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COMMENTARY

Commentary on the American Professional Society on the Abuse of Children’s position paper on allegations of child maltreatment and intimate partner violence in divorce/parental relationship dissolution

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ABSTRACT

In January, 2016, the Board of Directors of the American Professional Society on the Abuse of Children approved a position paper on allegations of child maltreatment and intimate partner violence in divorce/parental relationship dissolution. This commentary describes the range of dynamics that can lead to allegations of interpersonal violence in divorce/relationship dissolution, outlines the process employed in developing the position paper, and provides a description of the contents of the position paper.

KEYWORDS

Child maltreatment; divorce; parental alienation

Introduction

Among the most challenging issues in child and family welfare are allegations of interpersonal violence (intimate partner violence and child maltreatment) when parents separate or divorce. The allegations have implications for child safety, custody, and visitation. These allegations are contested in: (a) opinion writings, (b) clinical observations and conclusions, (c) research findings, and (d) the courts. Frequently, allegations of interpersonal violence when parents are separating or are divorced are dismissed out of hand because they occur in a context of disputes over custody of children or visitation arrangements.

Four possible dynamics related to allegations of interpersonal violence in divorce/relationship dissolution

Research suggests there are at least four dynamics related to such allegations (Faller, 1991, 2003), which will be described in this section of the article. These are: (a) discovery of child maltreatment or the experience of interpersonal violence precipitates relationship dissolution, (b) relationship dissolution precipitates disclosure of child maltreatment, (c) relationship dissolution precipitates
child maltreatment or intimate partner violence, and (d) relationship dissolution plays a role in false allegations.

**Non-nonviolent parent decides to leave the relationship because of the violence**

A nonabusive parent may determine to leave the relationship with the other parent because of intimate partner violence or the discovery of child maltreatment by the other parent (Corwin, Berliner, Goodman, Goodwin, & White, 1987; Faller, 1991, 2003). A protective response on the part of a nonabusive parent is to exit the household or the relationship with someone who is maltreating children or the parent, her or himself. Indeed, this is the response expected of the nonabusing parent by child protective services and hoped for by domestic violence programs (Bolen & Lamb, 2007).

**Child maltreatment may be discovered or appreciated after the relationship dissolution**

Child maltreatment may be either reported by the child or recognized by the departing, nonabusive parent after separation. First, children may have been admonished by the abusive parent not to tell about abuse, threatened either with loss of love or harm if they tell. When the abusive parent is absent, those admonitions are weakened, which may lead to disclosure. Second, nonabusive parents, when out of the situation of domestic violence and/or other coercive tactics on the part of the abusive partner, may come to recognize and/or appreciate abusive behaviors on the part of the ex-partner. In situations of domestic violence, nonabusive parents may be so overwhelmed by their situation that they fail to appreciate the impact of their abuse on their children and/or fail to recognize signs and symptoms that their children are being maltreated until after the departure (Corwin et al., 1987; Faller, 2003).

**Parental relationship dissolution precipitates interpersonal violence**

Parental relationship dissolution may increase the risk of interpersonal violence. Research shows that a mother’s departure from a violent partner relationship may lead to stalking and may increase risk of harm to the departing parent and the children. When a mother leaves a domestic violence situation, the abuser may threaten the mother and children with death and may threaten suicide. Indeed, there is a heightened risk the abusive parent may carry out these threats (Jaffe, Campbell, Olszowy, & Hamilton, 2014; Saunders, 2007; Sbarra & Mason, 2013).

The nature of the risk of child maltreatment as the parental relationship dissolves is somewhat different. First, the structural change and turmoil of this
dissolution may increase risk of all forms of child maltreatment on the part of both parents (Faller, 2003; Faller & DeVoe, 1995). Prior to marital dissolution, parents’ behavior with the children is subject to intermittent supervision by the other parent. This provides some external control over parental behavior. Dissolution of the parents’ relationship generally ends this oversight. Other aspects of family structure may disappear as well. Especially in the child’s relationship with the noncustodial parent, there may be no consistent bedtime, sleeping arrangements, mealtimes, or even rules regarding behavior. The general atmosphere created by the loss of structure may increase risk for physical and sexual abuse.

