

Appendix A: Summary tables of research literature

Table A1 Key international studies of allegations of family violence and child abuse in the context of post-separation parenting disputes

Authors	Country	Sample	Method	Type of abuse	% involving allegations	Direction of allegations	Veracity classification scheme (n%)	Definition of "violence"
Child sexual abuse: Small clinical								
Kaplan & Kaplan (1981)	USA (NY)	1 family from own practice	Case study—clinical judgment	CSA	All	–	True False (where "false" = unsubstantiated)	–
Benedek & Schetty (1985)	USA	18 children seen by psychiatrists	Analysis of cases—clinical judgment	CSA	All	–	True (n = 8/18) False (n = 10/18) (where "false" = unsubstantiated)	–
Green (1986)	USA (NY)	11 clients from own practice	Case study—clinical judgment	CSA	All	–	True (n = 7/11) False (n = 4/11) (where "false" = unsubstantiated)	–
Schuman (1986)	USA (MA)	7 cases from own practice	Case study—clinical judgment + court judgment	CSA + Phys	All	–	Valid (n = 0/7) Non-valid (n = 7/7)	–
Child abuse: Clinical								
Jones & Seig (1988)	USA (Colorado)	20 cases from the caseload of a specialist child abuse centre	Analysis of case files by clinical team	CSA	All	70% made by mother 15% made by father 15% made by children	Reliable (70%) Fictitious (20%) Unsubstantiated suspicion (5%) Uncertain (5%)	–
McGraw & Smith (1992)	USA (Colorado)	18 cases investigated by a sexual abuse team	Analysis of divorce and custody disputes cases	CSA	All	–	Founded (44.4%) Unfounded (55.6%): ■ Unsubstantiated suspicion (28%) ■ Insufficient information (11%) ■ Fictitious (16.5%)	–
Faller & DeVoe (1995)	USA (Midwest)	215 cases from a university-based clinic	Clinical assessment by team Domestic relations court	CSA	All	69% of named offenders were fathers 9% step-parents 8% mothers 13% others	Substantiated (73%) [court = 35%] Unlikely (20%) Uncertain (7%) False and possibly false: ■ False (14%) ■ Potentially false (6.5%) ■ Knowingly made false (4.7%)	–

Note. DV = domestic violence; CA = child abuse; CSA = child sexual abuse; Phys = child physical abuse.

Authors	Country	Sample	Method	Type of abuse	% involving allegations	Direction of allegations	Veracity classification scheme (n/n%)	Definition of "violence"
Child abuse: Data from child protective service workers								
Anthony & Watkeys (1991)	England	24 cases involving a custody dispute (from 350 referrals from CPS and police)	Assessed case files	CSA	All	–	Proven (20.8%) [56.3% of 350] Unsubstantiated (79.2%) [43.7% of 350]: <ul style="list-style-type: none"> ■ "False" (not substantiated) [18% of 350] ■ "False & malicious" [8.5% of 350] 	–
Hlady & Gutter (1990)	Canada (BC)	41 cases involving a custody/access dispute (from 370 referrals from CPS)	Charts of all children involved in custody access disputes seen by the Child Protection Service at BC Children's Hospital in 1988 were reviewed	CSA + Phys	All	–	Substantiated with physical evidence Custody dispute: <ul style="list-style-type: none"> ■ Physical abuse (n = 5/7; 71%*) ■ Sexual abuse (n = 6/34; 17%) No custody dispute: <ul style="list-style-type: none"> ■ Physical abuse (n = 48/110; 44%) ■ Sexual abuse (n = 33/219; 15%) [* reported by authors despite small n]	–
Trocmé, McPhee, Tam, & Hay (1994) as cited in Bala et al. (2001)	Canada (Ontario)	Representative sample of 2,447 children	Surveys completed by CPS personnel	CSA + Phys	All	Where parents had separated or divorced, resident mothers made 2/3 of the allegations (sexual abuse most common allegation) Non-resident fathers raised a third of allegations	Allegations made by resident mothers against non-resident fathers: <ul style="list-style-type: none"> ■ 23% substantiated ■ 27% suspected ■ 50% unfounded ■ 1% malicious Allegations made by non-resident fathers against resident mothers: <ul style="list-style-type: none"> ■ 10% substantiated ■ 18% suspected ■ 72% unfounded ■ 21% malicious 	–
Trocmé & Bala (2005)	Canada	7,642 child maltreatment investigations, of which 12% (n = 903) involved an ongoing custody/access dispute	Assessment and clinical judgment by child welfare workers	CA	All	–	General population: <ul style="list-style-type: none"> ■ 42% substantiated ■ 23% suspected ■ 31% unsubstantiated in good faith ■ 4% considered "deliberately false" Custody/access dispute: <ul style="list-style-type: none"> ■ 40% substantiated ■ 14% suspected ■ 34% unsubstantiated in good faith ■ 12% considered "deliberately false" 	–

