

False Allegation Summit: From Here to Where?

June 30, 2012

Taking a look at false allegations and future potentials
for citizen abuse.

Michael McCormick, Exec. Dir.
American Coalition for Fathers and Children
Washington, DC
www.acfc.org

A Fairly Typical Email

This form was sent at: Jun 27, 2012 7:58 PM

FIRSTNAME: Bonnie

LASTNAME:

STATE: NY

PHONE:

EMAIL:

QUESTION: My name is Bonnie I am married to a wonderful man. He is divorced and has 2 children ages 13 and 14. His 14 year old son has downs syndrome and his daughter is 14. He never gets to see his kids although he has visitation rights. His ex wife is relentless, she posts slander onto craigs list about him and me. The last time he saw his kids over 2 years ago she called CPS the next day saying he molested their daughter. She constantly drags him into court for more child support.

She is remarried and her husband actually called my husband because he wants to leave her but she threatened she would call the cops and say he molested her daughter if he left!

My husband sent his daughter a Christmas card only to receive a message from his daughter that she wished he was dead.

My husband hung in with the marriage for 11 years only because of his kids. She constantly made false charges about him.

How do you prove this in court, how can we see his children without the fear of false allegations? Can you offer us any assistance. We are on a tight budget and cannot afford a lawyer, thank you Bonnie

But Are They True?

- Not according to the Leadership Council – a group of ‘experts’ in false allegations. Their claim:
- **Research has consistently shown that false allegations of child sexual abuse by children are rare.**

Jones and McGraw examined 576 consecutive referrals of child sexual abuse to the Denver Department of Social Services, and categorized the reports as either reliable or fictitious...

- <http://www.leadershipcouncil.org/1/res/csa-acc.html>

Should Unsubstantiated = False?

1997 NCANDS REPORT, Statistics on Intentionally False Reports

STATES	TOTAL REPORTS	UNSUBSTANTIATED	INTENTIONALLY FALSE
Florida	186,726	92,337	868
Missouri	80,185	49,490	460
Vermont	2,309	1,257	18
Virginia	51,227	37,282	457
TOTAL	320,447	180,366	1,803

Section D-9, adapted from Tables 3.1 and 3.2.

U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. (1999). *Child Maltreatment 1997: Reports from the States to the National Child Abuse and Neglect Data System*. Washington, D.C.: Government Printing Office.

<http://www.acf.dhhs.gov/programs/cb/publications/ncands97/apd.htm>

Moving from Child Abuse Allegations to Domestic Violence Allegations, What Do Other's Say?

- SAVE has some great compilations of data on this topic. But since Congresswoman Zoe Lofgren called SAVE 'apologists for abusers' let's take a look at some other sources. (by the way, what an honor)
- Report from Dr. Ben Foster in 2008 indicated over 80% of abuse allegations in Cabell county West Virginia could be classified as false.
- A quick google scholar search of the terms 'false allegations domestic violence' returns over 29,000 results.

What Other's Say, con't.

- Numerous law review articles address the use of false allegations in custody contexts.
- Dr. Stephen Baskerville has documented much of this in his book: *Taken Into Custody: The War Against Fathers, Marriage and the Family*
- Much controversy, much commentary, many agenda's and ideologies at work. But just how great is the problem?

One State Experience with DV Allegations and PFA's (PA)

2010 PROTECTION FROM ABUSE STATE TOTALS

	STATEWIDE	EXCLUDING PHILADELPHIA
Cases Pending 1/1/10	7,242 (R)	6,210 (R)
New Cases Filed	41,204	29,581
Cases Available for Processing	48,446	35,791
<i>Of the New Cases Filed:</i>		
<i>Petitions Requesting Temporary Orders</i>	40,365 98.0%	28,742 97.2%
<i>Temporary Orders Denied</i>	4,355 10.8%	3,267 11.4%
<i>Temporary Orders Granted</i>	36,010 89.2%	25,475 88.6%

...And Case Dispositions...

