

An explorative study of false allegations of child sexual abuse in divorce and custody  
proceedings in South Africa

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## DEDICATION

***“EDUCATION IS THE MOST POWERFUL WEAPON WHICH YOU CAN USE TO CHANGE THE WORLD.”***

***NELSON MANDELA (1918-2013)***

If you ever expect to have an impact on the world, this quote from Nelson Mandela should be among the quotes that explain the importance of education. This quote should inspire you to want to learn about the world around you so you can change it. Subjects like history, science, math, and English can all lead you to learn the knowledge you will need to have an impact on the world.

I dedicate my academic life and eagerness to learn to my children to inspire them in future to make their mark academically. I salute the academia through completing my third PhD.

**This study does not seek to minimize the suffering that can be caused by sexual abuse. Sexual abuse of children is a horrendous act, and its victims frequently suffer in silence. Increased understanding of the nature of allegations and substantiation thereof is sought in order to improve the processes of the Family Court system, with the ultimate intention of producing better outcomes of the men, women, and children it serves.**

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## **ABSTRACT**

An explorative study of false allegations of child sexual abuse in divorce and custody proceedings in South Africa

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False child sexual abuse allegations in divorce and custody proceedings are a disconcerting problem in South Africa having devastating effects on the family unit going through a divorce, and on society as a whole. Limited research has been done in South Africa on the subject matter (Janse Van Rensburg, 2008; McDonald, 1998; Preller, 2014). This study utilize General System's Theory, the Theory of Reasoned Action, the Theory of Planned Behaviour and the Crisis Theory to explore the subject matter. An explorative qualitative approach with a constructivist epistemology was utilised. The participants in this study involved thirty key informants, who included social workers, psychologists, counsellors and other professionals who specialise in divorce, custody and sexual abuse matters. A further five falsely accused parents and five accusing parents formed part of the sample. The data collection method used was that of in-depth interviews and research assistants were trained and appointed to gather the information. Notes were taken and the interviews were recorded to enable the necessary data analysis. Content and thematic data analyses were used to analyse the data and obtain the necessary results.

The research findings indicate that false child sexual abuse allegations have a detrimental effect on the accused parent and explain the agony, severe trauma and emotional distress the falsely accused parent go through. There are various factors contributing towards false child sexual abuse allegations and results show that the impact of such allegations is

detrimental to the family system, the child and the falsely accused parent and brings disequilibrium to the family system that is very difficult to restore post-divorce. The mental health perspective on false child sexual abuse paints a rather bleak picture of the legal and social system and on adequately addressing the social issues at hand. Results highlight that false allegations are a complicated phenomenon and not all professionals nor the courts have the necessary skills to deal adequately with these matters.

Research recommends amendments to South African Policy and Legislation, changes to the South African court system, and capacity building of mental health professionals. As this research is a ground-breaking study in South Africa, as no scientific research has been published on the subject matter, this study should be used as a basis for future research studies.

## **CHAPTER 1: INTRODUCTION**

This chapter presents a background to create a context and to introduce the topic of false child sexual abuse allegations in divorce and custody proceedings. The significance of this study will focus on the devastating effects false child sexual abuse allegations have on the family unit post-divorce and society as a whole. Aims, specific objectives and questions will be formulated, and five research assumptions will be set out to guide the research. Important concepts will be clarified and, to conclude, a discussion on the significance of this study to social work practice will be highlighted.

### **1.1 Background and context**

According to Parkinson (2003) there is no greater problem in family law today than that of adequately addressing child protection concerns in family court proceedings. False child sexual abuse allegations in divorce and custody proceedings are a disconcerting problem in South Africa having devastating effects on the family unit going through a divorce, and on society as a whole (Janse van Rensburg, 2008). Professionals and the courts are confronted with divorce cases that are complex. Divorce matters cannot be finalised because of pending child sexual abuse charges. This impact on the decision making regarding the children's best interests. (Janse van Rensburg, 2008; McDonald, 1998). This leads to various assessments and interventions that can become costly. It, furthermore, creates a situation of a high-conflict divorce where all parties present with high level of anger that affects the children. Although false child sexual abuse allegations in divorce and custody proceedings occur in South Africa (Preller, 2014), limited research has been done to assist professionals in assessing matters in the South African context (Janse van Rensburg, 2008; McDonald, 1998; Preller, 2014).

Mental health professionals in South Africa are faced with false child sexual abuse allegations in divorce and custody proceedings. No research specific to South Africa has

been done in this regard in an attempt to fully understand false child sexual abuse in divorce and custody proceedings (McDonald, 1998). A large body of literature is available on false child sexual abuse allegations in America, Australia, Britain and Canada (Awad & McDonough, 1991; Brennan & Brennan, 1994; Brown et al., 2000; Cowling, 2012; Higgins, 2007; Faller & DeVoe, 1996; Thoennes & Tjaden, 1990; McIntosh & Prinz, 1993; Wakefield & Underwagner, 2012; Zepezauer, 1994).

As this phenomenon also exists in South African society (Janse van Rensburg, 2008; McDonald, 1998; Preller, 2014), it is deemed important to generate empirical literature on this subject matter. Such research will add value and make a marked contribution to the field of social work. The lack of research studies, particularly South African studies, means we do not know the actual number of incidences of false child sexual abuse allegations. It is, thus, difficult to speculate on the magnitude of the problem in South Africa. What is known is that false child sexual abuse allegations in divorce and custody proceedings do occur (Janse van Rensburg, 2008).

Literature is available regarding actual research figures on how frequently false child sexual abuse allegations are made (Awad & McDonough, 1991; Brennan & Brennan, 1994; Cowling, 2012; Faller & DeVoe, 1996; Higgins, 2007; Thoennes & Tjaden, 1990; McIntosh & Prinz, 1993). A United States study in the early 1990s found that during the preceding decade the percentage of custody and visitation assessments involving sexual abuse allegations increased from almost zero to approximately 20% of the cases seen by the American Custody and Access Team at the Family Court Clinic (Awad & McDonough, 1991).

In Australia, it was found that the rate of child sexual abuse allegations in disputed custody cases is approximately 2% to 6%, which is considered to be low. It is, however, greater in high-conflict cases, with up to 23% of such cases involving child sexual abuse

allegations (Higgins, 2007). These findings are similar to studies of Thoennes and Tjaden (1990), and McIntosh and Prinz (1993). McDonald (1998) indicates that, while it is popularly believed that all allegations of sexual abuse in divorce involve the mother accusing the father, this is not the case. Mothers accused biological fathers in 48% of the cases and stepfathers in 6% of cases. Fathers accused mothers or the mother's new partner in 16% of cases, and fathers accused third parties in another 6% of cases. The remainder of cases were those made by third parties. These figures are taken from only one study made on false child sexual abuse cases. Even though they show a small percentage of cases, false child sexual abuse allegations in divorce and custody proceedings do exist (McDonald, 1998).

Unfortunately, within the South African context, no research study could be found to give an indication of the incidence and prevalence of false child sexual abuse allegations in divorce and custody proceedings (Janse van Rensburg, 2008; McDonald, 1998; Preller, 2014).

## **1.2 Statement of the research problem**

False allegations of child sexual abuse in divorce and custody proceedings are a real issue in society and affect the family unit as a whole, including both parents and children (Boakes, 1999; Janse van Rensburg, 2008; Zepezauer, 1994; Wakefield & Underwagner, 2012). There is a significant concern among the general public, experts, litigants, and interest groups about the likelihood of false allegations of child sexual abuse being raised in family court cases in South Africa (Janse van Rensburg, 2008). However, little attention is given to the subject matter and there is little understanding of the issues involved in these cases (Black & Schweitzer, 2012; Brown, Frederico, Hewitt, Sheehan, 2000; Parkinson, 2003; McIntosh & Prinz, 1993). Family courts frequently rely on the expertise of mental health care practitioners in cases of sexual abuse in the context of child custody evaluations. Such

assessments are complex and the problem of false allegations of child sexual abuse in divorce and custody proceedings is a contentious and complicated social problem (Behnke & Connell, 2005; Bow, Quinnell, Zaroff & Assemany, 2002).

According to Bala, Mitnick, Trocme and Houston (2007), a significant proportion of allegations of child sexual abuse made in the context of parental separation are true, but there are also relatively high rates of false and unfounded allegations. While some cases of untrue allegations are instances of fabrication, some unfounded claims are made in good faith. Pre-existing distrust or hostility may result in misunderstandings and unfounded allegations, especially in cases where the children involved are young and the allegations are reported through a parent. Some cases of unfounded allegations may be the product of emotional disturbance in the accusing parent (Bala et al., 2007).

Cowling (2012) argues that false child sexual abuse allegations are mostly not made in good faith and that these accusations are usually made vindictively. The researcher is of the opinion that, in South Africa, cases exist where allegations are also made with vindictive intent (Janse van Rensburg, 2008). This study will focus on exploring false allegations of child sexual abuse in divorce and custody proceedings.

False claims are easily made and carry severe consequences for the accused (Boakes, 1999; Zepezauer, 1994). False allegations of child sexual abuse that arise during divorce and custody proceedings are complicated and difficult to resolve. These false allegations have devastating effects on the divorcing family and especially for the children, who get caught up in this destructive process (Bow et al., 2002; Wakefield & Underwagner, 2012). Fights play out in court, in public, and in front of the children. They involve bitter words, malicious threats and, at times, explosive violence or, in some cases, icy silence, a refusal to communicate and messages that are communicated through the children (Baris, Coates, Duvall, Garrity, Johnson & LaCrosse, 2001).

In some instances, parents become excessively hostile towards each other, and the children are placed in the middle of a very confusing dynamic. The children are often in a situation where they are not allowed to see the other parent, and this leaves them feeling confused and anxious about what is going on. The children are also confronted with parents who are talking about sexual abuse and they are often indirectly coached that they have been sexually abused. In addition, the children are forced into a legal and therapeutic intervention process that is often very confusing to them. They often do not understand what exactly is going on and feel pressured by adult parties to say what they want to hear (Barris et al., 2001; Faller & Everson, 2012; Kuehnle, 1998).

False sexual abuse allegations create a challenging task for professionals and the courts that must address these matters in this highly charged atmosphere. To establish whether a sexual abuse charge has been fabricated can also be a complex task and needs specialist attention (Bala & Schuman, 2000; Dillon, 1987; Faller & Everson, 2012; Kuehnle, 1998; Kuehnle & Connell, 2009; Ney, 1995; McGraw & Smith, 1992; Zepezauer, 1994).