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Child abuse: Data from family courts								
Thoennes & Tjaden (1990)	USA	169 custody/access disputes involving an allegation of child sexual abuse (from 9,000 families in dispute about custody or access)	Survey of mediation and custody evaluation staff from 12 domestic relations courts	CSA	< 2%	Mothers accused fathers in 48% or step-fathers in 6% of cases Fathers accused mothers in 6% or a mother's new partner in 10% of cases	Likely 50% of allegations Unlikely 33% Indeterminate 17%	—
McIntosh & Prinz (1993)	USA	603 family court files (14% involved a custody/access dispute; remainder divorces)	File analysis of the entire one-year caseload of 1987 of the court	CSA + Phys	Physical abuse (n = 12): 2% of all cases (6% of custody cases) Sexual abuse (n = 5): 1% of all cases (2% of custody cases)	Alleged by: ■ Mother (n = 6) ■ Father (n = 6) Alleged by: ■ Mother (n = 3) ■ Father (n = 1) ■ Both (n = 1)	Veracity not assessed by court	—
Bala & Schuman (1999)	Canada	196 family law judgments cited in Quicklaw database	Analysis of all reported Canadian family law decisions in database (1990–1998) involving allegations of child sexual/physical abuse	CSA + Phys	All	Mothers made allegations: 71% Fathers made allegations: 17% Grand/foster parents: 2% Children: 9%	Substantiated in 23% of cases Unfounded 45% Evidence of abuse but judge did not make a finding that abuse occurred 35%	—
Family violence: Data from family courts and surveys								
Newmark, Harell, & Salem (1995)	USA (Oregon/Minnesota)	422 separated parents participating in mediation over custody/access disputes	Survey	DV	—	80% of women and 72% of men reported experiencing domestic abuse	—	"Domestic violence" or "abuse" was not formally defined—operationalised through Conflict Tactics Scale domains
Logan et al. (2002)	USA (Kentucky)	Random sample of 82 disputed custody cases in family court from 135 cases containing a court record & at least 1 cust eval report	Court records and evaluator reports examined	DV (but not child abuse issues)	56% involved DV (n = 46/82) Child abuse/neglect issue 67% of DV cases (compared with 42% in non-DV cases) Child abuse/neglect issue against new partner: 11% of DV cases (compared with 3% in non-DV cases)	—	—	DV was defined as cases in which a domestic violence order (DVO) was present

