

ALLEGATIONS AND SUBSTANTIATIONS OF ABUSE IN CUSTODY-DISPUTING FAMILIES¹

Janet R. Johnston
Soyoung Lee
Nancy W. Olesen
Marjorie G. Walters

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.

Keywords: *allegations; substantiations; child abuse; domestic violence; substance abuse; child custody*

INTRODUCTION

The family environment of highly conflicted, separated spouses in custody-disputing families is typified by their mutual distrust, fear, anger, and projection of blame onto the other, the ex-partner. They seem unable to communicate and cooperate over the care of the children. The shadow of past domestic violence and the threat of its recurrence are not unusual. Moreover, allegations of abuse and neglect are extremely common. Multiple issues of child neglect, sexual and physical abuse, as well as parental abuse of drugs and alcohol and other criminal activity, are typically brandished in custody disputes. Why do former spouses and lovers reconstruct their image of each other and their relationship with such enduring bitterness? To what extent are these allegations well founded, the correlates of chaotic and dysfunctional family relationships? Or are they merely symptoms of spitefulness and hostility, strategic ploys in the legal dispute? These questions have been the basis for ongoing ideological debates.

On the one hand, feminist researchers and domestic violence victims' advocates argue that the extent of real abuse suffered by children and their victim parent, usually the mother, has been largely ignored, dismissed, or greatly minimized by family courts (Bancroft & Silverman, 2002; Dalton, 1999; Geffner, 1997; Jaffe, Lemon, & Poisson, 2003; Sturge & Glaser, 2000; Walker, Brantley, & Rigsbee, 2004). For this reason, they believe that the safety of mothers and children has too often been placed at grave risk by custody and access arrangements awarded by the court that favor a controlling and manipulative abuser. On the other hand, some clinicians and fathers' advocates have embraced Parental Alienation Syndrome (PAS) (Gardner, 1992, 1998), a theory that implies that false allegations of abuse are widespread, especially by embittered divorced mothers who are engaged in a systematic campaign to malign and destroy the credibility of their ex-spouse in order to win custody of their children in court (Clawar & Rivlin, 1991; Dunne & Hedrick, 1994; Kopetski, 1998a, b; Walsh & Bone, 1997; Warshak, 2001, 2003).

Empirical data addressing this debate are limited, with the frequency of allegations of family abuse better researched than that of substantiations of abuse. In their longitudinal study of 1,100 families in one California county, Maccoby and Mnookin (1992) described a pyramid of conflict levels among divorcing families reflected in the kind of effort it takes to resolve child custody disputes. Most divorcing couples with children (about 80%) are able to reach agreement by themselves, or with the help of private attorneys and mediators. The terms of their divorce settlement are uncontested in family court. Those that cannot settle in this manner file in family court and are required by California law to attempt to mediate their differences over the care of their children. In this forum, approximately 11% are able to settle their disputes. This leaves about 9% of high-conflict custody cases that reach a settlement in a variety of other ways: some undergo a custody evaluation with recommendations to the court that become the basis for a negotiated agreement, some are referred to family and co-parenting counseling or other services, and a minority (4%) undergo a custody trial in family court. In only about 1.5% of cases does a judicial officer make a final judgment. Maccoby and Mnookin (1992) observed that multiple allegations of abuse are a feature of those higher conflict families near to, or at, the top of the pyramid.

Over the past decade, the California Administrative Office of the Courts has collected statewide data at several points in time, documenting the extent to which concerns about abuse have been raised in mandated mediations and custody investigations within family courts. In 1991, a client baseline study involving 1,318 families during a two-week period ($N = 2,669$ sessions) estimated that domestic violence and substance abuse were most frequently alleged (39% and 38%, respectively), followed by child neglect (30%), child physical abuse (18%), child sexual abuse and criminal activity (both 8%), and child stealing (5%). (Depner, Cannata, & Simon, 1992; Judicial Council of California Administrative Office of the Courts, 1992). In 1999, a follow-up statewide study of approximately 18,000 child custody cases seen by family court services found that different issues were raised against mothers than against fathers. More often domestic violence, harassment, and substance abuse were raised against fathers while child abuse and psychological disorders were raised against mothers (Judicial Council of California Administrative Office of the Courts, 2003). Smaller studies of families ordered by the court to divorce counseling ($N = 140$) and those where a child was at risk for abduction ($N = 100$) have documented even higher frequencies of alleged domestic violence and child abuse (Johnston & Roseby, 1997; Johnston, Girdner, & Sagatun-Edwards, 1999).