According to Jenkins (2002) a primary concern in family court cases involving child sexual abuse allegations is the potential that mothers may use false accusations against fathers as ‘weapons’ in the fight for custody and contact. Barker & Howell (1994) has found that the accusers, who make false allegations of child sexual abuse, are usually female and usually the mother. However, this issue remains contentious and it is not necessarily only mothers who make these allegations, but also fathers and stepparents (Barker & Howell, 1994; Trocme & Bala, 2005; Wakefield & Underwagner, 2012). Determining a false accusation is complex and only the court should have the authority to make the final call on determining the finding on such matters.

The researcher is of the view that false child sexual abuse allegations are complicated and multi-faceted and demand critical attention. False child sexual abuse allegations in

divorce and custody proceedings tend to lead to an extended intervention process. Various professionals are drawn into the process, which becomes a very costly experience for the parents involved. The children are, furthermore, the main focus of the intervention process which can often create great confusion for them as they are not aware of the reason for the intervention. This is even more of a factor when the children are young (Janse van Rensburg, 2008). The children are often deprived of access to the accused parent and contact is restricted or prevented due to the allegations that have been made. In South Africa, there are no specific policies or legislation in place to guide professionals or the courts in these matters or that protect the falsely accused parent or the children. Policies and legislation do not make mention of false child sexual abuse allegations in divorce and custody proceedings. This implies that they do not exist (Janse van Rensburg, 2008; Preller, 2014). In South African practice, it is evident that false sexual abuse allegations are a growing concern and professionals are often faced with this social problem. It often arises that an assessment is requested for possible sexual abuse that has taken place during custody and divorce proceedings before a settlement agreement can be reached. Warning signs of a possible false sexual abuse allegation include, but are not limited to, a high conflict acrimonious divorce where the children are often in their formative years and struggle to convey accurate information. Through experience gained in practice, it is evident that this social problem of false child sexual abuse allegations is a growing concern and is more frequently found than in previous years.

### **1.3 Rationale and significance of the study**

There is a definite need to develop South African research to assist the courts and professionals with false child sexual abuse allegations in divorce and custody proceedings, as false child sexual abuse is a reality in South African society (Janse van Rensburg, 2008).

Cases involving risk to children, particularly risk of sexual abuse, pose a set of challenges for the family court, such as not knowing who is telling the truth, exposing the child to unnecessary intervention, and struggling to ascertain what has actually happened and if sexual abuse has indeed occurred (Bala & Schuman, 2000; Brown, et al., 2000; Forgarty, 2006; Lyon, Ahern & Scurich, 2012; Olafson, 2012; Varghese, 2004; Wakefield, 2006). In custody disputes, when one parent accuses the other of sexually abusing their child, the consequences can be devastating. Once an allegation has been made, it cannot be ignored, and the results in terms of residence and contact for the divorced family structure are serious (Varghese, 2004).

Sexual abuse allegations in divorce and custody matters can be challenging in court proceedings and require expert guidance (Bala et al., 2007; Behnke & Connell, 2005; Bow et al., 2002; Everson, Sandoval, Berson, Crowson & Robinson, 2012). Should the court unwittingly rule that the child is to have ongoing contact with an abusive parent, the very authority that is expected to provide protection becomes complicit in the abuse (Brooks & Milchman, 1991)? The child then also continues to be subject to the abuse, and the accusing parent is outraged, feeling helpless and desperate by the court's decision not to protect the child (Brooks & Milchman, 1991; Faller & Everson, 2012). Alternatively, should the court exclude an innocent parent from maintaining a relationship with the child, that parent may suffer shame and humiliation and their bond with their child may be damaged, if not severed (Brooks & Milchman, 1991). In South Africa, professionals are faced with false child sexual abuse allegations in court proceedings and there is often a lack of professional skill available to convey accurate information. Professionals are often wary of speaking out on this subject and may be rather overcautious in sexual abuse cases. This often ends in cases where the falsely accused parent and the children become estranged due to a lack of professional recommendations.

This study will make a significant contribution as it will create an evidence-based understanding for the courts and practitioners, such as social workers. The outcome will provide an understanding and generate knowledge regarding factors that contribute to false child sexual abuse allegations in divorce and custody proceedings. Mental health care practitioners will be able to clarify and support their recommendations with more evidence in court, and mental health care practitioners will be able to give clear expert testimony. It will, furthermore, assist the practitioner to explain the reasons behind the allegations to all parties involved, i.e. the parents, the children, the legal teams and the courts.

The outcome of the study will be able to influence policy making, as policies, such as the Green Paper and White Paper on Families, should acknowledge the existence of false child sexual abuse allegations in divorce and custody proceedings and should give directions on how to deal effectively with this problem.

This study will be beneficial to this researcher's private practice as well, as the researcher is often confronted with false child sexual abuse allegations in divorce and custody proceedings and will benefit by research and academic literature to support case work. It will also enable this researcher to become an expert and to train others in this field.

#### **1.4 Aims and objectives of this study**

The aim of this study is to explore the problem of false allegations of child sexual abuse in divorce and custody proceedings in an attempt to develop an evidence-based understanding for social workers in their intervention with children and families who are confronted with this problem during divorce and custody proceedings.

#### **1.5 Specific objectives**

The specific objectives of the study include:

- identifying factors that contribute to false child sexual abuse allegations in divorce and custody proceedings;
- examining subjective norms related to false child sexual abuse allegations in divorce and custody proceedings;
- examining the impact the false allegation of child sexual abuse in divorce and custody proceedings has on the children and the family;
- understanding the meaning persons accused of child sexual abuse by their spouse make of their experience.
- determining the essence of the phenomenon of false sexual abuse allegations in divorce and custody proceedings from the perspective of mental health practitioners.

## **1.6 Research questions**

The research questions that the proposed study will attempt to answer include:

- Which factors contribute to parents making false child sexual abuse allegations in divorce and custody proceedings?
- Which subjective norms relate to false child sexual abuse allegations in divorce and custody proceedings?
- What impact does a false allegation of child sexual abuse in divorce and custody proceedings have on the children and the family?
- What do persons accused of child sexual abuse by their spouse make of their experience?
- What is the essence of the phenomenon of false sexual abuse allegations in divorce and custody proceedings from the perspective of mental health practitioners?

## **1.7 Assumptions**

Assumptions are accepted cause and effect relationships, or estimates of the existence of a fact from the known existence of other facts and useful in providing basis for action and in creating "what if" scenarios to simulate different realities or possible situations (De Vos, 1998).

The proposed research study will be influenced by the following assumptions. First, false child sexual abuse allegations in divorce proceedings are assumed to be a complex social problem. The judicial system and mental health care practitioners, who are faced with this predicament in practice, struggle to deal effectively with this challenge. They do not always know if the allegations being made are true or false and, if the allegations are false, whether they were made in good faith or with vindictive intent (Goldstein & Tyler, 1998; McGraw & Smith, 1992; Bala & Schuman, 2000; Brooks & Milchman, 1991; Forgarty, 2006; Varghese, 2004; Wakefield, 2006).

Second, it is assumed that mental health care practitioners try to act with caution and attempt not to generalise when a child sexual abuse allegation is made in divorce and custody proceedings. In order to protect the child, they try to distinguish effectively whether the allegation is factual or fabricated (Brooks & Milchman, 1991; Cross, Fine, Jones & Walsh, 2012; Kuehnle, 1998; Kuehnle & Connell, 2009; McGraw & Smit, 1992; Olafson, 2012; Varghese, 2004).

Third, it is assumed that characteristics of the child's disclosure serve as the primary basis for decisions on substantiation. Haskett, Wayland, Hutcheson and Tavana (1995) examined professional practices and decision-making procedures in the investigation of child sexual abuse by interviewing Child Protective Service (CPS) professionals regarding 175 allegations of abuse. They found that the characteristics of the child's disclosure served as the

primary basis for decisions on substantiation, although medical evidence and affective and behavioural indicators also contributed to the decisions. Haskett et al (1995) explained that, in terms of investigatory procedures, anatomical dolls and drawings are rarely used; alleged offenders were interviewed in fewer than one-quarter of the cases; and medical and law enforcement consultations were obtained more frequently than mental health consultations. Substantiated cases involved significantly older children, were more likely to involve intrusive types of abuse and children of minority races and were less likely to involve a visitation or custody dispute (Haskett et al., 1995). Case workers were less certain of their decision when allegations involved young children or custody disputes. In nine unsubstantiated cases, the CPS worker felt that the reporter had malicious intent; six of these cases involved a custody dispute. CPS workers were more certain of their decisions when they substantiated a case than when they concluded that the allegations were not valid (Haskett et al., 1995).

Fourth, it is assumed that various factors cause parents in divorce and custody proceedings to allege that their children have been sexually abused when in fact no sexual abuse had taken place (Bala et al., 2007; Barker & Howell, 1994; Dillon, 1987; Johnson, 2005; Trocme & Bala, 2005; Zepezauer, 1994). Sink (1988) presents four theories as possible reasons for the occurrence of false allegations in custody cases: overanxious parents; shared belief between parent and child; suggestible (brainwashed) child; and response reinforcement pattern (theory that explains situations where children act in sexualised ways suggestive of sexual abuse, when none has occurred). Various factors contribute to false allegations of child sexual abuse: for instance, the accusing parent may truly believe they are seeing symptoms of sexual abuse in their children, they might feel that they can be rewarded in the process, they may be vindictive and angry, or a spectrum of psychopathology might influence

a person's judgements (Barker & Howell, 1994; Jenkins, 2002; Trocme & Bala, 2005; Wakefield & Underwagner, 2012).

Fifth, it is assumed that false allegations of child sexual abuse are often not made with malicious intent, although the opposite is true, where there can be a definite cruel intent (Barker & Howell, 1994; Trocme & Bala, 2005). Preller (2014), a South African attorney, explains that it often happens that one parent uses the mechanisms of the law in an unlawful manner in an attempt to "legally abduct" or alienate a child by making false allegations against or about the other parent. A parent will, for example, often falsely accuse the other parent of sexually molesting the child, or will accuse the other parent of emotional abuse of the child (Preller, 2014:2).

## **1.8 Clarification of concepts**

*The person falsely accused: The alleged abusive parent.* A person charged with a crime (Black, Nolan, Nolan-Haley, 2014). A person is accused when either a formal indictment or information has been returned against him or her, or when he or she becomes subject to actual restraints on liberty imposed by arrest, whichever occurs first (Black, et al., 2014).

*The person making the false accusations: Accusing parent.* A person making an accusation that another has committed a crime. A person who brings an action and the party who complains or sues in a personal action and is so named on the record (Black, et al., 2014).

*Child sexual abuse.* Child sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening (Harris & White, 2013). The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing, and touching. They may also

include non-contact activities, such as involving children in looking at sexual images or in the production of sexual images; watching sexual activities; encouraging children to behave in sexually inappropriate ways; or grooming a child in preparation for abuse (including via the internet). Adult males do not solely perpetrate sexual abuse. More rarely, women can also commit acts of sexual abuse, as can other children (Children's Act 38, 2005; Sexual Offences Act, 2007).

