



Child Sexual Abuse Allegations in Custody Cases

A Bibliography

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**Championing and Strengthening the
Global Response to Child Abuse**

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Scope

The bibliography lists publications that cover a variety of issues related to allegations of child sexual abuse in custody cases.

Organization

Publications include articles, book chapters, reports, and research briefs and are arranged in date descending order. Links are provided to full text publications when possible. However, this collection may not be complete. More information can be obtained in the Child Abuse Library Online.

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Child Sexual Abuse Allegations in Custody Cases

A Bibliography

Lapierre, S., Ladouceur, P., Abrahams, N., Vincent, A., & Frenette, M. (2024). [Abused women as 'alienating' mothers and violent men as 'good' fathers: Double standards in child protection and child custody proceedings](#). *Child & Family Social Work*. DOI:10.1111/cfs.13260

Drawing upon multiple case studies, this article examines how parenting double standards are reproduced in situations where women who have experienced domestic violence have been seen as 'alienating' mothers, while the men who have perpetrated the violence have been seen as 'good' or 'good enough' fathers. In total, 25 case studies were conducted with women who had experienced domestic violence, had at least one child and had been perceived by at least one professional as 'engaging in parental alienation' at some point within the previous 5 years. Each case study involved at least one semi-structured interview with the woman and the analysis of relevant documents, including family evaluation reports, child protection reports and court decisions. These double standards were identified when the mothers' and the fathers' behaviours and circumstances had been measured or evaluated using a different set of principles. The research findings reveal different main manifestations of parenting double standards, which relate to the parents' credibility and the parents' past and personal histories. Moreover, the fact that the parents talk to the children about the other parent is perceived differently when mothers and fathers are doing it. Professionals also reproduce double standards when they minimize and justify the parents' 'inappropriate' behaviours and when they consider the parents' help-seeking strategies.

Sullivan, M. J., Pruett, M. K., & Johnston, J. R. (2024). Parent-child contact problems: Family violence and parental alienating behaviors either/or, neither/nor, both/and, one in the same?. *Family Court Review*, 62(1), 68–85. DOI:10.1111/fcre.12764

This article argues that in order to intervene effectively and ethically with children who are manifesting Parent-child contact problems (PCCPs) after parental separation, we begin by being mindful of what is normal about divorce transitions and use developmentally appropriate and culturally sensitive analysis to rule out children's common transitory reactions. It is then important to concurrently assess for both family violence (FV) and severe parental alienating behavior (PAB) on the part of both parents, which can co-occur in some cases. The article asserts that it is also important to consider common problematic parenting responses that may potentiate the PCCP but not necessarily rise to the level of abuse. FV is defined as a child's direct experience of physical, sexual, or psychological maltreatment and indirect exposure to sibling abuse and/or to intimate partner violence (IPV). PAB is defined as an ongoing pattern of unwarranted negative messages on the part of one parent that conveys that the child's other parent is disinterested, irrelevant, dangerous, and not to be trusted. Any one or all of these factors may contribute to a child's strident negativity and sustained rejection of one parent, these being defining features of a PCCP. This article proposes ethical principles and priorities for decision-making in these cases, considering the growing social science controversy about assessment and intervention for PCCPs. It concludes with an analysis of recent, contrasting policy approaches to PCCPs (e.g., Kayden's Law and the Joint Statement of the AFCC and NCJFCJ) and their potential impact on family justice system professionals and the families they serve.

Harman, J., Giancarlo, C., Lorandos, D., & Ludmer, B. (2023). [Gender and child custody outcomes across 16 years of judicial decisions regarding abuse and parental alienation](#). *Children and Youth Services Review*, 155, 107187.
DOI:10.1016/j.chilyouth.2023.107187

There have been legislative efforts to control how child custody decisions are handled in family courts where allegations of abuse and of parental alienation (PA) are levied. The “findings” reported to support such legislation have been based on one unreviewed study with identified methodological issues (Harman & Lorandos, 2021). We tested six pre-registered hypotheses to determine whether there is empirical support for the “research findings” used to support these laws. Five-hundred PA cases were sequentially selected from 4,889 Canadian trial court decisions. Independent coders who were blind to the hypotheses coded all cases for details about custody and allegations of abuse. We failed to find support for the “findings” that have been used to support legislative changes. For example, this study focused only upon cases where PA was determined to actually have occurred in at least one of the children in the family. It differs from Harman & Lorandos (2021) in that this study found that alienating mothers’ claims of abuse against known “abusive” alienated fathers were not being discredited more often than they were for alienating fathers. The negative impact of failing to base legislation on a comprehensive consideration of the full scope of scientific evidence available (e.g., Kayden’s Law in the reauthorized Violence Against Women’s Act, 2022) is discussed.

Nonomura, R., Bala, N., Beacock-McMillan, K., Au-Yeung, A., Jaffe, P., Heslop, L., & Scott, K. (2023). When the family court becomes the continuation of family violence after separation: Understanding litigation abuse. *Family & Intimate Partner Violence Quarterly*, 15(4), 59-69.

The article focuses on the problem of litigation abuse as a form of family violence and coercive control. Topics include the different types of litigation tactics that may be abusive, the connection between litigation abuse and other forms of post-separation violence, the systemic factors involved in this form of abuse.

Madelyn, S. M. (2022). Assessing causes of children's parent rejection in child custody cases: Differentiating parental alienation from child sexual abuse, psychological maltreatment, and adverse parenting. In R. Geffner, J. W. White, L. K. Hamberger, A. Rosenbaum, V. Vaughan-Eden, & V. I. Vieth (Eds.), *Handbook of interpersonal violence and abuse across the lifespan* (pp. 1607-1628). Springer, Cham. DOI:10.1007/978-3-319-89999-2_318

This chapter proposes a schema, the "Multidimensional Assessment of Causes of Parent Rejection in Child Custody Cases" (MAP). The MAP proposes specific assessment factors to analyze allegations of child sexual abuse (CSA), psychological maltreatment adverse parenting and alienation. The CSA factors are taken from scientific research on children's memory, language, narrative, suggestibility, and trauma. The adverse parenting factors are taken from divorce research and the Society for Research on Child Development's Policy Report on incompetent parenting. The alienation factors are those proposed by alienation scholars and advocates. The specificity of these different causes of parent rejection is often not recognized in practice, especially, but not only, in cases where allegations of CSA are rebutted by allegations of alienation. If CSA or PM are in doubt, it is often assumed that alienation has caused the parent rejection. However, CSA, psychological maltreatment, adverse parenting, and alienation are all different concepts. Therefore, they require different and specific kinds of evidence to assess them. The factors proposed in the Multidimensional Assessment of Causes of Parent Rejection in Child Custody Cases (MAP) are intended to help child custody evaluators, attorneys, and judges resist making false equivalences based on assumptions and approach these cases in a more evidence-based manner.