As summarized in Table 1, prior studies of substantiated abuse have been limited and mostly involve sexual or physical abuse alleged in custody disputes that were subsequently investigated by child protective services and/or custody evaluators. Thoennes and Tjaden (1990) researched 165 custody and visitation disputes with an allegation of sexual abuse in a two-year period. This represented just 2% of custody and access files in this multijurisdictional study, the final data having been collected from eleven cities spread across the United States. They found that 49% of the allegations made by mothers against fathers were perceived to be likely, 33% unlikely, and 18% were indeterminate. Forty-two percent of allegations made by fathers against mothers were perceived to be likely, 41% unlikely, and 17% indeterminate. When allegations were made by parents against a third party, 30% were perceived to be likely, 45% unlikely, and 25% indeterminate.

By contrast, the 1993 Ontario incidence study revealed that 9% of 42,000 physical and sexual abuse allegations involved separated parents (Bala & Schuman, 1999). Custodial mothers made two thirds of the allegations and noncustodial fathers about one third. Child protection workers substantiated 27% of allegations against fathers, suspected another 27%,

Table 1
Rates of Substantiation of Abuse in Child Custody Cases in Prior Studies

Authors	Sample	Type of Abuse	Against Father	Against Mother	Either Parent
Thoennes & Tjaden (1990)	N = 165; 11 US family courts	Sexual	49%	42%	—
Bala & Schuman (1999)	N = 4,770; Ontario, CPS*	Physical & sexual	27%	10%	—
Brown (2003)	N = 196; Canadian family law**	Physical & sexual	—	—	23%
	N = 150; Australian CPS*	Neglect, physical, sexual	—	—	22%
	N = 100; Australia project***	Neglect, physical, sexual	—	—	52%
Shaffer & Bala (2003)	N = 42; Canadian family law**	Domestic violence	74%	—	—

* CPS = child protection service investigations; ** written decisions after trial; *** special pilot project referrals.

believed that 1.3% were false, and the remainder unfounded. With respect to allegations against mothers, only 10% were considered substantiated, 18% suspect, 21% were deemed malicious, and the remainder unfounded. In another Canadian study of all residence and contact disputes that went to trial between 1990 and 1998 (N = 196), Bala & Schuman (1999) found that only 23% of sexual and physical abuse allegations were substantiated by a judicial written decision on the basis of the “balance of probabilities” (the civil standard), 23% were likely to be intentionally false, and the remainder unfounded. Two Australian studies by Brown (2003) have expanded the research inquiry to include substantiation of neglect and physical and emotional abuse of the child, in addition to child sexual abuse. Interestingly, in her first study (N = 150) involving a random sample of residence and contact disputes from two jurisdictions where allegations of child abuse had been made, 22% were substantiated. In her second study (N = 100), involving all families with more serious allegations referred to a special project designed to manage these cases across different court systems, 52% were substantiated, 11% found to be false, and the remainder were undetermined (Brown, 2003).

In one published study of domestic violence in custody disputing families, rates of substantiation were provided. Shaffer and Bala (2003) researched family law cases in Canada in which written decisions were produced. Over a three-year period, they identified 42 recorded cases of spousal abuse alleged against men, 31 (74%) of which were substantiated. Only two cases of spousal abuse against women were identified, one of which was substantiated.