Second, a parent’s emotional reaction to the end of the relationship, specifically sense of loss and anger over the parental relationship demise, may make this a time of heightened risk for physical or sexual abuse. Anger may be taken out on the child in the form of physical abuse. Alternatively, the parent may seek consolation from the child for the loss of a partner, which may be psychologically abusive or may become sexualized (Faller, 2003).

Third, the likelihood of neglect may increase after the relationship dissolution because the single parent can no longer rely on her or his partner to provide care and control of children. Alternatively, the single parent may lack the resources to provide adequate food, shelter, clothing, and supervision for the children. For instance, a single working parent may not have money to pay for childcare and leave the children to care for themselves. This decision may result in child neglect.

Rates of false allegations of child maltreatment appear to be higher when parents are separated

False allegations of child maltreatment may arise before, during, and after relationship dissolution. Research finds that there are higher rates of false allegations of child maltreatment among separated parents than in other situations, for example, in intact families (Bala, Mitnick, Trocme, & Houston, 2007; Trocme & Bala, 2005). Although asserted by Gardner (1998) and others, that these false allegations are made by custodial parents (mostly mothers), the data indicate they are more commonly made by noncustodial parents (mostly fathers) and others (Bala et al., 2007; Trocme & Bala, 2005).

Research also indicates that most false allegations of child maltreatment are misinterpretations or misperceptions (Bala et al., 2007; Faller & DeVoe, 1995; Thoennes & Tjaden, 1990). That is, the reporting adult or child genuinely believes there has been abuse, but is mistaken.

Clinical observations have documented the following scenarios for these mistaken allegations. First, either the custodial or noncustodial parent may interpret the child resistance or reluctance to have contact with the other
parent as a sign that the other parent has abused the child. Although this may be the case, children in situations of family dissolution may feel quite insecure and fear demonstrating a desire to be with or evidencing love for the other parent will result in abandonment by the parent he or she is with. Children may feel caught in the middle of parental animosity and fearful of losing one or both parents.

Second, either parent may interpret a child’s emotional (e.g., nightmares) or behavioral problems (e.g., fighting) as a consequence of abuse by the other parent. These problems could well be the child’s reaction to the parental relationship breakdown or other events in the child’s life.

Third, either parent may form a distorted perception of the other parent as a consequence of the relationship dissolution. Minor or moderate faults of the ex-partner may come to be perceived as major dysfunction. For example, controlling behaviors during the parental relationship may be reinterpreted as abuse, which could lead to a perception that the controlling parent is abusing the child. Likewise, if a child sustains an injury in the custody of either parent, the other parent might assume that the injury is the result of physical abuse.

Although there are assertions that calculated false allegations of child maltreatment in divorce are rampant (e.g., Gardner, Sauber, & Lorandos, 2006), research findings indicate calculated false allegations are a very small minority of allegations in divorce/relationship dissolution (Faller, 2003; Faller & DeVoe, 1995; Thoennes & Tjaden, 1990). Research finds consciously made false allegations range from 2–14% of all allegations of child maltreatment (Bala et al., 2007; Faller, 2003; Thoennes & Tjaden, 1990; Trocme & Bala, 2005).

Despite the research that finds higher rates of false allegation of child maltreatment among separated parents, members of the American Professional Society on the Abuse of Children (APSAC) have been alarmed by what they have experienced as the routine dismissal of allegations of both child maltreatment and intimate partner violence when parents are separated, divorced, or divorcing. The lack of serious consideration of these allegations has the potential to subject children and the accusing parent to emotional and physical harm, and in some instances has resulted in homicide, death of the parent and children (National Coalition Against Domestic Violence, http://www.ncadv.org/). Accordingly, APSAC determined to develop a position paper describing best practices in these very challenging cases.

