



CHILD ABUSE SOLUTIONS, INC.

2625 ALCATRAZ AVE #607 BERKELEY, CA 94705

PHONE: (510) 521 0438

ABUSESOLUTIONS@AOL.COM

WWW.CHILDABUSESOLUTIONS.COM

FACT SHEET

CHILD SEXUAL ABUSE IN CUSTODY DISPUTES

The following data will assist the court in making safe custody and visitation decisions:

1. Is child sexual abuse rare?

Fact: No. Child sexual abuse is remarkably common.¹

- A meta-analysis of 22 American studies found that 30-40% of females and 13% of males experienced sexual abuse as children.²
- In a Gallup survey of 1,000 families, 30% of women and 9% of men reported that they had experienced forcible sexual abuse as children.³

2. Are child sexual abuse crimes underreported?

Fact: Yes. These crimes are significantly underreported.⁴ The prevalence rates cited above do not account for the fact that many people who were sexually abused as children never told anyone.

- In an adult retrospective study, 42% of women and 33% of men sexually abused as children reported never having disclosed the sexual abuse until being asked during the study.⁵
- Delays in reporting child sexual abuse are common.⁶
- The average time between cessation of child sexual abuse and its disclosure is 12 years.⁷
- Children are most likely to disclose recent or on-going abuse to their non-abusive parents.⁸

3. Is child sexual abuse usually perpetrated by strangers?

Fact: No. On average, studies using victim samples find that only 3% to 14.7% of sex crimes against children are perpetrated by strangers to the child. The other 85.3% to 97% of child sex crimes are perpetrated by adults whom the child knows.⁹



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4. Do parents sexually abuse their own children?

Fact: Yes. Biological parents and parental figures perpetrate 32% to 39.7% of all sexual assaults against child victims.¹⁰

5. Are other family members responsible for a large portion of all sex crimes committed against children?

Fact: Yes. 11.3% to 22.4% of child sexual abuse is perpetrated by family members other than parents.¹¹

- Young children are more likely than older children to be sexually abused by family members.¹²
- Girls are at especially high risk of being sexually abused by their uncles.¹³

6. Do adult non-relatives known to the child often commit sex crimes against children?

Fact: Yes. 29.7 to 42.3% of sexual assault against children is perpetrated by adult non-relatives known to the child, such as acquaintances, babysitters, day care providers, parent's lover, clergy, teachers, scout leaders, coaches, counselors, foster parents, family friends, and others.¹⁴

7. Is child sexual abuse most frequently committed by males?

Fact: Yes. 90% to 96% of child sexual abuse is perpetrated by males.¹⁵

8. Are batterers more likely than non-violent parents to sexually abuse their children?

Fact: Yes. Children of batterers are 6.5 to 19 times more likely to be victims of incest than children of non-battering parents.¹⁶

9. Is possession of child pornography related to child sexual abuse perpetration?

Fact: Yes. Child pornography offenses are a valid diagnostic indicator of pedophilia¹⁷ and there is significant overlap between child sex abusers and collectors of child pornography.

- 85% of men incarcerated for child pornography possession admitted to sexual contact with children.¹⁸



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- 55% of those arrested for possession of child pornography were convicted of sexual contact or attempted sexual assault on a child.¹⁹
- 55% of child pornography possessors who also commit contact offenses against children show child pornography images to child victims as part of the grooming process. 37% take photographs of their victims.²⁰
- Child pornography offenders who had committed a prior or concurrent contact sexual offense are the most likely to offend again.²¹
- Child pornography images are increasingly brutal. 80% of possessors' collections include images of children being sexually penetrated and 21% involve bondage and sadistic acts of torture of the child victim.²²

10. Does child sexual abuse have harmful effects?

Fact: Yes. Child sexual abuse has profound immediate and long-term negative effects. Child sexual abuse victims are likely to exhibit any number of the following problems:

- **Psychological problems** such as low self esteem, fearfulness related to abuse stimuli, generalized fear, emotional upset, panic/anxiety attacks, anxious arousal, nightmares/sleep disorders repressed anger/hostility/irritability, depression, suicidal thoughts/statements, daydreaming, intrusive experiences, dissociation, loss of memory, inability to concentrate, academic problems, irritability, body image problems, psychosomatic complaints, post-traumatic stress; and
- **Behavioral problems** such as withdrawal from activities, disorganized or agitated behavior overly compliant/anxious to please, behavior regression (loss of bowel and bladder control, return to thumb sucking), aggressive behavior (acting out), defensive avoidance, tension reduction behavior, sleepwalking, enuresis (bed wetting), encopresis (fecal soiling), non-academic behavior problems, inability to form or maintain relationships, age-inappropriate sexual behavior (including highly sexualized play or sexually aggressive behavior), inappropriate destructive peer relationships, indiscriminate affection giving/receiving, clinging behavior, eating disorders (anorexia, overeating); and
- **Physical problems** such as genital injuries/trauma, bruising, scratches, bites, sexually transmitted diseases, bleeding, blood stains on underwear, infections, vaginal/penile discharge/itching, pain in anal/genital/gastrointestinal/urinary areas, anal fissures, urinary tract infections, pain on urination, abdominal pain, penile/urethral inflammation, hymenal thickening /scarring/dilatation/attenuation, disruption/lacerations, anal gaping, and other related symptoms.²³



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Symptoms may last for decades. Adults who were sexually and physically abused as children report serious long-term symptoms including, but not limited to:

- **Psychological problems** such as low self-esteem, anxiety or fearfulness, phobic anxiety, depression, anger, post-traumatic stress (including recurrent intrusive recollections/flashbacks, sleep problems, nightmares, diminished interest in activities, hyper-vigilance, guilt, problems with memory/concentration), negative feelings, attitudes or beliefs about relationships/men/perpetrators/self/sexuality, impaired self-reference, dissociation, somatic preoccupation/disorder;²⁴ and
- **Behavioral problems** such as aggression, substance abuse, sexual difficulties, self injurious and/or self destructive behavior (including suicidal behavior), most of the various symptoms and behaviors seen in those diagnosed with borderline personality disorder, somatic disturbance/appetite disturbance, tics, obsessions, early sexual activity, early pregnancy, promiscuity, prostitution, and subsequent sexual victimization;²⁵ and
- **Physical problems** such as physical (genital) trauma, bleeding, infections, vaginal discharge, itching, urinary tract infections, abdominal pain, bladder dysfunction, irritable bowel syndrome (gastrointestinal disorders), pregnancy, sexual dysfunction, vaginal muscle spasm, sexually transmitted diseases, chronic pelvic pain, painful intercourse, painful menstruation, chronic headaches, and other related symptoms.²⁶

11. Is incest more damaging than child sexual abuse by a stranger?

Fact: Yes. Incest is more damaging to children than sexual abuse by a stranger due to the added violation of the child's trust.

- The amount of long-term damage that a victim will suffer as a result of childhood sexual abuse is directly related to the frequency, duration, and severity/intrusiveness of the abuse and to the closeness of the relationship between the victim and the offender.²⁷
- "Victims (of incest)...lose faith in what is supposed to be the natural order where children are cherished and protected, and where they are safe in the family and community. For them, the world becomes unjust. The capacity for intimacy is compromised by an inability to trust others."²⁸

12. Can symptoms resulting from child sexual abuse be ameliorated?

Fact: Yes. Parental support from the non-offending parent can ameliorate the negative effects of child sexual abuse. Resilience is significantly associated with attachment factors.²⁹



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- Negative parental reactions serve to aggravate trauma in sexually abused children.³⁰
- Protection of the child from further sexual abuse is essential in order to reduce symptoms.³¹

13. Can sex offender treatment reliably prevent recidivism?

Fact: No. Although there have been many innovative advances in offender therapy, none have been shown to reliably affect recidivism rates of sex offenders.³²

- There were “no significant differences between sexual recidivism rates for the incest and child molestation groups by treatment” in a study of 718 convicted male sex offenders.
- While some studies report a slight decrease in the recidivism rates of treated offenders who were subjected to multiple types of treatment, including chemical castration, there is no professional consensus on which combinations of modalities work to reduce recidivism with which types of sex offenders, or how effective they are. Research results are inconclusive about what works to reduce recidivism by sex offenders.