The purpose of the current study was to examine substantiations of allegations of abuse in custody-disputing families at the top of the conflict pyramid and to expand this inquiry to include domestic violence and substance abuse by mother and father in addition to neglect and physical, emotional, and sexual abuse of the child. It was hypothesized that the frequency of allegations of each type of abuse would exceed those found in the California statewide studies reported above, because our sample was derived from court-ordered referrals after mandatory mediation had failed to settle custody disputes. It was expected that the frequency of substantiations would fall within the range of previous studies—about one fourth to one half. The data were also examined to see whether they better support a feminist perspective on domestic violence (predicting a greater proportion of substantiated abuse perpetrated by fathers) or a parental alienation perspective (predicting a greater proportion of unsubstantiated allegations of abuse by mothers).

EMPIRICAL STUDY

SAMPLE AND METHODS

For this study, the sample of children from child-custody-disputing families was drawn from documentary records describing parent-child relationships in separating and divorced families. These data were collected over more than a decade—from 1989 through 2002—with all subjects referred from family courts within several San Francisco Bay Area counties. Half were referred for a custody evaluation, and half were referred for custody counseling to help ameliorate parents' high conflict, chronic litigation, and/or violence. One third of the custody-counseling group had previously undergone a custody evaluation.

A total sample of 120 separated and divorced couples with children between two and thirteen years of age provided data for this study. For about another thirty cases, family reports were missing from the files or insufficient data were available. The average number of children in each family was 1.6 ($SD = 0.7$) and the modal family size was an only child. In terms of actual living arrangements, 54% of children were in their mother's custody, 10% were in their father's custody, 35% were in joint custody, and 1% were living with another relative. On average, children saw their fathers 10.5 days per month ($SD = 7.5$).

The majority of children were Caucasian (84%), and the remainder (16%) were African American, Hispanic, and Asian-Pacific Islander. On the Hollingshead seven-point occupational index (Hollingshead & Redlich, 1958), the fathers' mean rating was 3.0 ($SD = 1.9$) and mothers' mean rating was 4.2 ($SD = 2.1$) indicating a fairly broad range of socioeconomic status. Average length of parents' marriage was eight years ($SD = 5.2$), although 15% had never married. It is important to note that at the time the data was gathered, parents had been separated for an average of 39 months ($SD = 40$) long after most divorcing families have settled their differences (Wallerstein & Kelly, 1980; Hetherington, Cox, & Cox, 1982).

PROCEDURE

For both the custody-evaluation and the custody-counseling families, the original data gathering consisted of extensive interviews with each family member that included developmental histories of the children and their relationships with each parent, a brief history of each parent's family of origin, a history of the courtship, marriage and separation, observations of the interactions between parents and children, information from collateral professionals and others close to the family, and reviews of written documentation provided by attorneys and parents. Special attention in both samples was given to the content and the history of the parental disputes with one another, especially the allegations of abuse each party made about the other that precipitated the referral.

Using the materials described above, two experienced clinicians, working independently, completed clinical ratings of each family utilizing rating scales and a coding manual prepared for the purpose of extracting data for multiple, different studies; They coded significant events in the lives of each parent (especially childhood loss and trauma); the history of the courtship, marriage, and separation; the nature of the ex-spousal relationship; allegations and substantiations of family abuse; parenting behaviors; and the child's attitudes and behavior toward each parent. A total of three clinical psychologists and three clinical social workers were engaged in the task, with one of these rating all cases in the data samples. The second clinical rater on each case in most instances was one who had direct knowledge of the family in the role of counselor or custody evaluator. Where discrepancies of two or

more points on the scales arose on any item, and where there were differences in facts reported on a “yes/no” measure, the two raters conferred and attempted to reduce their differences. These discussions helped to produce further elaboration of the coding manual, reducing subsequent discrepancies. It was estimated that this involved less than 8% of the data points.