**Process of the development of the position paper**

In this section, I describe decisions about the scope of the position paper and the strategy used to develop the position paper.
Scope

Three issues of scope of the position paper needed to be determined: (a) whether to address allegations of intimate partner violence as well as child maltreatment, (b) whether to include parental relationships beyond marriage ending in divorce, and (c) any limits on the timeframe of the allegations.

APSAC’s role is to support professionals who serve children and families affected by child maltreatment and violence. Its vision is for all maltreated or at-risk children and their families to have access to the highest level of professional commitment and service (http://www.apsac.org/). Research indicates that exposure to intimate partner violence is traumatic to children, arguably as traumatic as being a direct victims of maltreatment (McDonald et al., 2016; Pernebo & Almqvist, 2016). Moreover, both types of interpersonal violence tend to encounter skepticism, especially in legal proceedings. APSAC decided to broaden the scope of its position paper to include allegations of intimate partner violence in divorce/relationship dissolution.

Many of the children served by the membership of APSAC come from families where parents are not married to one another. Parents in these families may end up in domestic relations court when the parental relationship dissolves and there are issues of custody, visitation, and support. Like cases where the parents are married to one another, cases involving nonmarried couples may involve allegations of intimate partner violence and child maltreatment. A decision was made to use language in the position paper to include nonmarried parents.

As the discussion of the dynamics of allegations in the second section of this commentary makes clear, allegations may arise when families are intact, when they are dissolving, and after dissolution. The allegations have an impact on both custody decisions and visitation provisions. It was decided that the APSAC position paper should encompass allegations across all of these domains.

Strategy for developing the position paper

Because I am the current head of the APSAC Publications Committee and have both practice and research experience with allegations of interpersonal violence in divorce, I chaired the task force that developed the position paper. I was also responsible for incorporating suggestions into the 13 versions of the position paper.

Initial input for the position paper came from two Think Tanks held at the 2014 and 2015 APSAC Colloquia. The participants in the Think Tanks are listed in the position paper. In addition, drafts were sent to experts with the wide spectrum of views about allegations of interpersonal violence in
divorce/relationship dissolution. These were experts in divorce and child custody, child maltreatment, and intimate partner violence. These professionals are also acknowledged in the position paper. After 2 years of collaborative work on “Allegations of Child Maltreatment and Intimate Partner Violence in Divorce/Parental Relationship Dissolution,” at its January, 2016, meeting, the APSAC Board of Directors voted unanimously to adopt the position paper. The paper provides guidance for professionals about intervention in these cases, addresses in a detailed manner the issue of parental alienation, and suggests future directions with regard to these difficult cases. The complete position paper can be found on the main page of the APSAC website at http://www.apsac.org/. It can be downloaded free of charge.

**Four critical intervention issues addressed in the position paper**

The critical issues addressed in the position paper relate to: 1) child safety, 2) differentiating interpersonal violence investigations from child custody evaluations, 3) processes for comprehensive family assessments, and 4) case management best practices.

*It is APSAC’s view that child safety must take precedence*

APSAC’s position is that child safety is more important than a parent’s right to child access. Moreover, child safety must be assured before “friendly parent” statutes, found in most states, are invoked.

*Position paper advises professionals to differentiate interpersonal violence investigation/assessment from child custody evaluations*

APSAC’s position is that mandated professionals must investigate these cases with as much diligence as other allegations of child maltreatment and intimate partner violence. Decisions about the likelihood of interpersonal violence must be made before issues of custody and visitation are considered.

*APSA defines best practice for evaluation of allegations of interpersonal violence and relationship dissolution cases*

If the allegations of interpersonal violence are not resolved or appear inadequately addressed by the mandated investigators (child protective services, law enforcement), APSAC recommends a comprehensive family evaluation by mental health professionals with expertise in interpersonal violence and potential reasons for children’s preference for one parent over the other.
While taking into account professional and community practice and policy, APSAC provides guidelines about comprehensive evaluation of divorce/relationship dissolution allegations. Evaluators should rely upon multiple methods of data collection. In most cases, these methods are: (a) document review, (b) interviews with all family members, (c) collateral contacts with professionals and others, (d) use of screening measures, and (e) psychological testing of parents and children. The position paper urges caution regarding the use of parent-child interactions in the course of a comprehensive family evaluation because of their potential to cause child trauma and their limited utility in determining the likelihood of interpersonal violence. Evaluators are advised to consider multiple hypotheses for understanding the allegations of interpersonal violence, using a rule out approach for specific hypotheses, based upon the data gathered.