14. Are allegations of child sexual abuse common in highly contested custody and visitation disputes?

Fact: No. Over 98% of child custody and visitation disputes involve no allegations of child sexual abuse.³³

15. Are allegations of child sexual abuse which are reported in highly contested custody disputes more likely to be maliciously fabricated than such allegations reported in other contexts?

Fact: No. “[A]llegations of sexual abuse among families in dispute over custody and visitation are no more likely to be determined false than are allegations of child sexual abuse in the general population.”³⁴

- Children investigated by child protective services for sexual abuse allegations whose parents were involved in custody/access disputes were just as likely to have positive physical findings of sexual abuse as those children whose parents were not involved in custody/access disputes. Findings in both groups included hymenal dilatation, attenuation, lacerations, scarring, fissures, and thickening, and anal fissure and gaping.³⁵



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- “For many years, there has been a well-documented wide-spread perception (Schudson, 1992) that allegations of child abuse in Family Court proceedings are more likely to be part of the family fight about the divorce or separation than to be a real event....The rate of [maliciously fabricated] allegations was found to be the same as the rate found to exist in all types of cases notified to the state child protection service...Another larger study of ...custody and access cases with sexual abuse allegations....(Hume 1997) has shown the same results. However, this perception is prevalent, in the court, the state child protection services, and among legal practitioners, despite its inaccuracy.”³⁶

16. Do children often maliciously fabricate allegations of child sexual abuse?

Fact: No. Children hardly ever fabricate allegations of sexual abuse. Studies analyzing maliciously fabricated allegations of child sexual abuse have found that children bring only 0% to 2% of such allegations. There is no reputable research to support the notion that children can be brainwashed to believe they have been sexually abused when they have not.³⁷

17. Do parents involved in highly contested custody disputes often maliciously fabricate allegations of child sexual abuse against the other parent?

Fact: No. Maliciously fabricated allegations of child sexual abuse are exceedingly rare. Most studies find that only 1% to 6% of all child sexual abuse allegations in custody and visitation disputes are maliciously fabricated. The remaining 94% to 99% of such allegations are either true or were brought in good faith, based upon a reasonable suspicion.

- Studies find that family law judges consider allegations of child physical and sexual abuse to be maliciously fabricated far more often than is supported by the research.³⁸

18. Are fathers responsible for making a significant percentage of the child abuse allegations that are later found by courts to have been maliciously fabricated?

Fact: Yes. Research has found that fathers are sixteen times more likely than mothers to maliciously fabricate allegations of child abuse. 21% of such allegations made by fathers against mothers are considered by investigators to have been maliciously fabricated, versus 1.3% of such allegations made by mothers against fathers.

- Although fathers accuse mothers and mothers' new partners of child abuse in 17% of cases involving such allegations, their allegations are found to be maliciously fabricated 21% of the time.³⁹



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19. Are mothers responsible for making a significant percentage of the child sexual abuse allegations that are later found by courts to have been maliciously fabricated?

Fact: No. Research has established that while mothers accuse fathers of child sexual abuse in 48% of cases involving such allegations, their allegations are found to be maliciously fabricated only 1.3% of the time.⁴⁰

20. Do sexually abused children commonly recant their allegations of abuse?

Fact: Yes. Between 22% and 33% of sexually abused children recant previous disclosures of sexual abuse when they experience the serious negative consequences of disclosure, including the breakup of their family, pressure from parents, or removal from their home.

Rates of recantation are highest when the accused perpetrator is a parent or close relative of the child upon whom the child is dependent, when the non-offending parent(s) or caretakers are perceived by the child to be non-supportive of the disclosure of sexual abuse, and when the child is placed in unsupervised contact with the accused perpetrator after having disclosed sexual abuse.

About 93% of those children who recant their prior disclosures of sexual abuse later reaffirm their prior disclosures and disclose further about their sexual abuse.⁴¹

21. Is it common for children in child custody disputes to be successfully alienated from one parent by the other parent?