Inter-rater reliabilities for the data on Allegations and Substantiations of abuse were calculated using a sub-sample ($N = 41$) of these cases that had been rated about a decade previously without the benefit of the elaborated coding manual. Percentage of agreement is regarded as an unreliable measure because it does not account for chance agreements, and thus both Cohen's (1988) Kappa and intra-class correlation (ICC) coefficients were calculated for each item. The results were virtually identical—for Allegations the range was .64–1.00, average .84 and for Substantiations the range was .54–1.00, average .82. However, it should be noted that both these methods are problematic for events of low occurrence and for this reason it was not possible to calculate Kappa and ICC coefficients for the item on substantiated child sexual abuse because there was no variance (no positives) in one rater's data, and just one positive in the second rater's data for this subset of cases.

MEASURES

Allegations of Abuse against Parent were complaints of abuse made by one parent against the other parent (and his or her associates while the child was in the care of that parent) during the lifetime of the child. Allegations refer to specific critical events that were believed by the parent to have happened in the past. *Substantiations of Abuse against Parent* were any corroborating evidence of abuse cited to back up the allegations that had not been dismissed as entirely unfounded, such as child protective service reports, self-admissions (partial or complete), eyewitness reports (considering the credibility of witnesses), expert testimony, medical records, police reports, arrests, plea-bargains, and criminal convictions. It also includes abuse identified by persons other than a parent.

Several categories of allegations and substantiations were coded and are reported here, namely child neglect, physical and sexual abuse, parent alcohol and drug abuse, and domestic violence between partners. In addition, there was an attempt to code child stealing, and other criminal behavior but these variables were not reliably detected.

Child Neglect included neglect of the child's care and protection, exposing the child to dangerous environments, lack of supervision and control, abandonment, and failure to provide for the child's physical needs (food, clothing, medical attention, schooling, etc.). It also included failure to provide for the child's emotional needs for love, attention, and appreciation as a person of value. In general, unless neglect was a very serious incident, it was not a one-time issue, rather it was a pattern of ongoing behavior.

Child Physical/Verbal Abuse included all forms of physical violence as well as any inappropriate or excessive physical punishment of a child. It also included overtly rejecting and demeaning behavior of a parent that actively attacked the child's sense of integrity such as name calling, put-downs, and terrorizing the child with threats. In general, verbal abuse had to be ongoing or particularly severe in order to be rated here.

Child neglect and child physical abuse were rated as such if the behavior violated community standards of what was acceptable behavior or parenting practices toward a child, qualifying for what is considered reportable to child protective service agencies. It did not include the wide range of lifestyle or child-rearing differences (e.g., diet, discipline, household rules, etc.) about which many divorced parents may disagree. Child neglect also did *not* include the emotionally abusive behaviors of a parent who engages in alienating the

child from the affections and trust of the other parent. This kind of emotionally abusive behavior was rated separately in the parenting behavior measures and is the subject of another study (Johnston, Gans Walters, & Olesen, in press).

Child Sexual Abuse included allegations of sexual assault/incest, and fondling of the child's genitals, breasts, mouth, tongue, etc. It also included inappropriate sexual behavior and boundary violations if it resulted in the parent being sexually aroused *or* the child being sexually stimulated such as allowing the child to watch pornographic movies, parading naked or sleeping naked with the child, exposing the child to adult sexual activity, and intrusive involvement and interest in the child's bodily functions such as toileting and bathing. It was also rated as positive where a parent (e.g., mother) allowed a child to be molested/stimulated/exposed to, or took no steps to protect a child from a third party (e.g., boyfriend).

Domestic Violence included any act of physical aggression or coercive control such as the use of physical restraint, force, or threats of force by one parent to compel the other parent to do something against his or her will. It included but was not limited to assault (pushing, slapping, choking, hitting, biting, etc.), use of or threat to use a weapon, sexual assault, unlawful entry, destruction of property, infliction of physical injury, suicide, and murder. It also included psychological intimidation and control maintained through such means as stalking, threats to hurt the children or others, violence against pets, or destruction of property. (Note that emotional abuse often precedes, accompanies, and follows physical abuse but was not included in this definition.)

