



FALSE ACCUSATIONS IN CUSTODY CASES

The frequency of false accusations has continued to increase whether it is by a mother or father. False accusations of domestic violence, sexual assault, child abuse, and even paternity are dramatically increasing. False accusations continued to backlog both the criminal and family law court systems. Studies have found that if false accusers were held accountable, court backlog could be significantly decreased and allow for more efficient use of judicial resources.

False accusations may have a significant impact on both the targeted parent and their children particularly where the accusing party employs a “scorched earth” campaign intended to alienate the parent from the children. More and more judges are recognizing the alienation campaigns and taking strong clear action against the false accuser.

Some of the recommendations being made to stop the epidemic of false accusations include the following:

1. More serious false accusations should result in criminal charges with the same degree of punishment the victim of the false accusation could have suffered;
2. Court should be allowed to quickly issue minor sanctions against the false accuser such as public service;
3. Strict adherence to current laws regarding false reporting and perjury;
4. Any false accusations/allegations as illegal and presumptive effect on one’s legal custody should require a clear and convincing standard of proof rather than preponderance of evidence.