Fact: No. The most comprehensive study to date found that although 50% of the parents in that study engaged in behaviors which might have sabotaged the child's relationship with the other parent ("by telling negative stories and blaming the other parent, modeling hostile, demeaning behavior in the child's presence, using the child to convey these messages, and responding with anger if the child was inclined to express positive feelings about the other parent")

- despite these problematic behaviors by parents, only about 6% of children were extremely rejecting of the other parent (i.e., expressing "anger, dislike, scorn, denigration and complaints about the parent that were at times backed up by the child citing...allegations of maltreatment, often accompanied by refusal to visit").
- "The study's findings also show support for the idea that some of the children who were rejecting of a parent may have had their own good reasons for doing so." Researchers found substantiation of child sexual abuse in 8.9% of the cases, overall child maltreatment in 36.8% of the cases, and domestic violence in 44.2% of the cases, with fathers 3 times more likely than mothers to be perpetrators.⁴²



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22. Can medical professionals usually determine if a child has been sexually abused?

Fact: No. Medical evidence is very rare in cases involving child sexual abuse.

- The majority of sexual assaults upon children do not involve penetration and thus are not likely to leave physical evidence.⁴³
- Even in legally confirmed cases of vaginal penetration, the rate of abnormal medical findings is only 5.5%.⁴⁴
- The rate of abnormal medical findings in legally confirmed cases of anal penetration is only 1%.⁴⁵
- Genital tissue is very elastic and heals rapidly. Unless the child is examined by a medico-legal sexual assault specialist within 48 hours of the rape, any genital tears are likely to have healed and DNA or semen will have disappeared.⁴⁶
- Generalist physicians, even pediatricians, lack a basic understanding of pediatric genital anatomy.⁴⁷
- “[T]he majority (94.5%) of children with legally-confirmed sexual abuse will have normal or non-specific genital findings.” Conversely, any abnormal medical finding is highly corroborative of a child’s disclosure of sexual abuse.⁴⁸

23. Can mental health professional investigators determine if a child has been sexually abused?

Fact: No. Investigation of child sexual abuse allegations is a specialty field, and very few evaluators, mediators or social workers are experts in this field.

- Alleged perpetrators can find that the process of psychological evaluation sometimes works to their advantage. “Psychological evaluators cannot distinguish reliably between incest offenders and non-offenders...”⁴⁹
- “[C]linical evaluation is especially poor at predicting future sexual offenses against children, scoring only slightly better than chance in assessing which men would re-offend and which would not.”⁵⁰
- Psychological testing fared no better than clinical evaluation in predicting future sexual offenses against children.⁵¹ “[N]or is there a valid psychological test or profile that can conclusively determine whether an accuser, an accused, or a child is telling the truth about an allegation.”⁵²
- At the same time, psychological testing of the mother who brings the allegation of child sexual abuse to the attention of the court is often used to discredit her reports. She may be described by the evaluator as angry or bitter about the divorce, hyper-vigilant, or paranoid. Such evaluations rarely take into account the normative psychological responses of mothers whose children have been sexually abused.⁵³



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24. Can a child's testimony about sexual abuse, standing alone, be considered evidence beyond a reasonable doubt, used to obtain a conviction in criminal court?

Fact: Yes. In criminal court: "[T]he testimony of the victim alone is constitutionally sufficient to sustain a conviction." *United States v. Terry*, 362 F.2d 914, 916 (6th Cir. 1996).

- "[T]he victim's testimony alone is sufficient to establish a prima facie case of either rape or sexual abuse." *Jones v. State*, 719 So.2d 249,255 (Ala.Crim.App 1996)."
- "... [V]ictims' testimony that habeas petitioner abducted her and raped her was constitutionally sufficient to sustain conviction despite lack of corroborating witness or physical evidence. *United States v. Howard*, 218 F.3d 556, 565 (6th Cir.2000)
- Studies show that child abuse cases were less likely to have charges filed than felonies overall, but child abuse cases that were carried forward were just as likely to lead to conviction as other cases.⁵⁴
- Out of 10,756 Child Protective Services investigations, "... where there was an on-going custody or access dispute and an allegation of child sexual abuse [n=69], the police were involved in 46% of cases, but charges were laid in only 3% of such cases, a very low rate of charging..."⁵⁵

25. Should a child be protected based solely on his or her disclosure of sexual abuse?

Fact: Yes. The single most important indicator of child sexual abuse is disclosure by the child to a trusted adult.⁵⁶ Because family courts use a civil standard of proof (a preponderance of the evidence, or just over a 50% likelihood) rather than the higher criminal standard of proof (beyond a reasonable doubt), substantially less evidence is required in family court to meet the burden of proving that a child needs protection from sexual abuse.