Alcohol abuse involved consumption of alcohol to the extent that mood, behavior, and judgment were significantly negatively impacted in the realm of work, social, and family relationships and/or physical health was affected. *Drug abuse* involved the use of illegal drugs or the unauthorized use of prescription drugs.

It is important to point out that all types of child maltreatment, domestic violence, and substance abuse in this study were rated as "substantiated" if they were considered severe enough to effect parenting and to be considered as a factor in custody decision making.

FINDINGS AND DISCUSSION

Table 2 compares the frequency of allegations in the 1999 California statewide study with the current sample. As predicted, the rates of allegations in our custody-disputing

Table 2
Comparison of Frequency of Allegations Statewide Study¹ (N = 18,000) with Current Study (N = 120 families)

	Allegations against Mother		Allegations against Father	
	Statewide	Current	Statewide	Current
Child Neglect	9%	27%	6%	23%
Physical/verbal abuse	5%	15%	5%	21%
Sex Abuse	1%	6%	2%	23%
Substance Abuse	12%	27%	19%	43%
Domestic Violence	9%	30%	26%	55%
None	65%	44%	53%	23%
Any allegation	35%	56%	47%	77%
Multiple allegations (>1)	19%	32%	29%	59%

¹ 1999 Statewide Client Study by California Administrative Office of the Courts.

Table 3
Comparison of Frequency of Allegations and Substantiations of Abuse Against Mothers and Fathers (N = 120 families)

	Allegations			Substantiations		
	Against Mother	Against Father	Chi-Square	Against Mother	Against Father	Chi-Square
Child Neglect	27%	23%	0.36	9%	6%	0.96
Physical/verbal abuse	15%	21%	1.39	9%	6%	0.96
Sex Abuse	6%	23%	14.75***	3%	6%	0.86
Any child abuse	38%	51%	4.33*	17%	15%	0.13
Alcohol Abuse	17%	30%	5.18*	9%	19%	4.93*
Drug Abuse	18%	28%	3.99*	12%	16%	0.88
Domestic Violence	30%	55%	15.35***	15%	41%	19.89***
Any adult abuse	43%	67%	14.14***	27%	53%	16.74***
Any issue	56%	77%	11.65***	34%	57%	13.16***
Multiple issues raised (>1)	32%	59%	18.30***	17.5%	24%	1.62

* $p < .05$; *** $p < .001$.

sample are much higher—they are about three times more likely against mothers and, depending upon the type of abuse, from two to ten times more likely against fathers. In the current study, at least one allegation was raised against mothers in 56% of families and against fathers in 77% of families compared to 35% and 47% of mothers and fathers, respectively in the statewide study. Multiple allegations were raised against mothers in 32% and against fathers in 59% of families, contrasted with 19% and 29% of mothers and fathers, respectively, in the statewide data. Mutual allegations of abuse within the same family were raised in half (49%) of the current sample. It is important to point out that in both statewide and current samples, compared with other studies in the literature, allegations were not necessarily formal complaints filed in court motions, nor were they all reported to child protective service agencies. They were, however, raised as parental concerns with varying degrees of vehemence within the mediation, custody evaluation, or custody counseling.

Table 3 compares the frequency of allegations and substantiations of abuse against mothers with those against fathers in the current study. Mothers were more likely to make child sex abuse allegations and drug abuse allegations against fathers than the converse but neither of these types of abuse was substantiated at a higher rate. On the other hand, mothers were also more likely to make allegations of alcohol abuse and domestic violence against fathers than the converse, and both of these kinds of allegations were likely to be substantiated at higher rates than the converse. Note that the amount of substantiated family abuse of any issue was almost doubled for fathers (57%) compared to mothers (34%). This lends support to the position of feminist scholars that hold males more accountable for family violence (e.g., Bancroft & Silverman, 2002; Jaffe et al., 2003; Walker et al., 2004). On the other hand, we find that mothers and fathers are equally likely to be responsible for child physical abuse and neglect which is in accord with a number of national incidence studies (American Association for Protecting Children, 1988; Cawson, 2002; Straus, Gelles, & Steinmetz, 1980; Straus & Gelles, 1988).

