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Abuse charges can be a potent weapon in a war between parents

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Film director Woody Allen felt compelled to call a New York news conference last week to deny that he had molested two of his young children.

Amid this dramatic denial was the revelation that he and actress Mia Farrow, who has accused him of the abuse, have been entangled for the last six to eight months in child custody negotiations.

This scene is commonplace in the nation's family courts.

Over the last decade, as public awareness of sexual abuse and incest has grown, the allegation that a parent has sexually abused a child — whether it is true or false — has become a potent weapon in custody battles. While such allegations come from both mothers and fathers, it is more often the fathers who find themselves the target of investigation and suspicion.

Merely the suggestion of sexual abuse by a parent is enough to cause the courts, family, friends and the community at large to view the accused with suspicion and revulsion.

"I think the only thing a father in a child custody battle would be more afraid of would be for the mother to kidnap the children," says Dr. Richard A. Please see **CHARGES** on Page 5C.

Charges hurt the whole family

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Warshak, a Dallas clinical psychologist and author of *The Custody Revolution: The Father Factor and the Motherhood Mystique*.

Complicating Mr. Allen's own case is his admission that he is having a love affair with Ms. Farrow's adopted daughter, who is believed to be 21. Mr. Allen and Ms. Farrow never married but they have jointly parented 11 children. The couple has one biological child; the other children are Ms. Farrow's from a former marriage or have been adopted.

Ms. Farrow has reportedly recorded their 7-year-old daughter on videotape, asking the child whether her father abused her. The New York television station WNYW-TV, which says it has viewed the tape, issued its own statement last week, saying, "The tape seems to support Farrow's allegations of abuse. The child seemed nervous and shaken."

Hard to confirm

Even trained professionals concede that it is very difficult to determine whether a parent has sexually abused a child, unless there is overwhelming physical evidence. Especially, as in many custody cases, if the charges involve children 5 years old and younger because of the difficulty in getting reliable statements.

The tragedies, even when the charges are false, are multiple: The reputation of the accused parent is very often ruined. A child can be needlessly separated from the accused parent, traumatizing both the parent and the child.

Not the least among those harmed are the children who really have been sexually abused. Reports of vengeful parents striking out at a spouse can cloud the very real, devastating problem of child sexual abuse.

"This whole business is extremely frustrating to us," says Anna Marie Flores, a supervisor at the Dallas Children's Advocacy Center, a partnership of police, prosecutors, child protective services and medical centers which investigates child abuse and neglect.

"People are going to lie to us, and by 'people' I mean the adults. We have to be able to sort through the information we get to try and come up with some truth."

Dr. Warshak, also a faculty member at the University of Texas Southwestern Medical Center, says, "I don't think suspicions of abuse should ever be taken lightly. But I think there is so much visibility on the issue that some people may see abuse when it doesn't exist."

"There are horror stories on both sides," says Dr. Warshak. "There are instances where terrible abuse continues and instances where terrible abuse is caused by the allegations."

Family law attorney John Turner estimates that half of the custody cases that go to trial in Dallas involve charges of sexual abuse. He has watched such charges escalate over the last five years. The charges and counter-charges between parents sometimes become so bitter that the court is forced to appoint a guardian to represent the child's interest. If the court errs, he says, it will be on the side of the child, often leaving the accused without visitation rights.

"If you make this allegation, the court feels an obligation to act," says Mr. Turner. "People have picked up on that."

Every month, 1,000 reports of abuse or neglect are received by Children Protective Services in Arlington, an

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office of the Texas Department of Human Services. The office, which covers Dallas and Tarrant counties, among others, accounts for 25 percent of all child abuse and neglect reports statewide.

Of the 1,000 monthly reports, about 200 concern sexual abuse. Ten percent to 15 percent of those reports, and possibly as many as 20 percent, involve child custody cases.

Paul Weirether, Children Protective Services supervisor, says that most of the parents reporting sex abuse already have spoken with an attorney about their suspicions. Sometimes the parents are only going on what he calls "dynamics." The child, for example, used to be an "A" student and is now getting "C's." Or the child is withdrawn or doesn't want to visit the father. Sometimes, says Mr. Weirether, it is the parent's anger at the spouse or ex-spouse that really comes through.

"They can't let go," he says. "They keep hacking at each other and put the child in the middle, and it escalates."

There are even parents who matter-of-factly explain that their custody case is going to court and that their attorney suggested they call Children Protective Services.

"They will try to get us hooked so we can testify," says Mr. Weirether.

'Spite referrals'

Caseworkers have a name for these kinds of calls: spite referrals.

"We had one the other day," he says. "The boyfriend was calling (the Children Protective Services) on the mother about something that happened a long time ago. We asked, 'Why are you calling today?' He said, 'Well, she kicked me out.'"

But if there is the slightest doubt, says Mr. Weirether, his office will investigate.

"The bottom line for us is we have to give the child the benefit of the doubt."

Each report is automatically passed on to police. The primary consideration, says Mr. Weirether, is whether the child is safe in the home.

Because these cases are so complicated, the system has become more sophisticated, says Dallas psychologist Roberta S. Berger, who treats children, adolescents and adults who were sexually abused as children.

Police are less likely to arrest an accused parent at work, for example. The accused parent is also sometimes asked to move out temporarily, or the child is removed from the home, to give reluctant children the security to talk.

"What happens is that the kids are caught in a cross-loyalty problem," says Dr. Berger.

Without a strong statement from the child, physical evidence is the only conclusive proof that abuse has occurred. Without this evidence, Dr. Berger, when she testifies in Please see CHARGES on Page 6C.

Charges of child sex abuse can be a powerful weapon

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court, is advised to say only, "The behavior resembles that of other children who've been abused."

For the same reason, it is just as difficult to prove that the charge is false.

"How do we know positively that it was a false allegation?" asks Lt. Bill Walsh, head of investigations in the Youth and Family Crimes Bureau of the Dallas Police Department.

"The tragedy is the damage it does to kids," says Lt. Walsh. "Two people are pulling on the kid without considering what it's going to do to the kid."

Because the system is designed to protect the child, it doesn't take long for vengeful parents to learn how to use it to their advantage. Ms. Flores, of the Dallas Children's Advocacy Center, says they had a case where a mother reported that her 3-year-old daughter was being molested during visits to her father. An investigation failed to find evidence. The child, when asked, said no one had

touched her. Two months later, the mother took the child to a clinic and made the same charge. The case was investigated again. Two months later, another clinic, another investigation.

"That child is traumatized because of repeated interviews and physical examinations," says Ms. Flores. "At some point, as the child grows older, she's been conditioned by her mother that she's a victim."

The National Child Abuse Defense and Resource Center in Holland, Ohio, was formed to counter just such conditioning. An advocacy group for parents who say they've been falsely accused of sex abuse, the group acts as a clearinghouse for information and assists parents in their cases. Executive director Kim Hart sent one of the organization's information packets to Mr. Allen after watching his news conference on television.

"It is an incredible weapon," says Ms. Hart of child sex abuse charges. "Immediately upon the allegation, the court will err on the side of the

child, based on nothing more than the Mom's say-so.

"Mom," she says, "is mad, bitter, angry and not getting the settlement she wants."

The blame, says Ms. Hart, lies with the nation's earlier reluctance to admit that child sexual abuse occurs.

"We failed to protect the children truly being harmed 20 years ago," she says. "As our country always has the habit of doing, the pendulum has swung to the other side.

"The damage when you make an allegation against someone is that it's not just that person it affects — it affects an entire family, the friends, everyone."