Meier, J. S., Dickson, S., O'Sullivan, C. S., & Rosen, L. N. (2022). [The trouble with Harman and Lorandos' Parental Alienation Allegations in Family Court Study \(2020\)](#). *Journal of Family Trauma, Child Custody & Child Development*, 19(3-4), 295-317. DOI:10.1080/26904586.2022.2036286

Harman and Lorandos assert that they have produced a study analyzing custody cases involving alienation allegations, which "disconfirms" the findings from our study of family

court outcomes in cases involving abuse and alienation. In addition to pointing out the authors' misrepresentation and mis-reporting of some of their findings, this Response details a series of profound flaws in their study's design, dataset construction and variable coding, interpretations and analytic approach, as well as a series of statistical errors. The statistical analyses demonstrate that Harman and Lorandos' five findings of a gender bias in favor of fathers are not supported by their data; the only statistically significant findings that persist after re-analysis of the correct data are consistent with the Meier et al. study. These pervasive design and methodological errors undermine both the appearance and assertion of rigor in their approach; these problems and the foundational differences in their dataset from our own disqualify their study from serving as any kind of credible test or disconfirmation of our study.

Myers, J. E., & Mercer, J. (2022). [Parental alienation in family court: Attacking expert testimony](#). *Child & Family Law Journal*, 10, 3.

In child custody litigation, when a parent raises the possibility of child abuse, the accused parent may respond that the parent who has raised the possibility of abuse is alienating the child in an effort to gain an unfair advantage in court. The parent accused of abuse may offer expert testimony on parental alienation. A voluminous and contentious social science literature exists on parental alienation. Family law attorneys often lack ready access to social science literature. The purpose of this article is to give family law attorneys information from the parental alienation literature that can be used to cross-examine experts who testify on parental alienation.

Zumbach, J., Brubacher, S. P., Davis, F., De Ruiter, C., Ireland, J. L., McNamara, K., October, M., Saini, M., Volbert, R., & Laajasalo, T. (2022). [International perspective on guidelines and policies for child custody and child maltreatment risk evaluations: A preliminary comparative analysis across selected countries in Europe and North America](#). *Frontiers in Psychology*, 13, 900058.
DOI:10.3389/fpsyg.2022.900058

Little knowledge exists on how evaluators in child custody and child maltreatment cases are informed by guidelines, the kinds of qualifications required and the types of training provided in different countries. The purpose of this paper is to provide an international preliminary comparison on how child custody and child maltreatment risk assessments are conducted in selected Western countries, and how the assessments are informed by best practice guidelines. Another aim is to increase knowledge on how the guidelines and best-practice standards could be developed further to reflect recent research findings. A total number of 18 guidelines were included in the analyses: four from Canada, five from the United States, three from the United Kingdom, three from the Netherlands, two from Finland, and one from Germany. We conducted a content analysis of the included guidelines in the database, focusing on how the guidelines address the best interest of the child criteria, guidelines for conducting the assessments, considerations for evaluative criteria, and specific guidance for conducting specific assessment procedures (e.g., interviews and observations). Findings show that the qualifications of and training provided to evaluators in child custody and child maltreatment risk evaluations are largely heterogeneous across the countries represented. Guidelines differ in whether and how they highlight the importance of evidence-based practices and scientifically validated assessment measures. Implications are drawn from the review and contextualized by international expert authors in the fields of forensic psychology, and family law. After the content analysis, discussion sessions within the expert group were held. The authors provide both commentaries and suggestions to improve the development of standard methods for conducting both child custody and child maltreatment risk evaluations and to consider a more transparent and judicious use of

social science research to guide methods and the recommendations offered within these assessments.

Ackerman, M. J., Bow, J. N., & Mathy, N. (2021). Child custody evaluation practices: Where we were, where we are, and where we are going. *Professional Psychology: Research and Practice*, 52(4), 406–417. DOI:10.1037/pro0000380

Child custody practice has evolved over the past 35 years. The present article will review the past history, current status, and future of this practice area. A thorough review of child custody survey research will be presented, as well as applicable ethical standards and forensic/child custody guidelines. This suggests the field has advanced with established forensic procedures and methods. It is further proposed that a standard of practice has been established through child custody and forensic guidelines, the APA Ethics Code, scholarly publications, survey research findings, and evaluators' increased understanding of forensic issues (i.e., psycho-legal basis for the evaluation and admissibility criteria), which should benefit the profession, legal community, and families.

Harman, J. J., & Lorandos, D. (2021). [Allegations of family violence in court: How parental alienation affects judicial outcomes](#). *Psychology, Public Policy, and Law*, 27(2), 184–208. DOI:10.1037/law0000301

We tested a set of findings reported by Meier et al. (2019) related to the use of parental alienation as a legal defense in cases in which there are allegations of domestic violence and child abuse. A total of 967 appellate reports in which PA was found or alleged were sequentially selected from a legal database search. Nineteen research assistants blind to the study's hypotheses coded the reports for the variables used to test six preregistered hypotheses using a series of logistic and linear regression models. We failed to find any support for the conclusions made by Meier et al. Parents found (vs. alleged) to have alienated their children, regardless of their gender, had greater odds of

losing parenting time, losing custody of their children, and losing their case. These findings held even when the accusing parent had been found to have been abusive. Losses or decreases in custody were not found when the (alleged) alienated parent was found to have been abusive. Results indicate that the majority of courts carefully weigh allegations of all forms of family violence in their determinations about the best interests of children. These findings, along with several others, raise concerns that the methodological, analytical, and statistical problems we detail about Meier's report that make her conclusions untrustworthy. Discussion focuses on the importance of using open science practices for transparent and rigorous empirical testing of hypotheses and the dangers of misusing scientific findings to mislead influential professionals who affect the well-being of millions of families.