Table 4 summarizes the data showing the percentage of allegations that were substantiated for both mothers and fathers. It addresses the question of whether fathers are more likely to be subjected to unsubstantiated allegations of abuse against which they have to

Table 4
*Rates of Substantiation of Allegations of Abuse**

	Against Mothers	Against Fathers	All
Child Abuse (neglect, physical/verbal, sexual)	46%	26%	34%
Adult Abuse (DV, alcohol, drugs)	55%	67%	63%
Total	52%	51%	51%

*Calculated by dividing the number of substantiations by the number of allegations.

defend themselves. It would appear that this hypothesis may be supported within the domain of child abuse allegations, where those against fathers were less likely to be substantiated than those against mothers (26% versus 46%). However, with respect to the domain of adult abuse (domestic violence and substance misuse), the opposite was true: here allegations were more likely to be substantiated against fathers than against mothers (67% versus 55%). In general, allegations in the domain of adult abuse by either parent were more likely to be substantiated than allegations in the domain of child abuse (63% versus 34%). Mutual allegations of abuse by one parent against the other in the same family were substantiated for 24% of the sample. Most interesting is the fact that overall, allegations against mothers and fathers had virtually identical rates of substantiation (52% and 51%) which implies that women in custody disputes are no more likely to allege unsubstantiated abuse against their child's other parent than are men. Hence these data do not support a parental alienation (PAS) perspective that suggests women are more likely to make unfounded allegations (Gardner, 1992; Turkat, 1994). In that PAS proponents more recently assert that both men and women can be victims of false allegations in child custody disputes (Gardner, 2004), these findings do not contradict their theory.

How do the findings for this study compare to previous studies in the literature as shown in Table 1? Our overall substantiation rate of 34% for child abuse (that includes neglect, physical, emotional, and sexual) falls between Brown's (2003) rates of 22% for her first study and 52% for her second study. Interestingly, our rates of substantiation are almost identical to the 35% national rate of substantiation of officially reported abuse in all families during 1994 in the United States (English, 1998), implying that in custody disputes parents are not more prone to make unfounded complaints compared to the broader population. Our data—that was collected on the average 3–4 years following parental separation—is also in accord with Brown's finding that substantiation rates of child abuse by fathers are lower in families that have been separated for some time, and correspondingly higher for mothers and her associates in this context. Our substantiation rate for child sexual abuse of 31% also falls between the 42–49% reported by Thoennes and Tjaden (1990) and the 23% found by Bala and Schuman (1999).

The limitations of this study should be kept in mind in interpreting and using these results. The sample is relatively modest in size and was not drawn randomly so that the extent to which the findings can be generalized to other populations of custody-disputing families is not known. Though careful attempts were made to define and standardize "substantiations" of family abuse, critics may disagree, arguing that the categories are over- or underinclusive. Although by definition only child maltreatment, domestic violence, and substance abuse that impacted parenting and warranted consideration in the custody decision was counted as substantiated in this study, the range or degree of severity of the abuse was not rated. Further there was no attempt to distinguish among "unsubstantiated" allegations to conclude which were clearly false and which could not be determined due to

lack of evidence. Unlike Brown's (2003) and Thoennes and Tjaden's (1990) studies, there was also no attempt to identify perpetrators of abuse other than parents who could, therefore, have been held responsible for abuse committed by their family and associates.

IMPLICATIONS FOR INTERVENTION AND SOCIAL POLICY

The findings of this study are that a significant proportion (about one half) of the concerns about neglect and abuse raised in custody-disputing families are likely to have some basis in fact, indicating serious problems that need to be addressed and not dismissed as merely indicators of a highly conflicted divorce. Moreover, in about one fourth of these cases, abuse allegations are substantiated for both the mother and the father within the same family. If our data are correct estimates of incidence, there are important implications of these findings for social policy, court intervention, and services.