Processed Due to:

Temporary Order DENIED after Ex Parte Hearing and No Evidentiary Hearing Scheduled	975	975
Temporary Order DISMISSED After Evidentiary Hearing and No Final Order Entered	2,371	2,004
Final Order DENIED After Evidentiary Hearing Before a Judge	1,447	1,357
Final Order GRANTED After Evidentiary Hearing Before a Judge	6,092	4,920
Plaintiff Did Not Appear for Evidentiary Hearing	10,752	4,220
Final Order by Stipulation or Agreement between the Parties	9,204	7,329
Petition Withdrawn by Plaintiff	8,855	7,595
Transferred to Another Jurisdiction	21	21
Deceased Party	10	10
Other	4,799	4,268
Cases Processed	44,526	32,699
Cases Pending 12/31/10	3,920	3,092

(R) - Revised

Last Modified: November 15, 2011

Takeaways from PA experience?

- Nearly 90% likelihood restraining order will be granted.
- A tremendous number of the orders are questionable from the beginning
 - Over 22% of petitions withdrawn
 - 27% of accusers don't bother to show up at hearing
 - Less than 16% sustained after evidentiary hearing before judge
 - 63% of the orders issued are questionable.
- Based on Pennsylvania data appears the program is rife with problems...

What's the Cost?

- Based on this report data meritless/false restraining orders cost Pennsylvania taxpayers something in the neighborhood of :

\$48.8 Million Per Year

This is one state...

Imagine what the figure would be if the human misery costs were quantified/expressed in dollars.

The Future...Better or Worse?

- Significant Participants
 - The DV Sector, particularly advocacy sector see DV as a male on female problem. (NCADV, NNEDV, NOW etc.)
 - The Office of Violence Against Women (OVW) within the Department of Justice
 - The Administration
 - Responsible Fatherhood Initiatives
 - Office of Child Support Enforcement
 - Supervised visitation and access operations
 - Parenting Time Initiative

Anatomy of a Campaign

- Here is a photo from a 2010 rally organized by Mothers of Lost Children outside the Justice Department.



Anatomy – Con't.

- This link will take you to a story about the rally.

<http://www.wusa9.com/video/default.aspx?aid=94535&storyid=113776>

Note the participant carrying a NOW placard. Also note one of the interview subjects, Barry Goldstein. Barry is prominently involved with The Leadership Council. He promotes a questionable statistic that over 58,000 children each year are awarded to batterers and pedophiles in family court.

Anatomy – Con't.



National Task Force
to End Sexual and
Domestic Violence Against Women

On June 26th a rally on Capitol Hill will spotlight the national VAWA Days of Action campaign that will last until July 4th. We want Congress to see us on the Hill! **Thousands** will gather at the US Capitol to directly call upon Congress to reauthorize the REAL VAWA now...

Anatomy – Con't.

- What do thousands look like?



Tying it Together

- January 2012 President releases budget request for FY 2013
 - Requests \$580 million over ten years to expand supervised access and visitation programming through office of child support enforcement
- June 2012 President releases Promoting Responsible Fatherhood agenda.
 - Engaging fathers, child safety, paying child support listed as priorities for dads.

Tying it Together – Con't.

- June 2012 Office of Child Support Enforcement announces Opportunity of Funds Availability.
 - Initiative will pilot programs to expand CS agency into the area of establishing parenting time/visitation orders for low income parents/fathers.
 - Parenting time orders will be established at the same time child support obligations are established.
 - Parenting time orders established by child support enforcement personnel.
 - Project proposal requests require grant recipients to collaborate with domestic violence agencies, supervised access/exchange centers and child support enforcement.

Tying it together – Con't.

- Child Support Visitation Access program
 - All cases to be screened for domestic violence concerns
 - Orders crafted or cases referred accordingly.
 - No enforcement of access orders as part of the program, only establishment of orders.
 - No guidance, other than mandatory DV screening , regarding implementation.