Liu, E., & Goldstein, B. (2021). Sexual abuse allegations. *Family & Intimate Partner Violence Quarterly*, 14(1), 15–46.

A must-read for attorneys who confront what are perhaps the most troubling and riskiest of child custody cases—those involving allegations of child sexual abuse—this was originally published as a chapter in the authors' seminal volume, "Representing the Domestic Violence Survivor: Critical Legal Issues: Effective Safety Strategies." Here (and throughout their entire book), the writers demonstrate a deep understanding of the clinical presentation of child custody cases involving sexual abuse as well as a firm grasp of the current scholarly research that has been conducted on these topics. Elizabeth Liu and Barry Goldstein guide us through the murky waters of child sexual abuse allegations; they dispel the myths about such claims and those who make them, identify the ways in which the courts misinterpret and mishandle sexual abuse allegations, and advise legal professionals in the effective presentation of the fact patterns that typify such cases.

Meier, J. S., & Sankaran, V. (2021). [Breaking down the silos that harm children: A call to child welfare, domestic violence and family court professionals](#). *Virginia Journal of Social Policy & Law*, 28(3), 275-304.

Meier, J. S. (2020). U.S. child custody outcomes in cases involving parental alienation and abuse allegations: What do the data show?. *Journal of Social Welfare and Family Law*, 42(1), 92-105. DOI:10.1080/09649069.2020.1701941

Family court and abuse professionals have long been polarized over the use of parental alienation claims to discredit a mother alleging that the father has been abusive or is unsafe for the children. This paper reports the findings from an empirical study of ten years of U.S. cases involving abuse and alienation claims. The findings confirm that mothers' claims of abuse, especially child physical or sexual abuse, increase their risk of losing custody, and that fathers' cross-claims of alienation virtually double that risk. Alienation's impact is gender-specific; fathers alleging mothers are abusive are not similarly undermined when mothers cross-claim alienation. In non-abuse cases, however, the data suggest that alienation has a more gender-neutral impact. These nuanced findings may help abuse and alienation professionals find some common ground.

Saini, M., Laajasalo, T., & Platt, S. (2020). Gatekeeping by allegations: An examination of verified, unfounded, and fabricated allegations of child maltreatment within the context of resist and refusal dynamics. *Family Court Review*, 58(2), 417-431. DOI:10.1111/fcre.12480

Allegations of child maltreatment and neglect, including child sexual abuse, in the context of child custody disputes pose particular challenges for child protection services, family law professionals and the courts to identify children at risk of harm, as well as children impacted and exposed to other risk factors. Accurately identifying child maltreatment requires assessing the background, the history and the context of the allegations in order to differentiate confirmed, unfounded, and fabricated allegations. The paper provides a

review of the history and current understanding of allegations within the context of child custody disputes by considering the connections of fabricated allegations to the theory of alienation and the role of gatekeeping. The paper then examines the social science literature regarding allegations within child protection investigations (the prevalence, types of maltreatment, reporter of allegations, and case outcomes) and explores the factors that have contributed to the challenges faced by child protection services to investigate and make determinations regarding allegations within the context of child custody disputes. We argue for early assessment protocols for child protection services to screen child custody cases, to differentiate allegations of alienation from other types of harm, to enhance role clarity in these volatile situations, to refrain from “taking sides” and to work collaboratively with the family law community. Lastly, we offer legal implications to improve collaboration between child protection services and the family law field to better respond to these complex cases.

Goldfarb, D., Priolo-Filho, S., Sampana, J., Shestowsky, D., Wolpe, S., Williams, L. C. A., & Goodman, G. S. (2019). International comparison of family court professionals' perceptions of parental alienation and child sexual abuse allegations. *International Journal on Child Maltreatment*, 2, 323–341. DOI:10.1007/s42448-019-00033-6

In contested child custody cases, controversy exists as to family court professionals' attitudes regarding parental alienation (PA). Prior research shows that U.S. family court professionals are more likely to believe a case involves PA when a mother claims the father is abusing their child than when a father makes the same allegation. Critics of PA believe that statutorily recognizing PA could encourage professionals to further discredit reports of maltreatment, particularly reports by mothers, as alienation. Comparing family court professionals' views in Brazil (where PA is statutorily recognized) and the United States (where PA is not statutorily recognized) permits study of the possible relations between formal recognition of PA and case recommendations. Brazilian and U.S. family court professionals ($N = 365$) read three scenarios varying in the inclusion or exclusion of

allegations of parental hostility or allegations of child maltreatment. For each scenario, the alienating parent's gender was experimentally varied between subjects. Participants rated the likelihood of each case involving PA and the appropriateness of three potential case recommendations. Analyses revealed significant differences between Brazilian and U.S. professionals: In the scenarios involving allegations of parental hostility and sexual abuse, Brazilian (relative to U.S. professionals) rated parents as more alienating but endorsed referring cases of maltreatment to child protective services at a lower rate. Participants also differed in their case recommendations depending on the gender of the alienating parent. Implications for laws, family court professionals' evaluations, and children's rights to protection in family court matters are discussed.