At the time of filing for divorce, these cases end up at the intersection of several court systems—the juvenile court where child protection is the priority, and the family court where child custody is adjudicated as a civil matter and domestic violence calendars provide injunctive relief. Somewhat different judicial and administrative philosophies affect the processing of cases in these different systems and fact-finding is subject to different standards of proof (Sagatun-Edwards & Edwards, 1995). Compared to juvenile court, family court tends to function primarily as a forum for dispute resolution with relatively little substantive law to guide it (i.e., the best interests of the child) and parents are encouraged to reach mutual agreements with minimal state interference. Domestic violence law is administered under a different paradigm that seeks to identify and protect the victim parent from a presumed batterer with the assumption that this will best serve the child (Farney & Valente, 2003). Compared to juvenile court, in family court the child is not entitled to legal representation as a matter of course (although the court has the discretion to appoint a guardian ad litem) and even victim parents are not necessarily afforded legal services. In family court, there are comparatively limited resources for assessment and treatment of family abuse of all kinds compared to their counterparts in juvenile (dependency) court. Moreover, in family court judges do not generally perceive case management of these complex and difficult cases to be their responsibility, whereas this is clearly mandated by federal funding guidelines and state law in juvenile court (FitzGerald, Bailey, & Litton, 2003).

In an already overburdened child protection system, child abuse and domestic violence allegations in child custody matters may be disposed of by referral to family courts with the belief that complaints are more likely to be exaggerated by ulterior motives or that there is at least one good parent that can protect the child. If our data are any indication, these assumptions are likely to be wrong in 25–50% of custody-disputing families who are not entitled to receive equitable intervention by family court and its services compared to those in the jurisdiction of juvenile courts and child protective services.

Many serious allegations of child abuse, however, will be processed by both the child dependency court system and family court in a series of interventions, as well as in criminal court where charges can be filed and the alleged perpetrator may stand trial. When this happens there is a special need for interagency communication and coordination of interventions with family court oversight (Schepard, 2003). The more intransigent conflict-ridden divorcing families are likely to be troubled by multiple indicators of domestic violence, child neglect, molestation and abuse, parental substance abuse, mental health problems, and child abduction. The courts' interventions must also be closely orchestrated with each other

and with services provided in the community—for psychological and parenting counseling, substance abuse monitoring and remediation, batterers' intervention programs and victims' advocacy, and mental health treatment. The danger is that without effective coordination and collaboration between court systems, these interventions run the risk of further fragmenting vulnerable families rather than helping them, or permitting families to fall through the cracks between different services, or leaving families forever suspended in the never-never land of an incomplete or intrusive state intervention.

In collaboration with community services, family courts will need to set explicit behavioral goals and treatment contracts with families who are court-ordered to interventions. Custody evaluators need to make specific recommendations to this end. The needs of families and their prognosis for change must be triaged and carefully matched with scarce resources that are appropriate to the need. Treatment contracts should fully inform families about the programs they are required to attend, including goals, procedures, limits of confidentiality, responsibility for payment, expectations for completion, and accountability to the court. Case management protocols to coordinate between services and timelines must be devised to monitor and follow up on progress for the case plans that have been ordered by the court. To these ends, mental health therapists must be held accountable for meeting goals or show why they should remain involved in a case if they do not meet those goals. Finally, as part of the system of checks and balances, family attorneys need to help draft the court orders in ways that protect their clients' rights and interests, ensure full disclosure, and monitor cost-effectiveness of nonvoluntary, court-ordered interventions.

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Janet Johnston, Ph.D., is a professor at San Jose State University whose research and clinical practice has focused on highly conflicted custody-litigating families. Soyoung Lee was a student in the masters program at the same institution when this work was undertaken. Nancy Olesen, Ph.D., and Marjorie Walters, Ph.D., are clinical psychologists in private practice specializing in child custody evaluations and therapy with divorcing families.