26. Are children protected in family courts when child sexual abuse is raised in custody disputes?

Fact: No. Children who disclose sexual abuse by a parent in the context of a custody dispute are frequently not protected from further abuse. Research shows that:

- Only 10% of children alleging incest are adequately protected from their identified perpetrators by family courts through long-term supervised visitation orders or no-contact orders.



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- The remaining 90% of children disclosing abuse receive no protection, with 70% continuing in shared custody and visitation arrangements without any supervision, and 20% being placed in the custody of the parent they accused of the sexual abuse, and losing unsupervised or all contact with the parent who sought to protect them.⁵⁷

27. Do cases involving abuse allegations take up more court time and resources than other family court cases?

Fact: Yes. Cases involving allegations of abuse take up a large amount of court time and resources.

- “[C]hild abuse cases ha[ve] become what the management experts term ‘the core business of the courts’. In other words, the child abuse cases stayed in the courts; they did not drop out or become resolved as frequently as other custody and access cases....Consequently, they ha[ve] become a major part of the court’s business.”⁵⁸
- “Abusive ex-spouses [‘abusive-controlling violent relationships’, also called ‘battering or intimate terrorism’] may use family court litigation as a new forum to continue their coercive, controlling behavior and to harass their former partner. Litigation exacts a high emotional price, especially for abused women already overwhelmed with the aftermath of a violent relationship.”⁵⁹

ENDNOTES:

1 Briere, J. & Elliott, D.M., Prevalence and psychological sequelae of self-reported childhood physical and sexual abuse in a general population sample of men and women, *Child Abuse & Neglect*, pp. 1205-1222, 2003. (32% of women and 14% of men out of 935 respondents reported having been sexually abused as children, p. 1216)

2 Bolen, R. M. & Scannapieco, M., *Prevalence of Child Sexual Abuse: A Corrective Metanalysis*, Social Service Review, 73(3), pp. 281-313, 1999; Douglas, E., & Finkelhor, D., Fact Sheet, May 2005. <http://www.unh.edu/ccrc/factsheet/pdf/CSA-FS20.pdf>.

3 The Gallup Organization, *Disciplining Children in America*, 18, December 1995. (1,000 families). (The incidence of reported child sexual abuse appears to be declining, according to Jones & Finkelhor, 2001-2003 but the reasons for this are not clear. It has been reported that the national data collecting agencies are no longer collecting data on reports of child sexual abuse involving children under age 12. This alone could account for the purported decline.)

4 Mendel, M. P., *The Male Survivor: The Impact of Sexual Abuse*, Sage Publications, pp. 15-21, 1995.



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5 Finkelhor, D., Hotaling, G., et al, *Sexual abuse in a national survey of adult men and women: Prevalence, characteristics, and risk factors*, Child Abuse & Neglect, 14, pp. 19-28, 1990. (1,374 women and 1,252 male respondents)

6 Summit, R., *The Child Sexual Abuse Accommodation Syndrome*, Child Abuse & Neglect, Vol. 7, pp. 177-193, 1983.

Paine and Hansen, *Factors influencing children to self-disclose sexual abuse*, Clinical Psychology Review, Vol. 22, pp. 271- 295, 2002.

DiPietro, E., Runyan, D., & Fredrickson, D., *Grand Rounds: Medical Issues - Predictors of Disclosure During Medical Evaluations for Suspected Sexual Abuse*, Journal of Child Sexual Abuse, Vol. 6(1), pp. 133-142, 1997. (Children delay reporting longer when abused by a close relative)

7 Roesler, T. A. MD & Wind, T.A. *Telling the secret: adult women describe their disclosure of incest*, Journal of Interpersonal Violence, 9, pp. 327-338, 1994.

8 Roesler, T.A, MD., *Sexual Abuse, Adult's reaction to child's disclosure of abuse will influence degree of permanent damage*, Brown University Child and Adolescent Behavior Newsletter, Vol. 16, No. 8, August 2000.

9 Greenfield, L., *Child Victimization: Violent Offenders and their Victims*, Jointly published by the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics and Office of Juvenile Justice and Delinquency Prevention, p.10, 1996.