Meier, J. S., Dickson, S., O'Sullivan, C., Rosen, L., & Hayes, J. (2019). [Child custody outcomes in cases involving parental alienation and abuse allegations](#). *GWU Law School Public Law Research*, 2019–56. DOI:10.2139/ssrn.3448062

Family courts' errors in assessing adult and child abuse, and punitive responses to abuse allegations, have been widely documented. A significant contributor to these errors is the pseudo-scientific theory of parental alienation (PA). Originally termed parental alienation syndrome (PAS), the theory suggests that when mothers allege that a child is not safe with the father, they are doing so illegitimately, to alienate the child from the father. PA labeling often results in dismissal of women's and children's reports of abuse, and sometimes trumps even expert child abuse evaluations. PAS was explicitly based on negative stereotypes of mothers and has been widely discredited. The term parental alienation – while treated as distinct – is still widely used in ways that are virtually identical to PAS. Nonetheless, because PA is nominally gender neutral (and not called a scientific syndrome), it continues to have substantial credibility in court. The first goal of this project was to ascertain whether empirical evidence indicates that parental alienation is, like PAS, gender-biased in practice and outcome. Second, the study sought to explore outcomes in custody/abuse litigation by gender and by differing types of abuse. Analysis of over

2000 court opinions confirms that courts are skeptical of mothers' claims of abuse by fathers; this skepticism is greatest when mothers claim child abuse. The findings also confirm that fathers' cross-claims of parental alienation increase (virtually doubling) courts' rejection of mothers' abuse claims, and mothers' losses of custody to the father accused of abuse. In comparing court responses when fathers accuse mothers of abuse, a significant gender difference is identified. Finally, the findings indicate that where Guardians Ad Litem or custody evaluators are appointed, unfavorable outcomes for mothers and gender differences are increased. The study relies solely on electronically available published opinions in child custody cases. It has produced an invaluable database identifying 10 years of published cases involving alienation, abuse and custody, while coding parties' claims and defenses, outcomes, and other key factors by gender and parental status.

Saini, M., Black, T., Godbout, E., & Deljavan, S. (2019). Feeling the pressure to take sides: A survey of child protection workers' experiences about responding to allegations of child maltreatment within the context of child custody disputes. *Children and Youth Services Review*, 96, 127–133. DOI:10.1016/j.childyouth.2018.11.044

Families involved in high conflict child custody disputes pose unique challenges for child protection services. Little is known about the struggles faced by child protection workers when responding to complaints made by acrimonious ex-partners within the context of child custody disputes. This paper reports on an exploratory cross-sectional online survey of child protection service providers ($n = 208$) from five child protection agencies. Results show that the majority of workers expressed feeling higher levels of stress when dealing with families involved in child custody disputes, attributed to repeat allegations and counter allegations, the ongoing acrimony between the parents, pressure from the parents and legal professionals to take sides in the dispute and a lack of protocols to work with families involved in high conflict. The lack of specialized training to work with parents stuck in high conflict and the demands placed on workers, already struggling with large

caseloads, contributed to workers feeling overwhelmed and ineffective when working with families entrenched in child custody disputes. Implications are discussed including the need for early identification of high conflict cases, specialized services to address the unique needs of families involved in child custody disputes and increased collaboration between child protection services and external service agencies.

Silberg, J., & Dallam, S. (2019). Abusers gaining custody in family courts: A case series of over turned decisions. *Journal of Child Custody*, 16(2), 140–169.
DOI:10.1080/15379418.2019.1613204

This article presents findings and recommendations based on an in-depth examination of records from 27 custody cases from across the United States. The goal of this case series was to determine why family courts may place children with a parent that the child alleges abused them rather than with the nonoffending parent. We focused on “turned around cases” involving allegations of child abuse that were at first viewed as false and later judged to be valid. The average time a child spent in the court ordered custody of an abusive parent was 3.2 years. In all cases we uncovered the father was the abusive parent and the mother sought to protect their child. Results revealed that initially courts were highly suspicious of mothers’ motives for being concerned with abuse. These mothers were often treated poorly and two-thirds of the mothers were pathologized by the court for advocating for the safety of their children. Judges who initially ordered children into custody or visitation with abusive parents relied mainly on reports by custody evaluators and guardians *ad litem* who mistakenly accused mothers of attempting to alienate their children from the father or having coached the child to falsely report abuse. As a result, 59% of perpetrators were given sole custody and the rest were given joint custody or unsupervised visitation. After failing to be protected in the first custody determination, 88% of children reported new incidents of abuse. The abuse often became increasingly severe and the children’s mental and physical health frequently deteriorated. The main reason that cases turned around was because protective parents

were able to present compelling evidence of the abuse and back the evidence up with reports by mental health professionals who had specific expertise in child abuse rather than merely custody assessment.

O'Donohue, W., Cummings, C., & Willis, B. (2018). The frequency of false allegations of child sexual abuse: A critical review. *Journal of Child Sexual Abuse*, 27(5), 459-475. DOI:10.1080/10538712.2018.1477224

The rate of false allegations has been a topic of research spanning back to as early as the 1970s. Studies have often relied on data gathered by Child Protective Services workers and court administrators. Some researchers have also used hypothetical scenarios to estimate rates. However, given the plethora of sampling methods, there is a large variation in estimated rates of false allegations of sexual abuse depending on the data source and context of the allegation. Additionally, methodological problems such as unclear or invalid criteria used to judge truth or falsity of an allegation, unrepresentative samples, and ignoring important contextual variables such as the stage at which an allegation is made, currently all render the determination of actual rates of false child sexual abuse allegations to be unknown. This examination of literature is intended to gain a firmer understanding of the frequency at which allegations are false and during which stage of prosecution they occur, thus assisting with the legal practice of distinguishing between a false versus positive allegation. Research reviewed supports two general conclusions: (a) the vast majority of allegations are true but (b) false allegations do occur at some non-negligible rate. Suggestions for future research, as well as cautions about claims about specific rates of false allegations in the courtroom, are provided.

Otgaar, H., & Howe, M. L. (2018). [When children's testimonies are used as evidence: How children's accounts may impact child custodial decisions](#). *Journal of Child Custody*, 15(4), 263–267. DOI:10.1080/15379418.2018.1568721

In child custody cases, children oftentimes provide allegations of experienced trauma against one of their parents. Such allegations can happen before any investigative interviews (e.g., by the police or child protective services) have taken place. A central theme here concerns how to appraise such allegations and make certain that children's accounts are taken seriously. In the current special issue, the focus is on new work on the functioning of children's memory and its relation to trauma or work on children's suggestibility and memory when they are traumatized. Specifically, key experts in the field of children's memory provided contributions on: (1) the impact of interviewer support and rapport building on children's testimonies, (2) the role of parental alienation in children's testimonial accuracy, and (3) different types of false memories in children's memory reports.

