

False Allegations of Abuse: The Second Ingredient of Parental Alienation

This is the second in a series of four parts devoted to the four criteria that are found in parental alienation cases. As a reference point to this, I would remind the reader that this series of posts is related to an article authored by myself and a Florida Attorney, Michael Walsh. The original purpose of the article was to provide Family Law attorneys with a kind of template as to what to look for in these cases. It was written in such a way that one could potentially review the file and make a fairly good speculative guess as to the presence or absence of parental alienation. I made the point in that article that some or even three of these criteria could be found in high conflict cases of divorce and post divorce, and still not be parental alienation. My point was that, in my opinion, all four must be present for there to be parental alienation. Even though this article was written from a qualitative point of view rather than from a quantitative perspective, I still believe that it is accurate. I have yet to see a parental alienation case without all four being present. That is the back story. The subject of this post is the second of these criteria, which is False Allegations of Abuse. As with the first criterion, this one also has a wide range of expressions. On the most extreme and unsubtle end is the frank but false accusation that a parent has abused a child physically, emotionally and even sexually, when no such abuse occurred. This is perhaps the most heinous expression of this criterion. In these cases, various agencies will typically become involved wherein an “investigation” will occur. I put this word in quotations due to the fact that these investigations also have a very wide range of quality and expression. I have seen very good and thorough investigations having been completed where the agency charged with protecting the child from danger actually becomes a voice to expose the alienation. In these cases, the investigator actively accesses the accusing party in terms of their credibility, obviously recognizing that false child abuse accusations do occur within the divorce context. Any seasoned agency investigator will quickly point this out, and as a result, will be open to the possibility that the accusation might be false and motivated by the hope of a tactical advantage in the divorce process. That said, the investigator actively and thoroughly considers as an

equal possibility, that the abuse did in fact occur. In pursuit of this, the investigator will question the alleged victim, the alleged perpetrator and as many collateral sources as the fact pattern might warrant. As with any investigation or evaluative process, the goal is to develop multiple hypotheses about whatever is being investigated and then to apply the data to these various hypotheses and see which comes closest to matching. To properly investigate any allegation of harm to a child (or to an adult) requires thorough and painstaking work, which cannot be accomplished with a single visit or videotaped interview. Here is where we come to the problem. The above model of a competent and thorough evaluation, while vitally important, is an extreme rarity. More often than not, the alleged victim, the child is interviewed perhaps once, often at a school, or perhaps at the parent's home, and some sort of report is filed based primarily, if not exclusively on the comments of the alleged victim and his or her reporting parent. Very often, the alleged perpetrator, in the case of parental alienation, the other parent, is not even contacted. I have heard countless descriptions by parents who learn after the fact that such an investigation even occurred. Equally, when this is somehow stumbled upon, I have heard countless descriptions of that parent trying to meet with the investigating agency, to learn about what they are being accused of, only to be turned away. The sad state of affairs, in many of our state run agencies charged with the protection children, is that if a child even suggested that some adverse event occurred that it simply must be true. This perspective is perhaps three decades old and the belief that children do not lie about such things is no longer subscribed to by any researcher in the field. Just to be clear: a child making an accusation may be telling the truth, or they may not be. The possibility that the accusation might be false is supported by a great deal of research. This does not mean that, especially in the context of divorce and post divorce, that all such accusations should be considered as being false, only that this should be considered. In 1995, a research psychologist at Cornell University, Steven, Ceci, PhD published a book entitled *Jeopard in the Courtroom: A Scientific Analysis of Children's Testimony*. If any of you are not familiar with this book and have an interest in such things, I would highly recommend it. In it Ceci describes all of the many and myriad ways that children's statements, testimony and such like are so easily influenced. They are very easily influenced, and therefore any

interview that can be used as evidence must be done in a painstaking and delicate manner. I am sure that it comes as no surprise to this readership that these interviews, even nearly two decades after the publication of this book, are not done carefully at all. I have reviewed countless such videotaped interviews and have been shocked by their tone- deaf quality and their unsubtle violation of the rules of such interviews. Sadly however, this is the state of things. This extreme end of the spectrum of this criterion is well known to this readership and makes up many of the nightmarish tragedies of wrongly accused parents being removed from their children. There is a great deal of information and countless examples of this, and I fear that I cannot add much further to an understanding of this in this post. Suffice it to say, the injustice of such tragedies is immense and beyond words, and parents and children who have suffered this deserve our unending support and compassion. These are true tragedies. However, as we move down the spectrum of the expression of this criterion however, we find more subtle but still potent examples of it. These examples are the broad category where a parent is portrayed as anything from incompetent, to disinterested, to selfish, to unstable, to potentially dangerous, to “not to be trusted”. These messages, we should be reminded are messages that the alienating parent sends out to virtually anyone who will listen, in their effort to vilify the targeted parent to the world at large.

While we know that this is the target audience of these alienating parents, the most significant subset of the audience is, of course the children, who are absorbing the poison regarding their now largely marginalized or absent other parent, with whom they once had a loving relationship. When one considers the role of this criteria, coupled with the first one - Access and Visitation Blocking - it is clear that this second criterion operates as a justification for the first one. As has been noted, given the court’s sensitivity towards the protection of children, it should not be surprising to see that the function of this criterion is to provide a reason for the court to err of the side of caution. Put simply, it is not at all difficult to get a Family Law Judge to pause “out of an abundance of caution” in re-uniting a child and a parent who has, in all likelihood, been falsely accused of some form of abuse. The bar is simply not set that high. Put another way, the deck is stacked against the falsely accused parent. This is perhaps unavoidable, but such bias should be met with active

investigation, which it very often is not. Such accusations should be equally tested for legitimacy just as the real danger to a child should be judged. Very often, only the second half of that equation is accomplished. This is, of course, a tragedy of our times, but one that can be gradually remedied through education. My hope is that these discussions can help in that process. As always, I invite your comments, and hope that this is helpful to your situation.