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Authors	Country	Sample	Method	Type of abuse	% involving allegations	Direction of allegations	Veracity classification scheme (n/%)	Definition of "violence"
Logan (2003)	USA (Kentucky)	258 cases from a total of 1,292 divorce cases; 98/258 cases involved children	Court records and evaluator reports examined for mentions of spousal violence	DV	33% of cases mentioned spousal violence	–	–	"Spousal violence" not defined
Shaffer & Bala (2003)	Canada	45 family law contested judgments involving DV, of which 42 wife abuse likely to have been consideration in custody/access dispute	Cases examined to determine whether DV impacts on custody outcomes	DV	42 of the cases involved mention of abuse by women "in many" of these 42 cases, men alleged spousal abuse by their wives	–	Court judgment 11 cases: Mothers' allegations exaggerated or unfounded (24%) 30 cases: Mothers' allegations accepted by court (i.e. 67% substantiated) 1 case: Court makes no finding (2% indeterm) 3 cases: Father alleges mother abusive partner (6%)	"Wife abuse" not formally defined—in practical terms, it included emotional and verbal abuse, as well as "extreme levels of chronic physical (and sexual) violence" (p. 258)
Humphreys & Thiara (2003)	England	181 women from women's refuges or outreach DV services (161 surveyed; 20 interviewed) [2 purposive samples]	Survey and in-depth interviews	DV	–	All	76% reported ongoing violence after separation, which stopped within 6–12 months 36% experienced ongoing post-separation violence	"Post-separation violence" not formally defined. In practical terms, it included: verbal and emotional abuse, serious threats (such as to kill, rape, abduct children, self-harm, or harm family pets), physical assault, financial abuse, to and from other family members, threats to new partners, and sexual violence
Family violence and child abuse: Data from family courts								
Californian Administrative Office of the Courts	USA (California)	18,000 custody cases across 4 waves of family court data	Snapshot surveys conducted in 1991, 1993, 1996 and 1999	DV, CA	DV raised as issue in 39% of all mediation sessions Child neglect—30% of sessions Child physical abuse—18% of sessions Child sexual abuse—8% of sessions (1991 data)	Mothers allege domestic violence, substance abuse, and harassment Fathers allege child neglect & psychological disorders (1999 data)	–	"Interpersonal violence" included "ever": "pushing, grabbing, shoving, throwing things, slapping, kicking, biting, or hitting, physical violence, threats of violence, had a restraining order, children ever witnessing violence between parents, physical violence in the last 6 months, use of a weapon, knife, or firearm, sexual assault"

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Sorenson et al. (1995)	USA (Florida)	60 contested custody cases from 7 judicial circuits throughout Florida	Examined data reviewed by child representatives	DV, CA, Neglect	88% of cases involved at least 1 allegation Spousal physical abuse was alleged against fathers/stepmothers in 35% of cases Spousal emotional abuse (42%) Child sexual abuse (17%) Child physical abuse (15%) Child emotional abuse (28%) Child neglect (15%) These were alleged against mothers/stepfathers in 15%, 25%, 7%, 8%, 28%, 35% of cases	–	Substantiated in about 30% but varied by type of alleged abuse: <ul style="list-style-type: none"> 29% of alleged physical abuse by fathers/stepmothers was substantiated, compared with 11% of alleged physical abuse by mothers/stepfathers 0% of alleged child sexual abuse by fathers/stepmothers was substantiated, compared with ¼ cases of alleged physical abuse by mothers/stepfathers Not able to assess if "fictitious" 	–
Smart, May, Wade, & Furniss (2003)	England	A random sample of 430 cases relating to residence and contact disputes from 3 county courts	In-depth analysis of 281 files and mixed-methods analysis on the full data set	DV, CA	22% of cases contained an allegation of physical or emotional abuse 60% of cases contained allegation of child sexual abuse (2% of cases involved allegations of both domestic violence and child sexual abuse)	–	Indeterminate because of the often opaque nature of court records and documentation	"Violence" and "abuse" were defined as "physical, verbal and emotional violence and harassment of either a parent or child" (note 18; p. 131)
Johnston, Lee, Olesen, & Walter (2005)	USA (California)	120 families referred for child custody evaluations or custody counselling	Analysis and coding of court documents (including mediation data)	DV, CA	Allegations of domestic violence were raised against mothers in 30% of families; and against fathers in 55% of families Allegations of child sexual abuse were raised against mothers in 6% of families; and against fathers in 23% of families	At least one allegation was raised against mothers in 56% of families; and against fathers in 77% of families Mutual allegations were raised in 49% of families	Allegations of abuse against mothers were substantiated in 52% of the sample Allegations against fathers were substantiated in 51% of the sample Mutual allegations were substantiated in 24% of the sample. No attempt was made "to distinguish among 'unsubstantiated' allegations to conclude which were clearly false and which could not be determined due to lack of evidence" (pp. 290–291)	"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 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" (p. 288)

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Table A2 Key Australian studies of allegations of family violence and child abuse in the context of post-separation parenting disputes