Priolo-Filho, S., Goldfarb, D., Shestowsky, D., Sampana, J., Williams, L. C. A., & Goodman, G. S. (2018). Judgments regarding parental alienation when parental hostility or child sexual abuse is alleged. *Journal of Child Custody*, 15(4), 302–329. DOI:10.1080/15379418.2018.1544531

Allegations of Parental Alienation (PA), the systematic disparaging of one parent by the other parent aimed at alienating their child's affections, as a basis for child custody decisions are highly controversial. Claims of parental hostility or allegations of child sexual abuse in custody cases may trigger concerns about PA. Family court professionals ($N = 280$) rated young children's accuracy of report (e.g., suggestibility, honesty) in general and also read three custody scenarios varying as to whether or not they included allegations of parental hostility or child sexual abuse, or no such allegations. For each scenario, the alleged alienating parent's gender was experimentally varied between subjects. Participants rated the likelihood that each case involved PA. For the scenario that included allegations of child sexual abuse, professionals who viewed young children

as more inaccurate reporters or who read about the mother (rather than a father) as the alleged alienator were more likely to rate the scenario as involving PA. For the scenario that described parental hostility but no child sexual abuse allegations, professionals who were older or female were more likely to judge the scenario as involving parental alienation when a mother (rather than a father) was the alleged alienator, whereas there were no significant predictors of responses to the no-allegation scenarios. Findings are discussed in relation to the difficult task of evaluating custody cases for PA when parental hostility or child sexual abuse is alleged.

Faller, K. C. (2016). [APSAC position paper on allegations of child maltreatment and intimate partner violence in divorce/parental relationship dissolution](#). *APSAC Advisor*, 28(1), 14–15.

Smit, A. E., Antokolskaia, M. V., & Bijleveld, C. C. (2015). [Between scylla and charybdis: A literature review of sexual abuse allegations in divorce proceedings](#). *Psychology*, 6(11), 1373–1384. DOI:10.4236/psych.2015.611134

In this study international literature is reviewed on allegations of child sexual abuse (CSA) during divorce proceedings. It aims to build upon the existing knowledge on this topic by combining empirical findings from various disciplines. We attempted to answer four research questions that focus on 1) the prevalence of CSA allegations in divorce procedures; 2) the response of family court judges; 3) the ratio of founded vs. unfounded allegations of CSA under these circumstances; and 4) the possible consequences of the false positives and false negatives in legal decision making for the children and parents involved. The literature study shows that civil judges often seek professional help. The judge generally tends to (temporarily) stop contact between accused parent and child during an investigation. Additionally, there is a general concern about the many actors involved in such cases. It can also be cautiously assumed that one in seven to eight allegations is not founded. We conclude that civil judges have to make important

decisions under difficult circumstances: there is little or no evidence, no guidelines, external help lengthens the trial, and there are serious consequences of false positives and false negatives in legal decision-making. Literature is surprisingly scarce and generally outdated.

Mackay, T. (2014). False allegations of child abuse in contested family law cases: The implications for psychological practice. *Educational & Child Psychology, 31*(3), 85–96.

Educational psychologists are working increasingly with children who are not only from families where there has been divorce or separation but who are also the subject of contested family law cases. This study investigates 107 children from 72 families in which residence issues had been previously settled but which were subject to ongoing disputes regarding contact or change of residence. Such cases are marked in general by allegations and counter-allegations of each parent in regard to the historical or current conduct of the other. This study considers the frequency of allegations of child physical or sexual abuse in cases of this kind, with a particular focus on false allegations. It also notes the high prevalence of mental health problems among the children involved in the disputes. Implications for educational psychology practice are examined.

O'Donohue, W., Benuto, L. T., Fondren, R. N., Tolle, L., Vijay, A., & Fanetti, M. (2013). Dimensions of child sexual abuse allegations: What is unusual and what is not?. *Journal of Forensic Psychology Practice, 13*(5), 456–475.
DOI:10.1080/15228932.2013.838103

Summit claimed via his child sexual abuse accommodation syndrome (CSAAS) that children often (a) recant; (b) make disclosures that are unconvincing (i.e., “illogical” and “incredible”); (c) make contradictory claims; and (d) make delayed claims. In this study, 97 substantiated cases of child sexual abuse were examined for both the key properties outlined by Summit and also for other key properties that have been discussed by experts.

Results indicate that some of the key properties of CSASS (recantation and contradictions) are rare in substantiated cases. While delayed claims were common, the delays in this sample were generally shorter than proposed in CSAAS. Results also revealed that allegations rarely contained logistical implausibilities, impoverished details, a stake factor, strange elements in the context of the outcry, fantastical details, or reports of repressed memories.

Lowenstein, L. F. (2012). Child contact disputes between parents and allegations of sex abuse: What does the research say? *Journal of Divorce & Remarriage*, 53(3), 194-203. DOI:10.1080/10502556.2012.663267

This article is written by a psychologist practicing in the area of clinical and forensic psychology. He has written widely in the area of child sex abuse, including a book entitled *Paedophilia*. He has dealt with many cases of parental alienation where sex abuse by one parent has been alleged. The object of this article is to try to provide a way of clarifying whether or not sexual abuse has occurred between an adult and a child, especially when implacable hostility exists between the parents who have parted. It is at such times that many custodial parents make allegations of sexual abuse against a now-absent parent, usually the father, to prevent access. It is important to protect children from actual sex abuse when it has occurred and to prevent this from reoccurring. It is, however, equally important not to allow false sexual allegations against a former partner who might have done nothing wrong but carried out his role as a caring and loving parent. The appendices of the article consist of an inventory that can be used by practitioners to differentiate true from false sex abuse allegations especially in relation to parental alienation conflicts.