*Custody of children.* Custody of children applies to the care and control of minors awarded by the court to one or both parents during separation or divorce proceedings. A court's determination of which parent, relative or another adult should have physical and/or legal control and responsibility for a minor (child) under 18 (Black et al., 2014).

*Custody proceedings.* Child custody proceeding means a proceeding in which legal custody, physical custody or visitation with respect to a child is an issue. Child custody proceedings include a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights and protection from domestic violence, in which the issue may appear (Black et al., 2014).

*Divorce.* Divorce is the legally sanctioned dissolution or termination of a marriage, often preceded by a period of separation that may also be legally ratified. A court may dissolve a marriage by decree of divorce. The only grounds on which such a decree may be granted are the irretrievable break-down of the marriage or mental illness or the continuous unconsciousness of a partner (Pierson & Thomas, 2002; Divorce Act 70, 1979).

*Divorce proceedings.* Divorce proceeding is also referred to as a divorce action which means that action by which a decree of divorce or other relief in connection therewith is applied for, and includes an application *pendente lite* for an interdict or for interim custody of, or access to, a minor child of the marriage concerned or for the payment of maintenance (Divorce Act 70, 1979).

*False child sexual abuse allegations.* An allegation that is wholly untrue and intentional; that is, one in which none of the alleged events occurred. Generally, false allegations are understood to be deliberate fabrications. Unsubstantiated and unfounded allegations do not mean “false”. They mean that there is not enough evidence to make a determination. Cases may be unfounded because the caseworker has no time to investigate, the alleged victim is too young to testify, or the suspicion has been reported previously and determined to be unfounded and is not re-investigated (Goldstein & Tyler, 1998; Ney, 1995; Trocme & Bala, 2005).

*Mental health care practitioner.* A mental health care practitioner is a psychiatrist, registered medical practitioner or nurse, occupational therapist, psychologist, or social worker who has been trained to provide prescribed mental health care, treatment and rehabilitation services (Grohol, 2010; Mental Health Care Act 17, 2002). In this study, social workers and psychologists will be included when reference is made to “mental health care practitioner”.

## **1.9 Significance of the study to social work practice**

There are limited South African resources to draw from to gain insight into false child sexual abuse allegations. This research will provide an evidence-based understanding of false child sexual abuse allegations in divorce and custody proceedings and will equip social work practitioners with the knowledge needed to deal effectively with these types of claims. The social worker will have gained an awareness of how to approach these matters with empathy and understanding through information drawn from a South African context. The social work practitioner will be able to deliver expert testimony on this contentious and complex subject matter.

This study will inform policy development such as the Green Paper and White Paper on Families to include information regarding false allegations of child sexual abuse in divorce

and custody proceedings. No reference to false child sexual abuse allegations in divorce and custody proceedings is made in any policy and this automatically dismisses the existence of these false allegations. However, the reality is that false child sexual abuse allegations are occurring in divorce and custody proceedings and are in dire need of attention. This study will highlight a number of important areas, such as the rights of the child in divorce and custody proceedings; the impact of false child sexual abuse allegations on the family; and the intervention plan that is needed in addressing false child sexual abuse allegations in divorce and custody proceedings, that can be further explored and can add value to the South African field of forensic social work.

## CHAPTER 2: LITERATURE REVIEW

This chapter will focus specifically on literature that supports the subject matter and that assists with the investigating of false child sexual abuse allegations in divorce and custody proceedings. False child sexual abuse allegations in divorce and custody proceedings will be discussed and how such claims are usually made. Further attention will be given to false child sexual abuse allegations as a complex social problem, the factors contributing to this social problem and reviewing the power relations and false allegations. Relevant international and South African policies and legislation will be discussed to establish whether false child sexual abuse allegations are receiving the necessary attention in policies and legislation.

### **2.1 False child sexual abuse allegations in divorce and custody proceedings**

*Challenges in decision making* - False child sexual abuse allegations in divorce and custody proceedings are a real concern in divorce and custody proceedings and make divorce proceedings and custody decisions challenging (Higgins, 2007). In parenting matters before the Family Court that involve allegations of child sexual abuse, decision-making often occurs in the context of a lack of evidence to either support or refute the allegations (Higgins, 2007). The assessment of allegations of sexual abuse is complex and is further complicated in the arena of the Family Court. With regard to the background of problematic family dynamics, motives of involved parties may range from genuine safety concerns and a need to protect the child, to vengeance, vindictiveness and hostility relating to the marital break-up (Bow et al., 2002). There is also an overlap of the types of symptoms exhibited by children in high-conflict divorces and children who have been sexually abused, making it difficult to distinguish between the groups on a clinical level (Bow et al., 2002).

*Patterns of false child sexual abuse* - Brock (2000) explains the following pattern of false child sexual abuse allegations. There is a dispute over custody or parenting time between the parents, either during the divorce process or after the divorce has taken place. Child custody and parenting time litigation is set in motion (Brock, 2000; Stahl, 1994). An allegation is made, usually by the custodial parent, stating that the child has been physically abused by the other parent. A Protective Service investigation takes place, including an interview with the child alleged to have been abused. In a false allegation case, there is either no evidence or any marks or bruises can be adequately explained by the child's normal play activities (skinned knees, etc.). There is a finding by the investigator that the abuse did not take place or cannot be confirmed. Protective Services may recommend that the child be enrolled in therapy. There is usually no clear suggestion regarding what the diagnosis is, or what the goals of therapy should be. Sometimes the report will reflect that the child needs treatment for the trauma of being caught in the crossfire of a child custody dispute.

When such therapy is initiated, the custodial parent is usually the presenting parent, and typically sets the time and agenda for treatment to take place. This custodial parent often does not inform the non-custodial parent that therapy is taking place or does not suggest to the therapist that the non-custodial parent should be contacted. When a child is enrolled in therapy, the therapist depends on the presenting parent to provide the presenting problems and the child's history (Baris, et al., 2001).

Unlike adults, children are generally unable to provide accurate histories or to fully articulate any problems they may be having. This provides a false accusing parent an opportunity to suggest to the therapist that the child is being physically and/or sexually abused by the other parent and/or their spouse (Baris, et al., 2001; Brock, 2000). The parent says that the child made the allegation but the records in these cases show that the presenting parent typically makes the report. The therapist's intake and treatment notes will reflect a

presumption that the abuse has occurred, with such treatment goals as alleviating the trauma of abuse, or facilitating the child's ability to verbally express trauma (Stahl, 1994). Such presumptions are appropriate to therapy in general, but when the anticipated use of the therapy is to make a recommendation regarding the parenting time that the child will have with the parent who is not there – in other words, is intended to be used as evidence in court – a more objective process is required (Brock, 2000; Stahl, 1994). An interviewing protocol has been developed to this end, but it is inadequate if those using the protocol are going to refer the child to a person unskilled in investigative interviewing and who will employ improper therapeutic techniques to obtain forensic evidence (Baris et al., 2001; Brock, 2000; Stahl, 1994).

*Repeating allegations* - Brock (2000) indicates that if one or several more reports are made to Protective Services, additional forensic interviews are conducted by this agency using the protocol developed for this purpose, but none of these interviews are recorded and no abuse is discovered. A referral will be made to a hospital, where the child undergoes one or several examinations for evidence of physical trauma for sexual abuse (Brock, 2000; Goldstein & Tyler, 1998; McIntosh & Prinz, 1993). Most often, no evidence is found, but the examining physician feels obliged to hedge his bets by saying that the examination does not prove that the child was not abused. The hospital will refer the child to their own mental health experts, who perform a forensic interview with the child and make a report (Brock, 2000; Goldstein & Tyler, 1998).

According to Brock (2000), the lawyer will inform the judge that an investigation is underway and that criminal charges may be pending, that the child has disclosed abuse to the therapist and/or that evidence of sexual abuse has been discovered, and will ask that the alleged abusive parent's time with the child be suspended. Brock (2000) indicates that the records will usually show that this report is not true, but the allegation is generally sufficient

to cause the judge a great deal of concern about what might happen if it turns out to be true. The judge will usually try to err on the side of caution, suspending the alleged abusive parent's visitation and allowing the alienation process to continue unimpeded. Further investigation will then be facilitated until a ruling can be made (Bow et al., 2002; Goldstein & Tyler, 1998; McIntosh & Prinz, 1993; Wakefield, 2006).

If the accuser's perjury is very successful, the alleged abusive parent can go to prison. If it is only moderately successful, they can be awarded supervised visitation, which essentially means they might never again spend quality time with their child. If it is minimally successful, they have succeeded in disrupting, at least temporarily, the other parent's relationship with the child and casting aspersions which may hang over that parent for years (Brock, 2000).

If the accusing parent's perjury fails, they have lost nothing and have succeeded in placing a heavy financial and emotional burden on the alleged abusive parent. The accusing parent can use this tactic an indefinite number of times with no consequence to themselves (Brock, 2000; Bow et al., 2002; Goldstein & Tyler, 1998; McIntosh & Prinz, 1993; Wakefield, 2006).

## **2.2 False child sexual abuse allegations: A complex social problem**

*Multiple hypotheses for allegations* - Child sexual abuse allegations arising during divorce and custody proceedings are complicated as it is not always easy to distinguish between false and true allegations. This can lead to an intricate process of intervention (Bow et al., 2002; Goldstein & Tyler, 1998; McIntosh & Prinz, 1993; Wakefield, 2006). It is believed that false allegations are rife in Family Court, with a fervour reminiscent of hysteria (Hirst, 2005; Jenkins, 2002; Varghese, 2004). It is hard to obtain objective, reliable information and it is necessary to approach the evaluation with an open mind. Multiple

hypotheses or explanations for the allegations will need to be developed as it is essential to try to get all possible information (Hirst, 2005). Pertinent documents include Protective Services records, police reports, transcripts and/or tapes of prior interviews, medical records, therapy and school records. The dynamics of the family system, the timeline of the case, the circumstances surrounding the disclosure, the quality and nature of all formal and informal interviews, possible motivational factors and any pre-existing biases regarding the parent by previous interviewers should all be taken into consideration. Practitioners are advised to familiarise themselves with the relevant literature so that they are familiar with the subject matter and can act as experts in the field (Everson et al., 2012; Kuehnle & Connell, 2009; Goldstein & Tyler, 1998; Wakefield, 2006).

*Classes of child sexual abuse cases* - Faller (1991) explains four classes of child sexual abuse cases during divorce: divorce precipitated by discovery of sexual abuse; long-standing sexual victimisation revealed after marital breakup; sexual abuse precipitated by marital dissolution; and false allegations made during or after divorce. Gunter, du Bois, Eichner, Rucker, Boos, Klosinski and Deberding (2000) are of the opinion that typical patterns of family dynamics, when sexual abuse is alleged in divorce and custody proceedings, play a key role in finding answers in these types of cases. They conclude that deviant family structures already exist before the separation phase and that these have corresponding effects on the child, which must be considered in the assessment process. False child sexual abuse allegations can thus come into play at various stages of divorce and custody proceedings (Faller, 1991; Gunter et al., 2000).

