The following is a preliminary analysis of a national survey of 399 protective parents from 39 states in the United States who were involved in custody disputes. The survey was designed and analyzed by Geraldine Stahly, PhD, professor at California State University San Bernardino, and her researcher assistants. 40% of the cases are from California.

- The custody disputes arose after separation/divorce. **81% of mothers started with primary custody**
- 90% of mothers reported being victims of domestic violence; half of fathers had criminal histories.
- Allegations of physical and sexual child abuse arose in nearly all cases. In 75% of cases, children positively identified fathers as perpetrators. The children had serious symptoms, including sleep disorders, rage, regression, fears/phobias, pain, depression, dissociation, sexual acting out, suicide attempt, constipation/diarrhea, learning disability, and eating disorders.
- After mothers brought child abuse, child support, domestic violence, violation of court order, criminal conduct, substance abuse, move away, or spousal support to the attention of the court, judges ignored or minimized evidence of abuse and changed custody to the fathers in three quarters of cases.
- 67% of mothers lost parenting rights based on an evaluator’s recommendation and 44% lost custody due to a mediator’s report. Attorneys for children zealously advocated for their clients in only 9% of cases.
- **Only 17% of mothers had primary custody after court proceedings.** Over half of mothers attempting to protect their children were restricted from all contact with their children, and nearly half were put on supervised visitation, at some point in the proceedings.
- **98% of the fathers were represented by an attorney while the mother had no attorney.** Over half of hearings were held without a court reporter present, thus precluding an appeal.
- Most mothers believed there was unethical communication among court professionals, and between the fathers and court professionals.
- 27% of mothers filed for bankruptcy after spending a modal average of $100,000 on litigation, and 78% of the cases were still in progress.
- **Two thirds of the children continued to report abuse.** 86% of mothers believe their children were still being abused yet believe they cannot protect their children. Over half of mothers stopped reporting abuse for fear their contact with their children would be terminated.

It is clear from these data that children are being taken from their primary caregiving mothers and placed with fathers whom the children identified as abusive. The family court is not responding well to the plight of abused children.

As medical research shows, these children will have far-reaching negative outcomes in adulthood. It is incumbent upon family court to prevent such outcomes by keeping children safe and nurtured.

More information can be found at www.leadershipcouncil.org; www.centerforjudicialexcellence.org; www.protectiveparents.com; and www.distinctioninfamilycourts.org