Saini, M., Black, T., Lwin, K., Marshall, A., Fallon, B., & Goodman, D. (2012). Child protection workers' experiences of working with high-conflict separating families. *Children and Youth Services Review*, 34(7), 1309–1316. DOI:10.1016/j.childyouth.2012.03.005

Ongoing acrimonious conflict between separating parents can challenge child protection workers charged with the responsibility of investigating repeated allegations, especially when parents vigorously deflect blame to the other parent. There remains little evidence, however to guide practice when working with high-conflict families. The aim of this grounded theory approach was to explore child protection workers' perspectives of working with high-conflict families. Four focus groups with 28 child protection workers were conducted in a large metropolitan agency. Findings revealed an overall lack of consensus regarding the definition of high-conflict families. Participants expressed being challenged by the lack of training and experience to work with disputing parents involved in high-conflict. Participants also expressed that these cases require a substantial amount of resources, time, energy and emotional fortitude to deal with competing allegations of child maltreatment, the manipulation of acrimonious parents and the pressures of the family law system to take positions regarding custody and access issues. The study offers greater awareness of the challenges and opportunities of helping children who are caught between their parents' child custody disputes within the context of child protection services.

Bala, N., Mitnick, M. Trocme, N., & Houston, C. (2007). Sexual abuse allegations and parental separation: Smokescreen or fire?. *Journal of Family Studies*, 13(1), 26–56. DOI:10.5172/jfs.327.13.1.26

If allegations of sexual abuse of a child are made after parents separate, the challenges of resolving custody and visitation issues are greatly increased, with the abuse allegations overshadowing other considerations. These are high conflict cases, anti-settlement may be very difficult (or inappropriate) to arrange. The involvement of a number of agencies and professionals, with overlapping responsibilities and potentially

conflicting opinions, may complicate the resolution of these cases. A significant proportion of allegations of child abuse made in the context of parental separation are true, but this is a context with a relatively high rate of unfounded allegations. While some cases of untrue allegations are due to fabrication, more commonly unfounded allegations are made in good faith. Preexisting distrust or hostility may result in misunderstandings and unfounded allegations, especially in cases where the children involved are young and the allegations are reported through a parent. Some cases of unfounded allegations may be the product of the emotional disturbance of the accusing parent. This paper discusses how parental separation affects the making of child sexual abuse allegations, with particular emphasis on how separation may contribute to unfounded allegations. Recent research is reviewed, and national data from Canada on allegations of abuse and neglect when parents have separated is presented. Legal issues that arise in these cases are discussed in the context of American and Canadian case law. The authors discuss factors that can help distinguish founded from unfounded cases. The paper concludes by offering some practical advice about the handling of this type of case by mental health professional, judges, and lawyers.

Behnke, D. K., & Connell, M. (2005). Child custody evaluations in cases involving sexual abuse: A view from the bench. *Journal of Child Custody*, 2(3), 121-136.
DOI:10.1300/J190v02n03_06

Psychological evaluation and testimony play a critical role in child sexual abuse cases, especially in custody and visitation cases. While the evaluation generally cannot determine whether sexual abuse has occurred, it can provide useful information to assist the court in deciding matters of custody and access in the face of the allegations. Judges need to know the standard of practice for the development of expert opinion in order to be able to evaluate testimony offered by custody evaluators. The informed judge can develop useful input by outlining expectations within the order for evaluation and actively

regulating the gate for admission of expert testimony. Elements of a model order for custody evaluations addressing allegations of sexual abuse are proposed.

Johnson, T. C. (2005). Young children's problematic sexual behaviors, unsubstantiated allegations of child abuse, and family boundaries in child custody disputes. *Journal of Child Custody*, 2(4), 111-26. DOI:10.1300/J190v02n04_09

Allegations of child sexual abuse are sometimes alleged based on a child's problematic sexual behaviors. When the allegations are unsubstantiated, child custody evaluators are asked to make recommendations regarding custody. Historically, it has been believed that if a child engages in problematic sexual behaviors it is strong evidence of child sexual abuse. Recent research finds that there are many reasons, other than overt sexual abuse, for children to engage in problematic sexual behaviors. This article outlines these reasons and provides a methodology for the evaluation of the boundaries in both parents' homes to assist in determining the possible etiology of the problematic sexual behaviors of the child. Suggestions are made regarding visitation and reunification if boundary concerns are found.

Johnston, J. R., Lee, S., Olesen, N. W., & Walters, M. G. (2005). Allegations and substantiations of abuse in custody-disputing families. *Family Court Review*, 43(2), 283-294. DOI:10.1111/j.1744-1617.2005.00029.x

In this study of 120 divorced families referred for child custody evaluations and custody counseling, multiple allegations of child abuse, neglect, and family violence were raised in the majority of cases. About half of the alleged abuse was substantiated in some way with one fourth involving abuse perpetrated by both parents. Different kinds of allegations were raised against mothers compared with fathers. Implications of these findings for social policy, family court interventions, and the provision of coordinated services within the community are discussed.

Kuehnle, K., & Drozd, L. (Eds). (2005). *Child custody litigation: Allegations of child sexual abuse*. Hawthorne Press.

Child Custody Litigation: Allegations of Child Sexual Abuse is an invaluable resource for forensic mental health professionals involved with conducting custody evaluations in family court proceedings. Each of the book's five chapters reviews an important component of the evaluation process when allegations of child sexual abuse have been made, moving beyond the description of each parent's psychological functioning and parenting capacity, the identity and needs of the child, and the parent's ability to meet those needs. The book's contributors examine the organizational structure of a child custody evaluation, the meanings of sexual behaviors demonstrated by children, descriptions of sex offenders assessment instruments, the usefulness of Rorschach examinations, and observations from presiding judges.

Trocmé, N., & Bala, N. (2005). False allegations of abuse and neglect when parents separate. *Child Abuse & Neglect*, 29(12), 1333–1345.
DOI:10.1016/j.chiabu.2004.06.016

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. 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. 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. 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.