Bala et al., (2007) and Goldstein and Tyler (1998) indicate that, if allegations of sexual abuse of a child are made after parents separate, the challenges of resolving custody and visitation issues are significantly increased, with the abuse allegations overshadowing other considerations. These are high conflict cases, and settlement may be very difficult or

inappropriate to arrange. In such cases, it is imperative to distinguish between founded and unfounded cases. Mental health professionals, judges and lawyers need to understand false child sexual abuse allegations in divorce and custody proceedings so that they can equip themselves with the necessary skills to deal with these matters (Bala et al., 2007 & Goldstein & Tyler, 1998). Expertise of mental health practitioners is imperative in court proceedings, as these cases are multifaceted and challenging (Bow et al., 2002; Cross et al., 2012; Everson et al., 2012; Kuehnle & Connell, 2009).

*Effective instruments* - Brooks and Milchman (1991) emphasise that it would be helpful if instruments are available that will assist in assessing these matters. They explain that developing an objective behavioural assessment instrument to validate child sexual abuse allegations, and to achieve clinical legal consensus regarding the credibility of the instrument, would be highly beneficial in dealing with these matters. Derdeyn, Poehailos and Seigle (1994) accept the child protective service model for evaluation of sexual abuse in divorce-related cases involving young children.

Three cases illustrate that lack of contact with the alleged abusive parent and lack of pursuit of alternative explanations for phenomena presented as indicative of sexual abuse can lead to findings of abuse. It is suggested that these cases should be assessed by experienced child and family clinicians who can deliver expert testimony (Bow et al., 2002). McGraw and Smith (1992) stress that clinicians should adhere to a systematic clinical process of validation in an atmosphere surrounding divorce and custody proceedings and child sexual abuse allegations.

### **2.3 Factors that contribute to false child sexual abuse allegations in divorce and custody proceedings**

*Psychological evaluation and testimony* - False child sexual abuse allegations are a convoluted social problem as various factors come into play for a parent to make the allegation. Psychological evaluation and testimony play a critical role in child sexual abuse intervention, especially in divorce and custody cases. While the evaluation generally cannot necessarily determine whether sexual abuse has occurred, it can provide useful information to assist the court in deciding matters of custody and access in the face of the allegations (Cross et al., 2012; Behnke & Connell, 2005; Kuehnle & Connell, 2009; Lyon, et al., 2012). The practitioner who testifies in such custody disputes should exercise caution, humility and an open mind both in the courtroom and in dealing with other professionals working in this area (Bow et al., 2002; Cross, et al., 2012; Everson et al., 2012; Kuehnle & Connell, 2009).

Various factors may contribute to allegations, such as rewards that may be achieved when false allegations are made. These rewards may include social approval; free legal counsel; welfare payments; approbation from mental health professionals, therapists, friends, family and neighbours; revenge; and getting a judge's attention (Lerner & Lerner, 2007; Wakefield & Underwagner, 2012).

*Several entwined aspects* - Factors that contribute to false allegations of child sexual abuse may include the accusing parent actually believing that they are seeing symptoms of sexual abuse in their children; feeling that they can be rewarded in the process; being vindictive and angry; or a spectrum of psychopathology which might influence a person's judgement (Barker & Howell, 1994; Jenkins, 2002; Trocme & Bala, 2005; Wakefield & Underwagner, 2012). The person making untrue allegations will often be diagnosed with a personality disorder. Falsely accusing parents are more likely to have histrionic personality disorder, borderline personality and passive aggressive or paranoid traits. A greater incidence

of personality disorder or factitious disorder has also been found in those who make false allegations of child sexual abuse in custody disputes (Barker & Howell, 1994; Wakefield & Underwagner, 2012). It is also possible that the accusing parent could have a history of childhood abuse or an eating disorder. (Barker & Howell, 1994; Wakefield & Underwagner, 2012).

Psychological evaluation and testimony are crucial in child sexual abuse cases, especially in custody and visitation cases. The mental health care practitioners should thoroughly investigate the profile of parents who make false allegations of child sexual abuse in divorce and custody proceedings so as to enable them to better understand these false allegations (Bala et al., 2007; Behnke & Connell, 2005; Kuehnle, 1998).

*False objections* - According to Boakes (1999) and Jenkins (2002) false complaints are easily made and carry serious consequences for the alleged abusive parent. Many of those who make false claims sincerely believe the truth of what they report, while others are opportunistic and are consciously lying for personal gain. A special type of false allegation, the False Memory Syndrome, typically arises in therapy. People report the recovery of memories of previously unknown childhood sexual abuse. The influence of practitioners' beliefs and practices in the eliciting of false memories and false complaints cannot be overlooked. Practitioners should be skilled to identify Munchausen syndrome by proxy and false allegations of child sexual abuse in divorce and custody proceedings. This concept extends the syndrome to certain types of false allegations of sexual abuse in divorce proceedings, thus introducing a variant which involves not only the medical sphere but also the social and judicial fields as well (Barker & Howell, 1994; Dauver, Dayan & Houzel, 2003).

It has also been highlighted that, in acrimonious divorce and child custody disputes, emotions are tense and tempers flare. Buoyed by litigious attorneys, each side engages in

strategic manoeuvres to gain the greatest legal advantage. Sometimes a parent, fearing a loss of control or custody of a child, crosses the ethically acceptable bounds of legal warfare (Morphonios, 2008). An unfortunate but all too frequently used tactic by mothers is to accuse the father of sexually molesting their child (Barker & Howell, 1994; Jenkins, 2002). The mere accusation is sufficient to strip the father of all his custody rights and to launch a criminal investigation. Even when no evidence is found to substantiate the allegation, family law courts typically err on the side of caution and award full custody to the mother (Morphonios, 2008; Varghese, 2004; Wexler, 1990).

According to Morphonios (2008), false child sexual abuse allegations are not necessarily the strategy of the parent but can also be a strategy carefully planned by the litigation team to win their case. The crossing of the ethical line to win a case seems to be contributing to the increase of false child sexual abuse allegations in divorce and custody proceedings in a society where a winning position is often prioritised above an ethical stance (Morphonios, 2008).

#### **2.4 Explaining false child sexual abuse allegations in divorce and custody proceedings**

*Various possible explanations or theories* - It is imperative to explain false child sexual abuse allegations as a real problem in divorce and custody proceedings, but not to stereotype all such allegations as false (Paradise, Rostain & Nathanson, 1999; Penfold, 1995; Thoennes & Tjaden, 1990). Eddy (2007) explains that there are various possible explanations or theories to be considered when explaining child sexual abuse allegations made in divorce and custody proceeding. An investigator must keep an open mind in gathering evidence, and must explore all theories. In some families, there has been ongoing sexual abuse and its discovery may be the reason for the divorce. It is also possible that it was not discovered until the

divorce process began, because the child may not have felt safe to disclose it until the parents were separated (Eddy, 2007; Penfold, 1995). In some cases, divorce-related abuse may occur, where sexual abuse occurs for the first time after the separation of the parents. The abusing parent may turn to the child for emotional or physical needs, or suppressed sexual urges may be directed to the child. In some cases false allegations are sincere and a parent may, for instance, misunderstand or overreact to vague distress or ambiguous statements by a child (Eddy, 2007; Faller & DeVoe, 1996; Penfold, 1995; Wexler, 1990).

Eddy (2007) explains that the stress of going from one tense parent to another at the beginning or end of visitation may be misinterpreted as a response to abuse. In other cases, some parents falsely report abuse in order to obtain an advantage in court, such as a change of custody or a significant reduction in the other parent's contact with the child. They may knowingly represent the child's anxious behaviours as signs of sexual abuse. There are also cases where sexual abuse actually occurred, but by some other adult or even another child. A young child may be frightened or confused and indicate that the perpetrator is their own parent instead of the actual abuser.

According to Eddy (2007) and Wexler (1990) there are many explanations to consider and there is no single reason that is conclusive for the presence or absence of child sexual abuse by a parent. Several child behaviours are common symptoms of emotional distress, which may simply be a response to a difficult divorce, such as bed-wetting, nightmares, clinging, constipation and even redness in the genital area that is often related to normal bathing issues (Bow et al., 2002; Cross, et al., 2012). These symptoms can be confused by parents who believe that their children are being sexually abused. Skilful professionals are needed to assess these matters as this is a complicated social problem with various aspects to consider (Bow et al., 2002; Cross, et al., 2012; Everson et al., 2012; Kuehnle & Connell, 2009).

*The basis of unsupported claims* - There are various types of behaviours that could form the basis of an unfounded allegation. Misinterpretation of normal care-taking practices may occur, such as washing or drying of the genital or anal area, which may, for example, be viewed as fondling; or a father who permits his frightened child to sleep with him may be accused of sexual seduction. There may also be misconception of normal sexual behaviour in children (e.g., normal sexual exploration by preschool-aged children, including genital stimulation, may be confused with behaviours of children who have been molested) (Green, 1991; Johnson, 2005). Common psychological symptoms may be confused due to parental separation (e.g., separation anxiety, regressive behaviour, sleep disorders and phobic symptoms). Physical signs and symptoms in the child may also be misunderstood (e.g., vaginal irritation or discharge) (Green, 1991; Johnson, 2005).

Allegations of child sexual abuse are sometimes made on the basis of a child's problematic sexual behaviours. When the allegations are unsubstantiated, child custody evaluators are asked to make recommendations regarding custody (Johnson, 2005). The researcher concurs with Green (1991) and Johnson (2005), that an in-depth study is imperative to help the mental health care practitioner to understand the complexity of false child sexual abuse allegations when dealing with sexual abuse allegations in divorce and custody proceedings.

*Conditions leading to unfounded allegations* - Numerous conditions can lead to, or influence, an unfounded allegation of sexual abuse, including a young child's immature social and communication skills; a parent's lack of knowledge or misperceptions, for example, their perceptions of borderline situations, such as sleeping or bathing with the child; confusion regarding separation anxiety in young children; an overanxious child with an anxious parent; presence of other types of family violence; abuse attributed to the wrong person; the child lying, amongst others, to seek alternate placement; psychopathology of child

or parent; coaching by parent; influence on parent of media exposure about sexual abuse; hostility and mistrust between the parents; the child being exposed to pornographic material; the child witnessing adult or animal sexuality; sex play with peers; leading and coercive interviewing techniques; excessive interviewing; poor documentation; and cross-germination (Bala et al., 2007; Johnson, 2005; Penfold, 1995).