Ramifications

- A dream come true for the Domestic Violence Sector
 - The DV sector establishes the screening criteria. Quite likely to be some type of takeoff on the Johns Hopkins lethality assessment model.
 - Numbers Drive Funding – more DV demonstrated, greater funding required.
 - DV sector gains access and imprints custody case information through the child support enforcement administration
 - Spotty, non-existent, unknown safeguards to protect those receiving orders via the program.

Conclusions

- This next phase has been some years in the making.
- An unholy alliance has developed between the major domestic violence organizations, the Department of Justice OVW office and the Child Support Enforcement agency.
- There appears to be little oversight/guidance built into the process to limit abuses.
- As with most government programs, it will start with a demonstration project geared toward lower income populations and then expand.

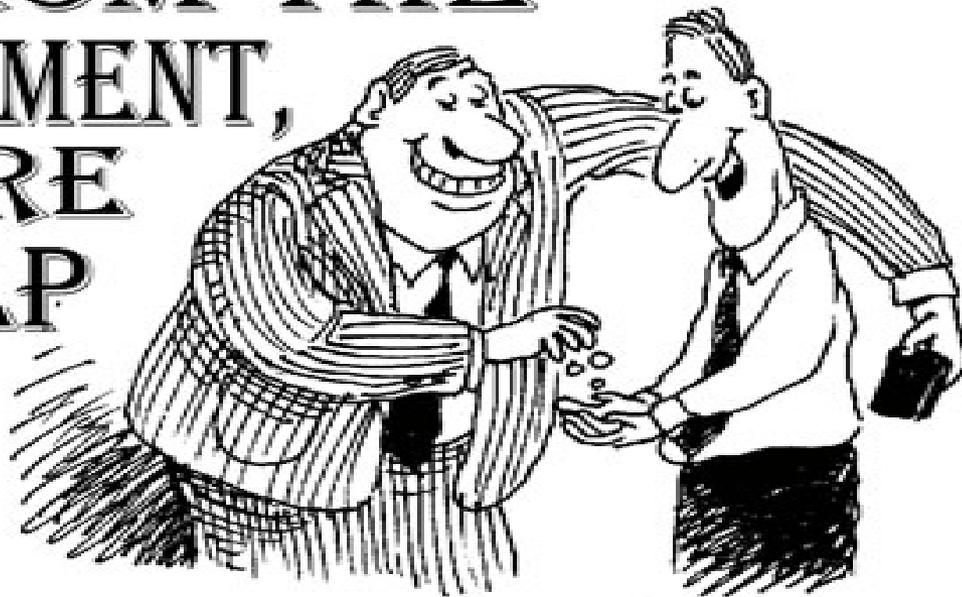
Conclusions

- Government is signaling its intent to become ever more involved in the private affairs of citizens.
- Questionable agencies are being expanded in ways far beyond their original intent. Massive Mission Creep.
 - Child support was established to collect support. In my opinion it has failed miserably. Now under the flimsiest of legal sanction it is claiming authority to establish legally binding parenting access orders.
- Social engineering continues unabated, under the pretext of benefitting children.

Food for Thought

Ronald Reagan said the nine most terrifying words in the English language are:

**I'M FROM THE
GOVERNMENT,
I'M HERE
TO HELP**



Sources

- VAWA Ten Days of Action
 - <http://4vawa.org/pages/vawa-10-days-of-action-8560>
- Parenting Time Grant Opportunity
 - Office of Child Support Enforcement
 - Parenting Time Opportunities for Children in the Child Support Program
 - HHS-2012-ACF-OCSE-FI-0298
 - Application Due Date: 08/03/2012
- President's Promoting Responsible Fatherhood Report June 2012
 - http://www.whitehouse.gov/sites/default/files/docs/fatherhood_report_6.13.12_final.pdf
- Pennsylvania Administrative Office of the Courts Reports 2010
 - <http://www.pacourts.us/NR/rdonlyres/506E317A-oA57-498C-9F44-2F6B738E3Fo8/o/2010Report.pdf>
- CSE Budget Justification of Estimates for Appropriation Committee
- <http://transition.acf.hhs.gov/sites/default/files/assets/MandatoryProgramsFY2013.pdf>