Bow, J. N., Quinnett, F. A., Zaroff, M., & Assemany, A. (2002). Assessment of sexual abuse allegations in child custody cases. *Professional Psychology: Research and Practice*, 33(6), 566-575. DOI:10.1037/0735-7028.33.6.566

Family courts frequently rely on the expertise of mental health professionals to assess allegations of sexual abuse within the context of child custody evaluations. Such evaluations are complex and require knowledge of techniques used in sexual abuse and sexual offender evaluations, as well as knowledge of child custody practices. Preliminary findings from a national survey of 84 psychologists indicated that respondents tend to adhere to the child custody guidelines of the American Psychological Association. However, few practitioners followed formal models, protocols, or guidelines when evaluating alleged victims or alleged perpetrators of sexual abuse in conjunction with child custody disputes. Implications for professional practice are discussed, along with a proposed comprehensive model for assessing sexual abuse allegations in child custody cases.

Brown, T., Frederico, M., Hewitt, L., & Sheehan, R. (2001). The child abuse and divorce myth. *Child Abuse Review, 10*(2), 113-124. DOI:10.1002/car.671

When the authors of this article undertook a study into the way the Australian legal process managed child abuse allegations in custody and access disputes following partnership breakdown in de facto and legal marriages, they encountered what they came to think of as 'the child abuse and divorce myth'. The myth centered around a belief that child abuse allegations made during or after partnership breakdown were weapons fashioned to gain advantage in the marital war. Therefore, they were not real; therefore, they should not be taken seriously. Despite little previous research, these views were strongly held by both families and professionals. The article examines the myth, believed to be an international phenomenon, and shows, in detail, how the study's findings do not support it. In fact, the findings from this unique study contradict the myth in its totality and in its specific aspects. Thus, it is argued that the myth should be abandoned and a new knowledge base for professional intervention that recognizes the reality of this problem be adopted instead. As a result of the study, a new specialized intervention program for children involved in residence and contact disputes where child abuse was alleged is being trialed in the Family Court of Australia. Hopefully, the introduction of further intervention programmes based on the reality of child abuse in these circumstances rather than on the myth will follow.

Brown, T., Frederico, M., Hewitt, L., & Sheehan, R. (2000). Revealing the existence of child abuse in the context of marital breakdown and custody and access disputes. *Child Abuse & Neglect, 24*(6), 849-859. DOI:10.1016/S0145-2134(00)00140-X

Objective: Child abuse in the context of legal and de facto marital breakdown has received little attention internationally. Many believe it does not exist in this context and regard it as just a "gambit in the divorce wars." Recently, however, family courts in a number of countries have become concerned over the management of child abuse allegations in custody and access cases, known more commonly now as residence and

contact cases. This article presents a unique research study, which investigated how the Family Court of Australia dealt with such cases. The study, covering all forms of child abuse, sought to discover who were the families bringing these problems to family courts, what precisely the abuse was and how the courts dealt with it. The study reviewed court records of some 200 families where child abuse allegations had been made in custody and access disputes in jurisdictions in two states, observed court proceedings and interviewed court and related services' staff. The findings showed that these cases had become a core component of the court's workload without any public or professional awareness of this change, that the abuse was real, that it was severe and serious, and that the courts and child protection services did not provide appropriate services to the families. A new specialized intervention system was developed based on the research and it is now being trialed and evaluated. The new intervention system contains features derived from the research findings that may be suitable internationally for implementation.

Cross, T. P., Martell, D., McDonald, E., & Ahl, M. (1999). The criminal justice system and child placement in child sexual abuse cases. *Child Maltreatment*, 4(1), 32-44.

DOI:10.1177/1077559599004001004

This study examined the relationship between declining to prosecute child sexual abuse and child placement. All cases involving child sexual abuse charges referred to prosecutors in four jurisdictions across the country were tracked. A sample (N = 289) of the child victims and families from these cases were interviewed at the time of referral for prosecution and 8 to 9 months later, and data on life events (including child placement), maternal support, and child and family adjustment were gathered. In cases declined for prosecution, 41% of children were placed outside the home since the first interview, as compared to 19% of children in accepted cases ($p < .001$). A multivariate analysis demonstrated that children were significantly more likely to be placed outside the home when alleged abuse lasted more than 1 month, families were more disturbed, maternal

support was less, and cases were declined for prosecution. Possible explanations for the relationship between prosecution and child placement are discussed as well as recommendations for practice and further research.

Kuehnle, K. (1998). Ethics and the forensic expert: A case study of child custody involving allegations of child sexual abuse. *Ethics and Behavior*, 8(1), 1-18.
DOI:10.1207/s15327019eb0801_1

Examines the involvement of allegations of child sexual abuse in a child custody case. Types of problems faced by psychologists; need for psychologists to possess advanced assessment skills; role of psychologists as independent evaluators.

Faller, K. C., & DeVoe, E. (1996). Allegations of sexual abuse in divorce. *Journal of Child Sexual Abuse*, 4(4), 1-25. DOI:10.1300/J070v04n04_01

This study examines a clinical sample of 215 cases of allegations of sexual abuse in families also involved in divorce. Cases are categorized into situations in which: (1) disclosure of sexual abuse is followed by divorce (N = 31), (2) divorce is followed by disclosure of pre-existing sexual abuse (N = 54), (3) divorce is followed by sexual abuse (N = 58), (4) false allegations by adults (N = 31), (5) possible false allegations by adults (N = 14), (6) dynamics of sexual abuse not directly related to divorce (N = 27), and false allegations by children (N = 9). In addition, clinical substantiation (found in 72.6% of cases) and lack thereof are examined in terms of their relation to case characteristics assumed to be indicative of a true allegation: offender confession, offender conviction, medical/police evidence, other victims and witnesses, information from significant others, information from other professionals, and child interview data. Legal outcomes, including protection of the child, court substantiation, and any sanctions against the complaint, and their relationships to case characteristics, are described. The court

substantiation rate is about half the clinic substantiation rate. Close to a fifth of parents raising concerns about sexual abuse experienced some form of sanction.