A parent with feelings of hostility or mistrust may unwittingly begin to engage in suggestive interviewing of a young child about possible abuse, perhaps based on ambiguous physical symptoms. The questioning may require a child to assess whether touching had a sexual intent, which a young child may not be able to do. Conversely, there may also be circumstances in which an error can occur, where parents misinterpret various symptoms of children post-divorce, and this may lead them to believe that their child is being sexually abused when, in fact, they are not being abused. In cases such as the latter, the allegation was thus not made with malicious intent (Eddy, 2007; Morphonios, 2008; Penfold, 1995).

According to literature (Dillon, 1987; Eddy, 2007; Jones, 2009; Morphonios, 2008; Penfold, 1995; Wexler, 1990), it seems that authors have various thoughts and explanations regarding allegations of child sexual abuse during divorce and custody proceedings. It can be deduced that some allegations are made with malicious intent while others are not. It, furthermore, seems that there is a broad view in understanding aspects that drive child sexual abuse allegations in divorce and custody matters. Through comprehensive literature research, this study will explore all explanations regarding false allegations of child sexual abuse in divorce and custody proceedings.

## **2.5 Power relations and false child sexual abuse allegations**

*Victory for the accusing parent* - False allegations of child sexual abuse are powerful claims with serious consequences (Boakes, 1999; Janse van Rensburg, 2008; Zepezauer,

1994; Wakefield & Underwagner, 2012). With reference to cases in the United States, Morphonios (2008) explains that child molestation is a terrible crime and that false allegations play on the natural prejudices of society, to the extent that victory can almost be guaranteed for the accusing parent.

With reference to the South African situation, Janse van Rensburg (2008) explains that child sexual abuse is the most powerful allegation that a parent can make in divorce and custody cases and the court will respond immediately. In divorce and custody disputes, therefore, the issue of whether paternal abuse actually occurred, or whether it was fabricated to gain leverage in court, is ultimately determined by the clinical psychologists, social workers and child advocates involved in the case. The investigator assigned the responsibility of uncovering the truth should have the experience and ability to differentiate between fact and fiction, as failure to do so is not in the best interests of the child (Janse van Rensburg, 2008; McDonald, 1998; Preller, 2014).

*Policy amendments and legislation* - In South Africa, and globally, policy amendment and legislation are needed to include false child sexual abuse allegations in divorce and custody proceedings. If policy and legislation do not make mention of false child sexual abuse allegations they seem to neglect the fact that it existed and this is problematic. At a minimum, policies and legislation should acknowledge the existence of this problem as this will recognise the existence of false child sexual abuse allegations in divorce and custody proceedings. The study will attempt to encourage the reviewing of policies regarding false allegations of child sexual abuse in divorce and custody proceedings.

## **2.6 Relevant international policies and legislations**

*Dismissal of false child sexual abuse matters* - Most policies and legislation do not refer directly to false child sexual abuse allegations in divorce and custody proceedings. This,

in effect, dismisses the existence of false child sexual abuse allegations. According to the United Nations (UN) (Csaky, 2008), sexual exploitation and abuse represent a catastrophic failure of protection. They bring harm to those whom the UN and its partners (NGOs and international organisations) are mandated to protect and jeopardize the reputation of these organisations. They also violate universally recognized international legal norms and standards. Although sexual exploitation and abuse are not new phenomena, they were brought to the forefront of public attention in 2002 following allegations of widespread sexual exploitation and abuse of refugee and internally displaced women and children by humanitarian workers and peacekeepers in West Africa. These grave and substantiated allegations highlighted both the vulnerability of such populations and the shortcomings of existing mechanisms to prevent such abuses from occurring. False child sexual abuse allegations in divorce and custody proceedings exploit children in these situations as they are being sexually victimized (Csaky, 2008).

*Protection of the family* - In the African Charter on the Rights and Welfare of the Child (1999), Article 18 talks about the protection of the family. It states that the family shall be the natural unit and basis of society and shall enjoy the protection and support of the State for its establishment and development. It further states that parties to the present Charter shall take appropriate steps to ensure equality of rights and responsibilities of spouses concerning children during marriage and in the event of its dissolution. In case of the dissolution, provision shall be made for the necessary protection of the child. It indicates that no child shall be deprived of maintenance by reference to the parents' marital status (The African Charter on the Rights and Welfare of the Child, 1999).

Although there is no specific referral made to the child's rights and position when false child sexual abuse allegations are made in divorce and custody proceedings, the Charter makes provision to look after the rights and welfare of the child. This Charter should make

mention of the existence of this social problem as this will highlight the impact that false child sexual abuse allegations have on the child's functioning and the family unit.

*A Canadian context* - The Department of Justice in Canada (2001) supported a project and a discussion paper, "Allegations of child abuse in the context of parental separation". Concerning policy and legislation, the report indicates that false child sexual abuse allegations are challenging. All Canadian jurisdictions have laws that encourage or require the reporting of suspected child abuse to a child protection agency or the police, so that the authorities can investigate and take steps to protect the child if the child is actually at risk. These reporting laws require only reasonable suspicions and a person who, in good faith and on reasonable grounds, makes a report of child abuse has immunity from civil suits (Department of Justice in Canada, 2001).

According to the Department of Justice in Canada (2001), a person who knowingly makes a false allegation of sexual abuse may be committing a number of offences under the Criminal Code. A person, who knowingly makes a false statement to a police officer accusing another person of having committed a crime, including child abuse, commits the offence of mischief, contrary to section 140 of the Code. If the false allegation resulted in a civil or criminal proceeding in which the person who made the allegation testified, other offences might be committed, including perjury (giving false evidence under oath, section 131), or making a false affidavit (section 138). If the reporter persuaded or misled the child or another person to make a false statement, this would be obstruction of justice (section 139). However, given the criminal standard of proof and the difficulty of proving that the person who made the statement knew it was false, there are very few charges laid under any of these sections in any context (Department of Justice in Canada, 2001).

There have been a number of highly publicized cases in Canada in which individuals have claimed that they have been wrongfully accused of sexual abuse by overzealous

investigators and have sought redress in the courts. In most cases, these individuals have been satisfied with an acquittal in criminal court, or a finding in a civil proceeding that refutes the abuse allegation. However, in a few cases, individuals have sued investigators for monetary damage to compensate for the expense and emotional anguish caused by the negligent investigator, which resulted in their being wrongfully alleged to have abused their children (Department of Justice in Canada, 2001).

## **2.7 Relevant South African policies and legislation**

Policies are set out to protect families but neither the White Paper on Families in South Africa (2012) nor the Green Paper on Families (2008) make mention of families that have been affected by false child sexual abuse allegations in divorce and custody proceedings, which indicates an ignorance of the problem.

### **2.7.1 The Green Paper on Families**

The Green Paper on Families (2008) puts forward proposals on how South African families should be supported in order to flourish and function optimally. It calls for families to play a central role in the national development pursuits of the country and the building of a better South Africa. For this ideal to be realised, family life and the strengthening of the family should be promoted in the country.

This study deems it important that policies, such as the Green Paper on Families, must make provision to include false child sexual abuse allegations in divorce and custody proceedings. False claims place tremendous strain on, and create severe dysfunction for, the family unit. By making reference and including this social problem in the Green Paper on Families it will highlight the importance of the mental health of families post-divorce and

emphasise the best interest standard principle of children during divorce and custody proceedings.

### **2.7.2 The White Paper on Families**

The White Paper on Families in South Africa (2012) states that the family unit is the basic unit of society. Family life will be strengthened and promoted through family-oriented policies and programmes. Nowhere in the White Paper on Families do they make any mention of families that are being affected by false child sexual abuse allegations in divorce and custody proceedings. To strengthen and promote family functions is challenging and all aspects of family difficulties must be taken into consideration to repair family problems. It seems that false child sexual abuse allegations can severely detach the family unit and provision needs to be made by the White Paper of Families in South Africa for the social problem faced by divorcing families in the South African community.

### **2.7.3 South African Divorce Act 70 of 1979**

The Divorce Act describes the concept of divorce and focuses on all relevant aspects surrounding divorce, and it specifically focuses on the appropriate procedures to safeguard the interests of dependent and minor children in divorce proceedings. Section 6 of the Divorce Act refers to the safeguarding of the interests of dependent and minor children. It entails that a decree of divorce shall not be granted until an enquiry is instituted by the Family Advocate or unless the court is satisfied that the provision made with regard to the welfare of the child or minor is the most suitable given the circumstances. The court may institute any investigation it deems necessary and may grant to either parent the sole custody of the minor child or joint custody with a guardian. In addition, the court may appoint a legal

practitioner to represent the child and order the parties to pay for the cost of representation (Divorce Act 70, 1979).

This section of the Divorce Act is relevant to this study as it is imperative, during divorce and custody proceedings where child sexual abuse allegations are made, that proper intervention protocol is followed to look after the best interests and welfare of the child. This section of the Act makes provision for a thorough investigation to ensure that the court is positive about the child's position. The Act does, however, not make mention of what protocol is to be followed when a false child sexual abuse allegation is made in divorce and custody proceedings.

#### **2.7.4 South African Sexual Offences Act, 2007**

The Sexual Offences Act comprehensively and extensively reviews and considers all aspects of sexual offences and the implementation of the laws relating to sexual offences. The part of the Sexual Offences Act that is relevant to this study is Chapter 7, which places an onus on the reporting of sexual crimes and which elaborates on the details of such reporting.

Chapter 7 of the Sexual Offences Act, 2007 refers to the obligation to report the commission of sexual offences against children or persons who are mentally disabled. A person who has knowledge or suspects that a sexual offence has been committed against a child must report such knowledge immediately to a police official. Failure to do so may lead to conviction, a fine or imprisonment. Any attempts, conspiracy, incitement or inducing another person to commit a sexual offence may lead to a conviction similar to the person committing the offence (Sexual Offences Act, 2007).

The Act is relevant to this study, as the reporting of sexual abuse forms the crux of this study. However, where the reporting of sexual abuse is relevant, false reporting is also a reality and this presents a complex social problem (Janse van Rensburg, 2008; McDonald,

1998; Preller, 2014). This Act makes provision for all aspects of the reporting of sexual abuse, but no mention is made of any consequences of false reports of child sexual abuse. This omission leaves a gap that can be exploited in divorce and custody proceedings when false allegations are made against a parent.

### **2.7.5 Domestic Violence Act, 1998**

This Act makes vast provision for the protection of South African society against domestic violence, and children, in particular, are protected, justly, through provisions made in the Act. The Domestic Violence Act defines the different forms of domestic violence and entails that any complainant applying under any such form may apply to the court for a protection order. If the complainant is not represented by a legal representative, the clerk of the court must inform the complainant in the prescribed manner. The application may be brought on behalf of the complainant by any other person who has a material interest in the well-being of the complainant provided that the application must be brought with the written consent of the complainant except in particular cases where the individual is unable to do so (Domestic Violence Act, 1998).

