



Woman's Safety After Separation

Fact sheet 2: The Myth of false accusation of child abuse

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<http://wsas.here.ws>

FACT: False allegations of child abuse are rare. (cont.)

The most recent Australian study examined all resident and contact disputes where allegations of serious child abuse had been made that came to two registries of the family court in one Australian state, over a one-year period (Brown, 2003). While Brown et al.'s (2001) early study examined cases selected from all families with abuse allegations and found a rate of substantiation of 22 per cent of allegations, the second study found a rate of 52 per cent. Among substantiated abusers, 61 per cent were fathers, 31 per cent were other family members (almost all male), and eight per cent were mothers. Of the four types of abuse (physical, sexual or emotional abuse, and neglect), sexual abuse was the type most likely to be substantiated and males were the most common perpetrators of this (Brown, 2003, pp. 376-377).

Mothers notify the family courts of concerns regarding child abuse at over the twice the rate of fathers, according to the recent Australian study, but these are four times as likely to be substantiated. Of mothers' allegations, 63 per cent are substantiated, compared to 13 per cent of those made by fathers (Brown, 2003, pp. 372-375). Allegations were assessed as false in 11 out of 147 families, and fathers and mothers were equally likely to have made these. Domestic violence was alleged in 40 per cent of the families studied, and when it was alleged child abuse of all kinds was more likely to be substantiated.

FACT: Allegations rarely result in the denial of parental contact.

When fathers are subject to allegations of abuse, their chances of being denied contact with children are remote even if these allegations are substantiated, and the numbers of parents falsely accused of child abuse are tiny compared to the numbers of children who are being abused and about whom the Family Court never hears (Young, 1998, p. 108).

Fathers' rights advocates contend that women's allegations of abuse are a successful weapon in family law proceedings. Again, the evidence suggests otherwise. Examination of cases in Western Australia*

found that the alleged abuser's contact with the child(ren) was suspended in only a handful of cases (Young, pp. 106-107). In practice, the Family Court tries to determine whether the abuse took place using a far higher standard of proof than the formal, civil standard of a 'balance of probabilities', one that is close to the criminal standard of 'beyond a reasonable doubt'. As a result, it usually finds that no abuse took place and therefore there is not the 'unacceptable risk of abuse' that would compel the Court to avoid granting the child's residence or contact with the alleged abuser (Young, pp. 107-108). In a more recent study, children going through the West Australian Family Court expressed frustration that their disclosures of abuse and their preferences for no contact with abusive fathers were minimised and rejected as maternal influence (Hay, 2003). Qualitative research among single mothers documents that of women who left violent relationships and then used the Family Court system, none were able to prevent their children's continuing exposure to abuse through court-ordered contact (McInnes, 2002).

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Women's Safety After Separation project is funded by the Australian Government Office for Women.