McIntosh, J. A., & Prinz, R. J. (1993). The incidence of alleged sexual abuse in 603 family court cases. *Law and Human Behavior*, 17(1), 95–101. DOI:10.1007/BF01044539

The conflict and animosity that sometimes accompanies child custody disputes can give rise to the propagation of allegations of child sexual abuse. To characterize the magnitude of the problem, the present study attempted to determine whether and to what extent child sexual abuse allegations predominate in family court litigation. The entire one-year caseload of a county family court docket was systematically reviewed and coded. Methodical evaluation of 603 family court files yielded base rates of pertinent allegations and other information profiling the cases. The findings did not support the contention that sexual abuse allegations are commonplace in child custody disputes. Sexual abuse allegations were made in 2% of cases in which custody or access was contested and in only 0.8% of the cases overall. Implications of the findings for future research were discussed.

McGraw, J. M., & Smith, H. (1992). Child sexual abuse allegations amidst divorce and custody proceedings: Refining the validation process. *Journal of Child Sexual Abuse*, 1(1), 49–62. DOI:10.1300/J070v01n01-04

This study describes 18 cases of child sexual abuse allegations investigated by the Boulder County (Colorado) Sexual Abuse Team which revolved around divorce and custody disputes. Determining whether such allegations are reliable or fictitious presents a challenge to caseworkers who are apt to find themselves caught up in the highly charged atmosphere of divorce and custody proceedings. Initially, only 5.6% of the cases investigated were believed to be founded by the sexual abuse evaluation team. After applying the clinical process of validation used at the Kernpe Center in Denver, Colorado,

the cases were subject to further review and categorized as follows: reliable accounts; recantations; unsubstantiated suspicions; insufficient information; fictitious reports by adults; and fictitious reports by children. Subsequent to applying this clinical process of validation, the number of cases categorized as founded increased to 44.4%. Application of a systematic process of validation by clinicians is suggested in the determination of whether reports are likely to be valid or fictitious. Tentative conclusions are drawn which acknowledge that the atmosphere surrounding divorce/ custody proceedings can affect objectivity by clinicians and which suggest adherence to a systematic clinical process of validation.

Faller, K. C. (1991). Possible explanations for child sexual abuse allegations in divorce. *American Journal of Orthopsychiatry*, 61(1), 86-91. DOI:10.1037/h0079227

Based on a clinical sample of 136 cases, four classes of child sexual abuse cases in divorce are proposed: divorce precipitated by discovery of sexual abuse; long-standing sexual victimization revealed after marital breakup; sexual abuse precipitated by marital dissolution; and false allegations made during or after divorce. Implications for clinical practice are discussed.

Thoennes, N., & Tjaden, P. G. (1990). The extent, nature, and validity of sexual abuse allegations in custody/visitation disputes. *Child Abuse & Neglect*, 14(2), 151-63. DOI:10.1016/0145-2134(90)90026-P

Using information from mail and telephone surveys and personal interviews with legal and mental health professionals who deal with child abuse cases, and empirical data from 12 domestic relations courts throughout the United States, the study concludes that only a small proportion of contested custody and visitation cases involve sexual abuse allegations. Records maintained by family court workers place the figure at less than 2%. A sample of 169 cases for which data were gathered from court counselors, family court,

and CPS agency files also found that accusations were brought by mothers (67%) and fathers (28%) and third parties (11%). Fathers were accused in 51% of all cases, but allegations were also made against mothers, mothers' new partners, and extended family members. In the 129 cases for which a determination of the validity of the allegation was available, 50% were found to involve abuse, 33% were found to involve no abuse, and 17% resulted in an indeterminate ruling. Four factors were significantly associated with the perceived validity of the abuse report: age of the victim, frequency of the alleged abuse, prior abuse/neglect reports, and the amount of time elapsing between filing for divorce and the emergence of the allegation.

Corwin, D. L., Berlinger, L., Goodman, G., Goodwin, J., & White, S. (1987). Child sexual abuse and custody disputes: No easy answers. *Journal of Interpersonal Violence*, 2(1), 91-105. DOI:10.1177/088626087002001006

This article alerts professionals to the emergence of oversimplified approaches to the complex problem of alleged child sexual abuse in the context of custody disputes. We argue that reliance on such methods is likely to result in misdiagnosis and failure to protect children who are both sexually abused and caught in custody battles. We specifically take issue with Green's (1986) recent formulation for distinguishing between true and false accusations of incest in child custody disputes because that formulation is based on an inadequate data base, biased sample, and unsupported conclusions. In addition, we discuss the limits of clinical impression, the difference between unfounded or unsubstantiated and false accusations of abuse, and the high prevalence of actual child sexual abuse in the setting of marital dissolution.

Dillon, K. M. (1987). False sexual abuse allegation: Causes and concerns. *Social Work*, 32(6), 540-41. DOI:10.1093/sw/32.6.540

The article examines a number of generalizations about child sexual abuse. Because of the zeal to protect children from sexual abuse and because a number of generalizations have evolved about sexual abuse, society has paid less attention to the rights of those accused of sexual abuse. Certain physical and behavioral signs generally associated with sexual abuse serve as guideposts in making clinical decisions about the likelihood that sexual abuse has occurred. A problem arises, however, when guideposts become generalizations that are presumed to indicate sexual abuse in all cases in which they appear. Those who examine children for sexual abuse should be aware of the systematic nature of their conclusions. Not only is the examiner making a statement about a child and the child's welfare, the examiner also is making a judgment about the guilt or innocence of another human being regarding an action considered a serious criminal and moral offense. Given that weighty responsibility, examiners must be well qualified and exercise extreme caution in making allegations of sexual abuse, especially in cases in which the child is younger than 5 years old; the evidence is strictly behavioral or the parents of the child are in a custody battle.

Bresee, P., Stearns, G. B., Bess, B. H., & Packer, L. S. (1986). Allegations of child sexual abuse in child custody disputes: A therapeutic assessment model. *American Journal of Orthopsychiatry*, 56(4), 560-569. DOI:10.1111/j.1939-0025.1986.tb03488.x

Guidelines are set forth for judges and others who must make decisions in custody disputes that include allegations of child sexual abuse. The focus is on the protection of the child and the model highlights the role of mental health professionals, prescribing separate therapists for child and parent where possible. Allegations of sexual abuse are seen as an indicator of emotional risk for the child, even in cases where the allegations are untrue.