Snyder, H., *Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics*, U. S. Department of Justice, Bureau of Justice Statistics, p. 10, July 2000.

Gomes-Schwartz, B., et al., *Child Sexual Abuse: The Initial Effects*, Sage Publications, p. 64, 1990. (Other older non-government studies estimate somewhat higher rates of child sexual abuse by strangers)

Conte, J. & Schuerman, J., *Factors Associated With An Increased Impact of Sexual Abuse*, Child Abuse & Neglect, 11, p. 201, 1987.

10 Greenfield, L., *Child Victimization: Violent Offenders and their Victims*, Jointly published by the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics and Office of Juvenile Justice and Delinquency Prevention, p.10, 1996.

Gomes-Schwartz, B., et al., *Child Sexual Abuse: The Initial Effects*, Sage Publications, p. 64, 1990. (Due to variations among studies and how they measure the categories, data do not add up to 100% when averaging among studies.)

Conte, J. & Schuerman, J., *Factors Associated With An Increased Impact of Sexual Abuse*, Child Abuse & Neglect, 11, p. 201, 1987. (Stepfathers present an increased risk of sexually abusing their stepchildren. Finkelhor, D., et al, *A Sourcebook on Child Sexual Abuse*, Sage Publications, p. 78, 1986.

11 Greenfield, L., *Child Victimization: Violent Offenders and their Victims*, Jointly published by the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics and Office of Juvenile Justice and Delinquency Prevention, p.10, 1996.

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13 Russell, D. *The Secret Trauma, Incest in the Lives of Girls and Women*, Basic Books, Inc., NY, p. 216, 1986.

14 Greenfield, L., *Child Victimization: Violent Offenders and their Victims*, Jointly published by the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics and Office of Juvenile Justice and Delinquency Prevention, p.10, 1996.

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16 Paveza, G., *Risk factors in father-daughter child sexual abuse*, *Journal of Interpersonal Violence*, 3(3), pp. 290-306, 1988.

McCloskey, L.A., Figueredo, A.J. & Koss, M., *The effect of systemic family violence on children's mental health*, *Child Development*, 66, 1239-1261, 1995. (365 respondents)

17 Seto, M., Cantor, J. & Blanchard, R., *Child Pornography Offenses Are a Valid Diagnostic Indicator of Pedophilia*, *Journal of Abnormal Psychology*, Vol. 115, No. 3, pp. 610-615, 2006. (685 male patients referred for a sexological assessment of their sexual interests and behavior)

18 Hernandez, A., *Self-Reported Contact Sexual Offenses by Participants in the Federal Bureau of Prisons' Sex Offender Treatment Program: Implications for Internet Sex Offenders*, Federal Bureau of Prisons, November 2000. Director of the Sex Offender Treatment Program, FCI Butner, (76%, and as updated 2000-2006—85%).

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19 Wolak,, J. et al, *Child-Pornography Possessors Arrested in Internet-Related Crimes: Findings From the National Juvenile Online Victimization Study*, Funded by the U.S. Congress Through a Grant to the National Center for Missing and Exploited Children, p. 16, 2005.

20 Langevin, R. & Curnoe, S., *The Use of Pornography during the Commission of Sexual Offenses*, *International Journal of Offender Therapy and Comparative Criminology*, 48, pp.572-586, 2004.

21 Seto, M. & Eke, A., *The Criminal Histories and Later Offending of Child Pornography Offenders*, *Sexual Abuse: A Journal of Research and Treatment*, Vol. 17, No. 2, pp. 201-210, April 2005.

22 Wolak,, J. et al, *Child-Pornography Possessors Arrested in Internet-Related Crimes: Findings From the National Juvenile Online Victimization Study*, Funded by the U.S. Congress Through a Grant to the National Center for Missing and Exploited Children, p. 5, 2005.

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(Intentionally false allegations of child sexual and physical abuse occur in 12% of disputed child custody cases versus 3% in non-divorce contexts. Of those 12% occurring in a divorce context, non-custodial parents (usually fathers) brought 43% of all intentionally false allegations, while custodial parents (usually mothers) brought only 14% of intentionally false allegations.)

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