However, the Act is open to exploitation as it makes it easy for a possible exploiter to apply for a protection order and to state that abuse has taken place. This study finds this to be problematic because, if a vindictive ex-partner makes a statement that sexual abuse has occurred, this allegation will be taken at face-value. Proceedings that follow the accusation can have a devastating effect on the life of the wrongly accused who has not committed an act of domestic violence.

One of most significant criticisms against the legal system, which addresses domestic abuse is the facility and regularity with which false allegations of abuse are made and believed by courts, with the primary intent of the accusing parent being to seek an advantage

in divorce and custody proceedings (HG.org, 2009). One of the major catalysts for this abuse of the system is the broad definition that exists for domestic abuse. Under most statutory schemes, “domestic abuse” means the intentional and unlawful infliction of physical harm, bodily injury, assault, or the intentional and unlawful infliction of the fear of imminent physical harm, bodily injury, or assault between family or household members, or a criminal sexual act, committed against a family or household member by another family or household member. “Fear of harm” is an extraordinarily subjective standard and one that may be very difficult to combat. A raised voice or a raised hand or any gesture that is interpreted as threatening may be used to claim that domestic abuse has occurred. This problem is compounded for men, who are often physically bigger than women and perceived as being more aggressive or stronger, based on broad societal generalisations that may be reflected in the perceptions of law enforcement officers who make police reports and courtroom judges who render rulings (HG.org, 2009).

#### **2.7.6 Children’s Act 38 of 2005**

The Children’s Act is to give effect to certain rights of children as contained in the Constitution; to set out principles relating to the care and protection of children; to define parental responsibilities and rights; to make further provision regarding children’s courts; to provide for partial care of children; to provide for early childhood development; to provide for the issuing of contribution orders; to provide for prevention and early intervention; to provide for children in alternative care; to provide for foster care; to provide for child and youth care centres and drop-in centres; to make new provision for the adoption of children; to provide for inter-country adoption; to give effect to the Hague Convention on Inter-country Adoption; to prohibit child abduction and to give effect to the Hague Convention on International Child Abduction; to provide surrogate motherhood; to create certain new

offences relating to children; and to provide for matters connected therewith (Children's Act 38, 2005).

This Act is relevant to the study, as it protects the rights of children. A responsibility is placed on professionals and lay people to report sexual abuse matters and it is important that the cases that are reported are handled with expert skill. With regard to the reporting of abused or neglected children and children in need of care and protection, section 10 of the Children's Act outlines that any person or worker, who has had contact with a child and believes that a child has been abused, must report and substantiate that conclusion in the prescribed form to a designated child protection organisation, the provincial department of social development or a police official. Such person shall not be liable to civil action on the basis of the report (Children's Act 38, 2005).

This Act makes vast provision for the protection of the child against abuse but makes no mention of child sexual abuse falsely alleged by a parent. The result of such a false allegation is that the child is placed in the middle of the conflict and it may have a detrimental effect on the child and the family unit. The Children's Act makes no mention of false child sexual abuse allegations in divorce and custody proceedings. As this subject matter is not given sufficient attention, the child cannot be protected effectively when this social problem arises.

## **CHAPTER 3: THEORETICAL FRAMEWORK**

In chapter 3, fitting macro and micro theories that guide this study will be discussed. General Systems Theory will be used to explore and understand how the system of false child sexual abuse allegations in divorce and custody proceedings work. The General Systems Theory as macro theory will be applied to false child sexual abuse allegations in divorce and custody proceedings. The Theory of Reasoned Action and the Theory of Planned Behaviour as micro theory will be reviewed. The Theory of Planned Behaviour, which is an extension of the Theory of Reasoned Action, will be elaborated on. The Theory of Reasoned Action and the Theory of Planned Behaviour and its relevance to false child sexual abuse allegations in divorce and custody proceedings will be presented. The Crisis Theory as micro theory will be reviewed, and the eight basic assumptions of Crisis Theory will be introduced, and emphasis will be placed on social work practice and Crisis Theory. The importance of why Crisis Theory in social work practice will be reviewed is because Crisis Theory is an important part of social work practice. The applicability of Crisis Theory on the subject matter of false allegations of child sexual abuse in divorce and custody proceedings will be deliberated.

### **3.1 General Systems Theory**

Biologist Ludwig von Bertalanffy originally proposed General Systems Theory (GST) in 1928. Since Descartes, the “scientific method” had progressed under two related assumptions (Walonick, 1993), that is, that a system could be broken down into its individual components so that each component could be analysed as an independent entity; and that the components could be added in a linear fashion to describe the totality of the system. Von Bertalanffy proposed that both assumptions were wrong. On the contrary, a system is characterised by the interactions of its components and the nonlinearity of those interactions. In 1951, Von Bertalanffy extended the GST to include biological systems and, three years later, it was

popularised by Lotfi Zadeh, an electrical engineer at Columbia University (Berrien, 1968; Chakraborty, 2011; McNeill & Freiburger, 1993; Von Bertalanffy, 1968; Von Bertalanffy, 1972; Walonick, 1993).

The General Systems Theory is a model of certain general aspects of reality, but it is also a way of seeing things that were previously overlooked or bypassed and, in this sense, it is a methodological maxim. Like every scientific theory of broader compass, it is connected with and tries to give answers to perennial problems of philosophy (Berrien, 1968; Green, 1999; Mesarovic, 1964; Von Bertalanffy, 1972; Walonick, 1993). General Systems Theory emphasises reciprocal relationships between the elements of a system. Thus a holistic, organized unit of interdependent, transacting, and mutually influencing parts within an identifiable social-ecological environment (Mesarovic, 1964; Von Bertalanffy, 1968).

At a simple level, General Systems Theory can be defined as elements that are in exchange and which are bounded. These components constitute a “system” which functions or operates within a field or an environment. Elements can be virtually anything one wishes to label as such; the exchanges are any relationships that exist between elements; and the boundary is what one can see, hear, feel, or sense that separates the “system” from the background or environment. Further ideas can be added. The boundaries may be permeable or impermeable – this defines the difference between an open and a closed system. Most systems display characteristics of both being open and closed so that a more useful way to think is by seeking to state the extent of openness or closedness (Green, 1999; Walonick, 1993). By specifying levels, super or supra-systems and sub-systems can be created. In working with systems, it is useful to identify these levels and to examine both supra- and sub-systems. Many systems are goal directed – that is, interaction with their environment has some purpose or direction or value or goal or design (Gregory, 2014).

General Systems Theory draws the social worker's attention to the various systems within which an individual functions – groups, organisations, societies, and so forth – in order to help intervene at multiple stages in an individual's life. The central proposition of this theory is captured by focusing on understanding the human condition and considering cross-cultural elements. This approach has helped drive social work's understanding of human behaviour in the social environment (Castells, 2013; Gregory, 2014; Green, 1999; Walonick, 1993).

The contribution of General Systems Theory to the understanding of social work method in a generic situation is considered. An account of the theory is given, indicating how human systems differ from other systems, through taking their place in a larger continuum. The implications of the theory for social work are then examined, with particular reference to four levels: (1) the philosophical level, in particular, the view it presents of humans and society, as compared with other psychological and sociological theories; (2) its contribution to the perspective of social workers, making them aware of the range of systems they should be considering; (3) its contribution to practice by providing a model of the structure of systems as a guide to appraisal and intervention; and (4) its contribution to the understanding of the social work process (Castells, 2013).

According to existing literature on the theory's applicability, General Systems Theory can be used to look at people and their interactions. A human system is a set of individuals who communicate and who have goals or directions. Decision-making is an inherent part of the individual (element), group (sub-system) and community (system). Power is the ability to make decisions that affect the system and/or the ability to access and influence the sources of decision-making (Gregory, 2014; Walonick, 1993). Changes in systems may come about in a variety of ways, for example, by accessing and influencing the elite decision-makers. Change can also come about through conflict and setting new goals, directions and values.

Individuals and groups can be upwardly mobile and create change by rising in the hierarchies. Individuals, and occasionally groups or even nations, can fall from higher levels, as with the current worldwide economic competition and occasional cooperation. Changes also occur as individuals or groups move away from the centre or towards the centre – this represents mainstream and deviant locations in a system (Gregory, 2014).

This theory has been used in previous studies and, as Chakraborty (2011) explains, as a research methodology, General Systems Theory can help social workers understand how systems both determine and are determined by those who make up the system. Once the dynamics of a system are understood, social workers try to figure out how best to create positive change in that system, to bring about better standards of living. According to Chakraborty (2011), General Systems Theory can be used to understand social dynamics on a large scale. Social workers, who are concerned with policy-making, use systems theory to understand how public policy can be used to improve living conditions and help bring about social equality for those living in large social systems, such as cities, nations or even the world. Advocates tend to focus on particular issues within society and use General Systems Theory as a means of understanding the complex dynamics surrounding those particular issues. Social workers and child advocates use it to understand family dynamics and to educate and promote healthy family structures. They try to understand how hierarchies and parental responsibility in family structures work, when those hierarchies or responsibilities are not functioning properly and when physical intervention may be necessary to protect members of the family (Chakraborty, 2011).

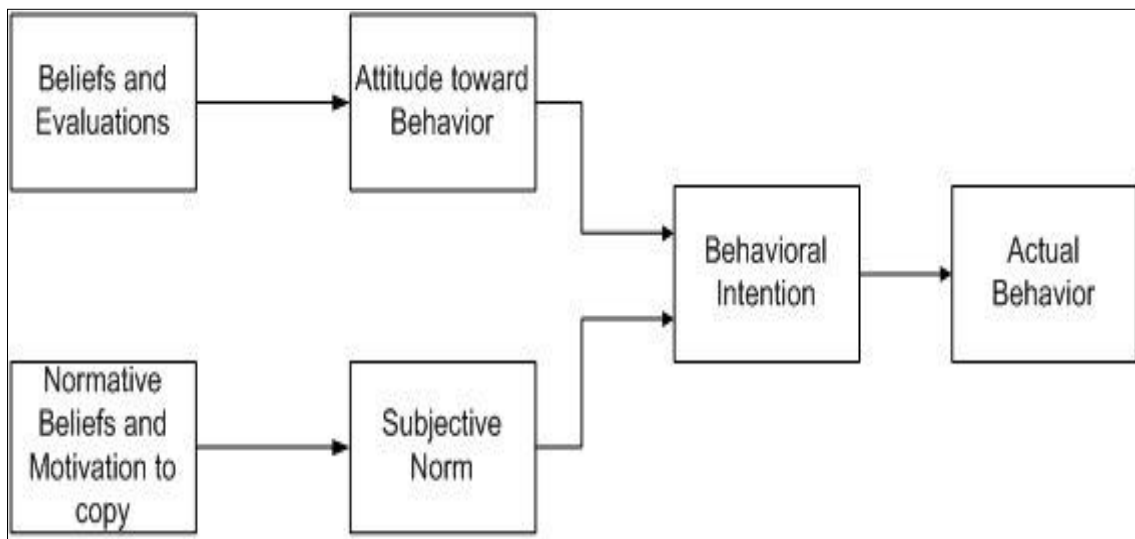
General Systems Theory will be used to explore and understand how the system of false child sexual abuse allegations in divorce and custody proceedings works. This theory will be used to investigate false child sexual abuse allegations and to gain an understanding of the complex dynamics and “components” of this problem from the perceptions of the

alleged abusive parent, accusing parent, and mental health care practitioners involved in these matters. General Systems Theory will be applied to understand how hierarchies, parental responsibility and family structures play a role in making false allegations and to explore the system and the components that form part of the system's functioning. Furthermore, General Systems Theory will be employed to establish how policies apply to false child sexual abuse allegations in divorce and custody proceedings and to consider possible recommendations for policy amendment.

