Mapping Gender: Shedding Empirical Light on Family Courts’ Treatment of Cases Involving Abuse & Alienation

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FAMILY COURT OUTCOMES IN CUSTODY CASES INVOLVING PARENTAL ALIENATION AND/OR ABUSE

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BWJP Webinar
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Why?

- Enormous problems in the field
- Critiques having little impact
- Need for empirical proof
National Pilot Study

- Custody and parental alienation
- 10-year period (n = 240)
- Electronic search
- Researcher coded them and used cross-tabs for informal analysis

Shout-out to Sean Dickson, Esq., MPH
Findings from Pilot Data
ALL ALIENATION CASES

Standard scenario:
• Mother alleges abuse
• Father alleges alienation

Less common:
• Mother alleges alienation
Courts credited:

- 59% of DV allegations
- 19% of child abuse allegations
- 6% of child sexual abuse allegations

Overall: 26% of abuse claims
When they alleged mother was alienating, fathers won*

*some or all of what they sought; or defeated other party

- 67% of cases where no abuse alleged
- 73% of cases where DV alleged
- 69% of cases where child abuse alleged
- 81% of cases where child sexual abuse alleged
- 62% of cases where DV validated (8/13)*

*38% of these mothers lost custody (5/13)
The Power of Alienation claims by *fathers* vs. *mothers*

When one parent accused the other of alienation, fathers were 2.3 times more likely to win than mothers.

When credited, 4.3 times more likely
Primary Custody switched to father

• 48% where no abuse alleged
• 29% where DV alone alleged
• 30% where mixed abuse alleged
• 57% where child abuse alone alleged
• 68% where child sexual abuse alone alleged
Child Sexual Abuse penalty

In alienation cases:

Mothers were 5.3% more likely to lose custody if they alleged child sexual abuse than if they alleged DV.
Both Abuse and Alienation Credited (n = 7)

Maternal Alienation

Father Always Wins

Paternal Abuse
2013 Pilot

2014 NIJ awards “3-year” Expanded study

2015 Getting started Research engines Defining/Testing Codes

2016 Searching/Triaging 14,000 + cases Defining/re-defining Codes

2017 Coding 5,000 cases

2018 Number-crunching Analyzing Re-crunching Re-analyzing
Main Difference from Pilot Study

- Includes not only cases with alienation claims but also cases with abuse claims (and no alienation)

- Allows us to compare outcomes when alienation is used as a defense to when it is not
<table>
<thead>
<tr>
<th>Very preliminary indications</th>
<th>Alienation <em>allegations</em> similar impact for both genders</th>
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</thead>
<tbody>
<tr>
<td></td>
<td><em>Credited</em> alienation much more impact for fathers</td>
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<td>Abuse claims vs F increase crediting of M’s alienation, F win rates and M custody losses</td>
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</tbody>
</table>
New Findings

Impact of Corroboration of Abuse

Impact of Custody Evaluators/GALs

Some interesting state differences
STAY TUNED

Results will begin to be released in April, June and thereafter
Questions?