**Position paper discusses best practice for case management of marital/relationship dissolution cases with interpersonal violence allegations**

Noting that comprehensive family evaluations may conclude with the following dispositions: (a) interpersonal violence likely, (b) interpersonal violence unlikely, or (c) interpersonal violence uncertain, APSAC provides guidance about decision-making and case-management for each disposition. Regardless of the conclusion, the child’s safety and best interest should determine issues of custody and visitation.

**APSAC’s position on parental alienation**

APSAC acknowledges that when there are allegations of interpersonal violence in divorce/relationship dissolution cases, a hypothesis of parental alienation is often proposed. Because of this, the position paper describes the current status of the knowledge about parental alienation. APSAC concludes there is a lack of definitional clarity about parental alienation, there are questions about its appropriateness as a psychiatric diagnosis, and there is a limited empirical base to support the prevalence and characteristics of parental alienation.

The position paper contains an appendix that lays out definitions for parental alienation syndrome, parental alienation disorder, parental alienation behavior, the alienated child, and the estranged child. Further the position paper notes that parental alienation syndrome or disorder did not meet the criteria to be included in the *Diagnostic and Statistical Manual of Mental Disorders* (5th ed.; DSM-5). Finally, the position paper contains an appendix that describes the limitations of the body of work on parental alienation, noting that there is an abundance of literature on parental alienation, but most of what has been written is opinion and/or lacks methodological rigor.
Future directions

APSAC proposes three initiatives to advance best practice for cases involving allegations of interpersonal violence and divorce/relationship dissolution. These involve: (a) new research, (b) innovations in handling these cases, and (c) training.

**APSAC position paper calls for new research on allegations of interpersonal violence in divorce/relationship dissolution**

APSAC makes the observation that although there are two relatively recent Canadian studies involving child maltreatment allegations (Bala et al., 2007; Trocmé & Bala, 2005) and one study involving intimate partner violence (Saunders, 2015), there has been scant new research on allegations of interpersonal violence in divorce/relationship dissolution in the last 20 years. Especially needed is federal government commitment to such research. The Department of Justice, the Centers for Disease Control, and the Children’s Bureau are all appropriate federal agencies that could and should support such research.

**APSAC recommends protocols and special courts for marital/relationship dissolution cases with interpersonal violence allegations**

The position paper notes that special courts have been developed for infants who have to go into care and for substance abusing adults. The position paper also makes reference to the special courts used in Australia for allegations of interpersonal violence in divorce/relationship dissolution.

**APSAC position paper calls for specialized training for professionals who encounter allegations of interpersonal violence in divorce/relationship dissolution cases**

Professionals who require training include clinicians who are providing treatment to children in marital/relationship dissolution situations, judges handling domestic relations court cases, lawyers representing children and adults in domestic relations courts, child custody evaluators in the public and private sector, child protection investigators, and law enforcement officers. Substantive areas in which training is needed are: (a) appropriate strategies for assessment/investigation of allegations of interpersonal violence; (b) appropriate case management strategies in these cases; (c) prevalence and incidence rates of true, uncertain, and false allegations of interpersonal violence in situations of marital/relationship dissolutions; (d) appropriate custody/visitation arrangements in cases where interpersonal violence has
been determined to be likely, unlikely, or uncertain; and (e) the current state of knowledge about parental alienation.

**Conclusion**

With this position paper, APSAC aims to improve knowledge among professionals about allegations of interpersonal violence in divorce/relationship dissolution and to support best practice for all parties involved, parents and children, in these cases. Allegations of intimate partner violence and child maltreatment in situations of separation and divorce need to be taken as seriously as such allegations under other circumstance.

**References**