Authors	Aust'n state	Sample	Principal method	Type of abuse	% involving allegations	Direction of allegations	Veracity classification scheme (n/%)	Definition of "violence"
Child abuse: Data from family courts								
Kiel (1988)	NSW	7 FCoA cases requiring judicial determination	Content analysis of court files and written reasons	CSA	All	Against fathers/male partners	2 cases had findings of CSA. Author claims strong evidence but no finding in other 5	As alleged
Mertin (1995)	SA	Clinical sample: 27 mothers and 34 children whose mothers had sought refuge from violent partners	Survey	Child Phys	All	Against fathers/male partners	53% of children reported being hit by fathers. All but 3 children had no contact with fathers following separation	Defined by participants
Hume (1996)	SA	50 cases in which child sexual abuse (CSA) raised in FCoA proceedings; 36 involved specific allegations; 11 suggested child at risk of CSA; 3 alleged "inappropriate behaviour"	Content analysis of court files	CSA	All	64% against fathers	Confirmed child sexual abuse in 56% No abuse in 11% No finding or no investigation in 33%	As alleged
Family violence: Data from family courts and surveys								
Keys Young (1996)	National	128 men and women who had accessed mediation	Exit surveys	DV	62%	75% by mothers 18% by fathers	–	Defined by participants
Sheehan & Smyth (2000)		National random sample of 396 divorced men and women	Telephone survey	DV	65% women and 55% men on "legal definition"	65% by women 53% by men on "legal definition"	–	Legal—offence under criminal law Fear-based Injury-based—injury requiring medical intervention
Rhoades, Graycar, & Harrison (2000)	National	674 family court judgments	Content analysis	DV	67% of sub-sample of judgments	–	–	–
Family violence and child abuse: Data from family courts								
Horwill & Bordow (1983); Bordow 1993	Melbourne and Sydney	100 family court child-related judgments (H&B); 294 child-related judgments (B)	Content analysis	DV CSA Other CA	DV 24% CSA 7% Other CA 3% (B) ¹	–	–	–
Brown, Frederico, Hewitt, & Sheehan (1998)	FCOA	Sub-sample of case 40 files from 1992–1993	Content analysis	FV CA	FV "extensive" —exact figure uncertain Much FV "masks CA"	–	–	–

Authors	Aust'n state	Sample	Principal method	Type of abuse	% involving allegations	Direction of allegations	Veracity classification scheme (n/%)	Definition of "violence"
Brown, Frederico, Hewitt, & Sheehan (1998)	Melbourne and Canberra FCoA	117 "flagged" CA cases (Melbourne) taken from all files in 1994 and first half of 1995 38 CA cases (Canberra) plus small comparison sample	Content analysis of files Interviews with key FCoA and child protection staff	FV CA	All	Complex gender breakdown with respect to correlates of alleged CA	9% false allegations of CA2	–
Brown, Frederico, Sheehan, & Hewitt (2001)	Melbourne and Canberra FCoA	200 family court cases in which child abuse allegations had been made	Content analysis	FV CA	All	–	9% false allegations of CA	–
Brown (2003)	FCoA	Case files Sample 1: n = 150 Sample 2: n = 100	Content analysis	FV CA	All	Mothers alleged twice as often as fathers (both samples) Mothers' allegation much more likely to be substantiated (sample 1) 1)	22% substantiated; 78% non-substantiated (sample 1) 52% substantiated; 48% non-substantiated (sample 2)	As alleged
FCoA (2003)	Brisbane, Melbourne and Sydney	450 consent applications 300 settled applications 91 judicial determinations		FV CSA	FV an issue in 67% of judgments Allegations of FV substantiated in 51% of these CSA an issue in 26% of judgments Unacceptable risk found in 38% of these	–	CSA: ■ Unacceptable risk ■ No unacceptable risk ■ No finding	As alleged
Kaspiew (2005)	Melbourne	40 randomly selected fully litigated children's matters	File content analysis	DV CSA	DV a "factor" in 58% CSA 40%	–	–	As alleged
Kaye, Stubbs, & Tolmie (2003)		40 mothers, mainly from refugees and women's health services	Interview content analysis	DV CSA Other CA	Serious DV 85%	Towards fathers/male partners	–	Defined by participants
Shea Hart (2004)	Adelaide	All child-related judgments between 1991 and 2001	Significant post-1995 reform increase in applications for contact when violence and abuse were noted Many applications continued to be successful	DV	43% DV 16–20% CA	Towards male applicants for access or contact	At least one allegation or incident accepted by a judge	As alleged
McInnes (2006)	Adelaide	Focus groups 100 female subjects	Court-ordered contact continued in many cases, in which children were exposed to "long-term continuing harm"	DV CA	All	Towards male partners	–	Defined by participants