### **3.2 Theory of Reasoned Action and Theory of Planned Behaviour**

Theory of Reasoned Action was formulated in 1967 by Fishbein and Ajzen in an attempt to provide consistency in studies of the relationship between behaviour and attitudes (Fishbein & Ajzen 1975; Werner, 2004). The Theory of Planned Behaviour is considered as an extension of the Theory of Reasoned Action (Ajzen, 1991 & Werner, 2004). The main assumption of the Theory of Reasoned Action and Theory of Planned Behaviour is that individuals are rational in considering their actions and the implications of their actions (decision-making). Rational decision-making assumes that the decision is made under uncertainty (Basu, 1996; Eppen, Gould, Schmidt, Moore & Weatherford, 1998). Rational decision-making furthermore implies that either optimum results were expected or the decision-making unit was aware of all the impacts and consequences (Basu, 1996; Bazerman, 2002; Eppen, et al., 1998). This theory is illustrated below:

**Figure 1: Theory of Reasoned Action** (Fishbein & Ajzen 1975)



Theory of Reasoned Action was developed to examine the relationship between attitudes and behaviour (Ajzen, 1988; Fishbein & Ajzen, 1975; Werner, 2004). The two main concepts in the Theory of Reasoned Action are “principles of compatibility” and the concept of “behavioural intention” (Ajzen, 1988; Fishbein & Ajzen, 1975). The theory states that behavioural achievement depends on both motivation (intention) and ability (behavioural control) (Ajzen 1988; Fishbein & Ajzen 1975). It distinguishes between three types of beliefs – behavioural, normative, and control. The theory comprises six constructs that collectively represent a person’s actual control over the behaviour. These are attitudes, behavioural intention, subjective norms, social norms, perceived power and perceived behavioural control (Ajzen 1988; Fishbein & Ajzen 1975; Werner 2004).

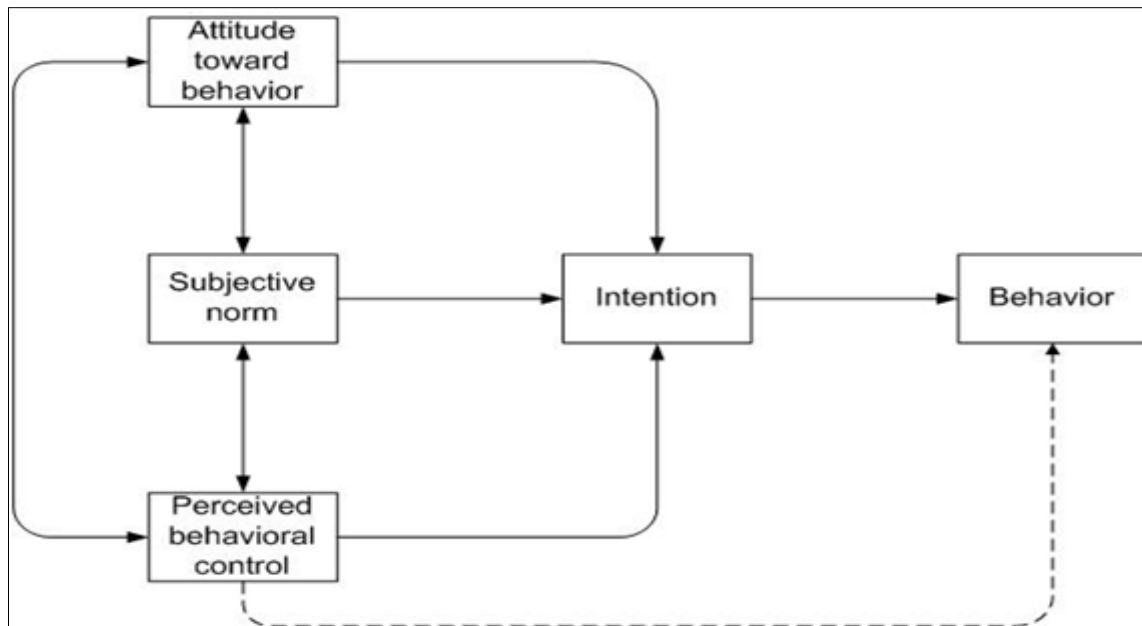
Brusk (2010) and Vallerand, Deshaies, Cuerrier, Pelletier and Mongeau (2006) explain that the assumptions of this theory are that human behaviour is under the voluntary control of the individual. Intention must thus be highly correlated with behaviour. It suggests that a person’s behaviour is determined by his/her intention to perform the behaviour and that this intention is, in turn, a function of his/her attitude toward the behaviour and his/her subjective norm (Werner, 2004). The theory holds that only specific attitudes towards the behaviour in

question can be expected to predict that behaviour (Ajzen, 1991; Brusk, 2010; Werner, 2004; Vallerand, et al., 2006).

Principles of compatibility specify that, in order to predict a particular behaviour, directed to a specific target in a given context and time, specific attitudes that correspond to the specific target, time and context should be assessed (Ajzen, 1988; Fishbein & Ajzen, 1975). The concept of behaviour intention states that an individual's motivation to engage in a behaviour is defined by the attitudes that influence the behaviour (Fishbein & Ajzen, 1975). Behaviour intention indicates how much effort an individual would like to commit to performing such an act. Higher commitment is more likely to mean that behaviour would be performed.

Behaviour intention is determined by attitudes and subjective norms (Ajzen, 1988; Fishbein & Ajzen, 1975). An "attitude" refers to an individual's perception (either favourable or unfavourable) towards specific behaviour (Werner, 2004). "Subjective norm" refers to the individual's subjective judgement regarding others' preference and support for a behaviour (Werner, 2004). Theory of Reasoned Action has been criticised for neglecting the importance of social factors that in real life could be a determinant of individual behaviour (Grandon, Peter & Mykytyn, 2004; Werner, 2004). "Social factors" mean all the influences of the environment surrounding the individual (such as norms) which may influence the individual behaviour (Ajzen, 1991). To overcome Theory of Reasoned Action's weakness, Ajzen (1991) proposed an additional factor in determining individual behaviour in the Theory of Planned Behaviour (Figure 2), which is perceived behavioural control. Perceived behavioural control is an individual perception of how easily a specific behaviour will be performed (Ajzen, 1991). It might indirectly influence behaviour, as illustrated below:

**Figure 2: The Theory of Planned Behaviour** (*Ajzen, 1991*)



Theory of Reasoned Action and Theory of Planned Behaviour have some limitations in terms of predicting behaviour (Werner, 2004). The first limitation is that intention determinants are not limited to attitudes, subjective norms and perceived behavioural control (Ajzen, 1991). There may be other factors that influence behaviour. Empirical studies showed that only 40% of the variance of behaviour could be explained using Theory of Reasoned Action or Theory of Planned Behaviour (Ajzen, 1991; Werner, 2004). The second limitation is that there may be a substantial gap of time between assessment of behaviour intention and the actual behaviour being assessed (Werner, 2004). In that time gap, the intention of an individual might change. The third limitation is that both Theory of Reasoned Action and Theory of Planned Behaviour are predictive models that predict an individual's response based on certain criteria. However, individuals do not always behave as predicted by those criteria (Werner, 2004).

The central hypothesis of this theory is that it predicts an individual's intention to engage in a behaviour at a specific time and place. The theory was intended to explain all actions over which people have the ability to exert self-control. The key component to this model is behavioural intent; behavioural intentions are influenced by the attitude about the likelihood that the behaviour will have the expected outcome and the subjective evaluation of the risks and benefits of that outcome (Ajzen 1988; Fishbein & Ajzen, 1975; Werner 2004).

This theory has been used successfully to predict and explain a broad range of health behaviours and intentions, including smoking, drinking, health services utilization, breastfeeding and substance use, among others.

Vallerand et al (2006) explain that the Theory of Reasoned Action applies to the realm of moral behaviour. Both personal and social determinants need to be taken into consideration to give a full account of behaviour (Brusk, 2010; Vallerand et al., 2006). The theory would appear to possess the necessary conceptual elements to explain and predict moral behaviour (Barker & Howell, 1994; Jenkins, 2002). The connection between the theory and moral behaviour is relevant to this study because it is morally objectionable to make false child sexual abuse allegations in divorce and custody proceedings. The theory is also applicable because – assuming that there is a correlation between intention and behaviour – the researcher wishes to explore and create an understanding of what parents' reasons and intentions are for making false allegations of child sexual abuse in divorce proceedings.

### **3.3 Crisis Theory**

According to Poal (1990) the term crisis derives from the Greek word *krisis* which means decision or turning point. This definition of the word, as a decisive stage that has important consequences in the future for an individual or a system, has been preserved up to today and has provided the framework for the development of the theory and practice of

crisis intervention. Crisis Theory's origins are dated in the 1940s and 1950s with Lindemann's pioneering work on grief and bereavement after the Coconut Grove Club fire in Boston and with the work of Caplan at Harvard University. Poal (1990) states that the 1960s and 1970s were periods of further elaboration of Crisis Theory and intervention with the development of suicide prevention centres, hotlines, crisis centres and other agencies. In the last few years, efforts have concentrated on the evaluation crisis intervention programmes and on further developing crisis intervention practice. Crisis Theory was initially developed as a response to the growing demand for services in situations where immediate assistance was required for large numbers of individuals.

