The use of actuarial instruments with no adjustments beyond those instruments' results.</td>
</tr>
</tbody>
</table>

**Interviewing the Parents**

- **Areas of Inquiry**
  - Family Dynamics (including sexual)
  - Context/Process/Evidence of alleged abuse
  - Context/Process of disclosure
  - Parental Response/Parenting Behaviors
  - Safety Procedures
  - Child Trauma Symptoms

- **Measures to consider**
  - Child Abuse Potential Inventory
  - Trauma Symptom Checklist for Children
  - Suicide Probability Scale
  - Parenting Stress Inventory
Interviewing/Observing Children

• Areas of Inquiry
  – Child developmental performance/understanding
  – Relationship with Parents
  – Family Dynamics
  – Trauma/Emotional Symptoms
  – Specifics about abuse

• Goals of Observation
  – Baseline of child(ren) behaviors
  – Home Visit

• Measures to Consider
  – Piers-Harris Children’s Self-concept Scale
  – Child Anxiety Scale

Sex-specific Interview

• Areas of Inquiry
  – Sexual History (including abuse)
  – Paraphilia
  – Pornography use

• Measures to Consider
  – Multiphasic Sex Inventory-II
  – Penile Plethysmograph
  – Abel assessment for sexual interest
  – Sexual Violence Risk-20
  – Stable/Acute-2007
  – Polygraph

RECOMMENDATIONS
Ultimate Issues

Sexual Offense

Custody Arrangement

Evaluation Conclusions

• Verified
  — Positive
  — Negative
• Indeterminate
  — Inductive Reasoning
    • Presenting the data and the most likely hypothesis
  — Conductive Reasoning
    • Simply presenting the both sides of the coin
Recommendations

• Visitation supervision
• Visitation frequency
• Safety procedures
• Treatment Services

References