While the origins of Crisis Theory are attributed to Lindemann, the work of Gerald Caplan (1964) and his colleagues at Harvard University provided the foundations for the development of Crisis Theory and practice. Caplan's interest in crises resulted from his work with families immigrating to Israel following World War 2 (Poal, 1990). Caplan (1964) considered that a crisis is provoked when a person faces a problem for which he appears not to have an immediate solution and that is, for a time, insurmountable through the utilization of usual methods of problem-solving. A period of upset and tension follows during which the person makes many attempts at solving the problem. Eventually, some adaptation and equilibrium is achieved which may leave the person in a better or worse condition than prior to the crisis. Caplan (1964) suggests that the essential factor determining the occurrence of a crisis is an imbalance between the perceived difficulty and importance of the threatening situation and the resources immediately available to deal with it; the crisis refers to the person's emotional reaction not to the threatening situation itself. Poal (1990) explains that Caplan's Crisis Theory is grounded in the concept of homeostasis. According to Caplan (1964), the organism constantly endeavours to maintain a homeostatic balance with the outside environment. When this balance is threatened, either by physiological or

psychological forces, the individual engages in problem-solving activities designed to restore this homeostatic balance. A crisis is considered an upset of a steady or homeostatic state.

Ell (1996) explains that emphasising the emotional, cognitive, physiological, and functional elements of human crisis, Crisis Theory makes the following fundamental assumptions: 1) it is not uncommon for individuals to experience a state of acute emotional disequilibrium, social disorganisation, cognitive impairment, and physical symptomology in the face of immediate situational stress or hazardous life events; 2) acute situational distress in a normative life experience, an upset in a usually steady emotional, cognitive and physical state that is not pathological, that can happen to anyone, and that, indeed, is likely to happen to most people at some time in their lives; 3) specific life events will be universally devastating; 4) during a state of disequilibrium, people will automatically strive to regain homeostasis or balance within their lives, a process that involves an appraisal of the meaning of the event within the overall context of the individual's life and of the personal and social resources available to cope with it; 5) while struggling to gain emotional equilibrium, the individual is in an intense, time-limited state of psychological (and in some cases, physiological) vulnerability; 6) during this heightened state of vulnerability, the individual is particularly amenable to psychological intervention; 7) the crisis response is characterized by universal stages toward adaptive or maladaptive crisis resolution; 8) crises afford an opportunity for growth and development as well as for negative outcomes (Slaikeu, 1990).

Social work practice is characterized by frequent encounters with people who have been exposed to potentially hazardous life events or who are in crisis. Indeed, providing crisis intervention services is an everyday experience for most social workers and, for many of them, people in crisis make up almost most of their practice. Crisis intervention thus pervades social work literature (Ell, 1996). The Crisis Theory has been used effectively in social work practice and especially crisis theory relating to the best interests of children. Fraser, Pecora

and Haapala (1991) indicate that a body of research and policy literature have been documented on children being removed unnecessarily from their families because human service programmes lack both the resources and the technology to strengthen families in crisis. In many states, child placement rates are increasing. Many family advocates are concerned about the rising number of children being placed in restrictive types of correctional and psychiatric facilities.

The Crisis Theory is appropriate to the crisis created by false child sexual abuse allegations that are made in divorce and custody proceedings. The allegation creates a severe crisis in the family unit as family members are in shock due to the allegations. The children involved also enter a state of crisis as they are involved in legal struggles that can become intense and stressful. The children most often are not allowed to have access and contact with the alleged abusive parent and the children might find this difficult and experience the state of affairs as confusing and as a crisis in their lives. Due to the high-conflict dynamics in the family and the litigation and investigation taking place, the family unit is placed in a crisis situation that has a serious and negative impact on its members. Ell (1996) explains that social workers act to ameliorate human suffering and, if possible, to prevent it. Crisis Theory guides practitioners with decisions about whether to intervene, for whom and in what way. This principle of Crisis Theory is needed when dealing with false child sexual abuse allegations in divorce and custody proceedings as it is a complicated and multifaceted dilemma.

The macro and micro theories that guided this study were specifically chosen as the three theories highlights various important aspects of the subject matter and gives meaning to the system that false child sexual abuse occurs in; the cause and effect that false child sexual abuse has on the system and the crisis that it brings within the system.

## **CHAPTER 4: METHODOLOGY**

This chapter focuses on the research methodology of the study. This study used an exploratory qualitative approach and this approach will be discussed in order to understand the reason for its use. The population, which includes the accusing parent, the alleged abusive parent and the mental health practitioners, will be deliberated and non-probability sampling was done to select the sample. The data collection approach will be discussed in detail. The importance of the research assistants and the training of the research assistants will be emphasised. The use of in-depth interviews will be elaborated on and also the use of the interview guides. Data analysis in specific content analysis and the verification of data are examined. The ethical considerations elaborated on include the ethical aspect of competency; no harm to the participants; voluntary participation and informed consent; confidentiality and anonymity. In closing, the potential limitations and reflexivity of the study will be explored as well as a providing a chapter outline and timeframe. Aspects pertaining to the budget of the study are also covered.

### **4.1 Research design**

An exploratory qualitative approach with a constructivist epistemology was utilised to explore false child sexual abuse allegations in divorce and custody proceedings. Grinnell and Unrau (2011) explain that a qualitative research approach is based on the interpretive paradigm, which states that reality is defined by the research participants' interpretations of their own realities. In sum, it is the subjective reality that is studied via the qualitative research approach. The qualitative approach believes that the only real way to find out about the subjective reality of research participants is to ask them, and the answer will come back in words, not in numbers. Qualitative research methods produce qualitative data in the form of text. The qualitative research approach is akin to exploring a "social problem maze" that has

multiple entry points and paths (Brink & Wood 1998; Burns & Grove 2003; Grinnell & Unrau, 2011).

Tutty, Rothery and Grinnell (1996) present further characteristics that most qualitative research studies have in common. They are conducted primarily in the natural settings where the research participants carry out their daily business in a “nonresearch” atmosphere. Variables cannot be controlled and experimentally manipulated (although changes in variables and their effect on other variables can certainly be observed). The questions to be asked are not always completely conceptualised and operationally defined at the outset (although they can be). Data collection is heavily influenced by the experiences and priorities of the research participants, rather than being collected by predetermined and/or highly structured and/or standardised measurement instruments. Meanings are drawn from the data (and presented to others) using processes that are more natural and familiar than those used in the quantitative method. The data need not be reduced to numbers and statistically analysed (although counting and statistics can be employed if they are considered useful) (Brink & Wood 1998; Burns & Grove 2003; Tutty et al., 1996).

*Explorative design* - Burns and Grove (2003) define exploratory research as research conducted to gain new insights, discover new ideas and/or increase knowledge of a phenomenon. Social work research is carried out to explore a topic and to provide a familiarity when a problem has not been clearly defined, before we know enough about the subject matter to make conceptual distinctions or draw an explanatory relationship (Shields & Rangarajan, 2013). When the purpose of research is to gain familiarity with a phenomenon or acquire new insight into it in order to formulate a more precise problem, the method of exploratory studies is appropriate. The results of exploratory research are usually not useful for decision-making by themselves, but they can provide significant insight into a given situation (Babbie, 2011; Shields & Rangarajan, 2013; Rubin & Babbie, 2011).

False child sexual abuse allegations in divorce and custody proceedings studied in this research are problematic in society. An explorative study will enable the researcher to create a context for the reader to understand the complexities of this social problem and will highlight this relatively unstudied phenomenon in South Africa. The purpose of this exploratory study is to become familiar with the subject matter and to understand ultimately why false allegations of child sexual abuse in divorce and custody proceedings occur (Anastas, 2004; Drisko, 1997; Rubin & Babbie, 2011; Shields & Rangarajan, 2013).

*Social constructivist epistemology*- Epistemology is the research of philosophy concerned with how individuals determine what is true (De Vos, 2002; Streubert Speziale & Carpenter, 2003; Mouton, 1998). The researcher holds a constructivist worldview and will be guided by constructivist epistemology. Constructivism examines the relationship with reality by dealing with constructive processes in approaching it (Flick, von Kardorff & Steinke, 2000). The situation in which individuals perceive, interpret and explain the same object differently despite the same sensation can be dealt with by the constructivist approach. The meaning of constructivism varies according to one's perspective and position (Brooks & Brooks, 1993; Boghossion, 2006; Davis, Maher & Noddings, 1990; Jenkins, 2000; Jones & Brader-Araje, 2002; Naylor & Keogh, 1999; von Glassersfeld, 2005). This study applied constructivist epistemology to examine the perceptions and position of false child sexual abuse allegations. The perceptions of the key informants, the alleged abusive parent and the accusing parent, to the reality of this multifaceted social problem were examined.

## **4.2 Population**

The universe population included all mental health care professionals, alleged abusive parents and accusing parents that has played a role in a false child sexual abuse allegation in divorce and custody proceedings. The study population included the parents who have been

falsely accused of child sexual abuse in divorce and custody proceedings (they are referred to as “*the alleged abusive parent*”); the parents who have made false child sexual abuse allegations in divorce and custody proceedings (they are referred to as “*the accusing parent*”); and the mental health care practitioners, including social workers and psychologists, who specialise in divorce, custody and sexual abuse matters (they are referred to as the “*mental health care practitioners*”) and served as key informants. These participants were not matched and were not related in any way i.e. it was not a couple that was used or a mental health professional and their client. All participants had no connection with another participant. A population can be defined as any group of subjects that are of research interest, or a large group of cases from which a researcher draws a sample (Goddard & Melville, 2001; Neuman, 2009).

The socio-demographic characteristics of the alleged abusive parent and the accusing parent, such as gender, age, educational level, years married before divorce, number of children born from that marriage and ages of the children, were established during the interviews. With the researcher’s experience in the field, the majority of accusing parents are the mothers of the children and the alleged abusive parents are often the father. The researcher has found this social problem in various ethnicity groups, including black, white, coloured and mixed race family structures. The parents have mostly been married a minimum of five years and the children are mostly babies or toddlers. The children are often at an age where they cannot necessarily deliver expert testimony and the parents have to give input and think they can talk on behalf the children.

The socio-demographic characteristics of the key informants, such as gender, age, educational level, years of experience and location, were established during the interviews. Based on the researcher’s experience, the key informants, who are mental health care practitioners, (social workers and psychologists), specialise in court work. They mostly

specialise in divorce, custody and sexual abuse matters, usually with a minimum of five years' experience in the field, and their focus is on the best interests of the child. Due the specialised nature of their field, the key informants are most likely to be 30+ years of age and have at least a post-graduate qualification. The researcher has found that there is a more dominant trend towards female practitioners in this field of practice, but you also find male practitioners.

### **4.3 Sampling procedure**

*Sampling Methods* –A purposive non-probability method was used to sample thirty key informants. These included social workers and psychologists, five parents who made false allegations and five parents falsely accused of sexually abusing their children. The researcher oversampled with two participants in each group in case participants declined the interview. No one however declined an interview. The sample was not selected from the researcher's practice but from independent gate keepers to rule out bias and to establish the validity of the study.

*Sampling of key-informants* - A purposive non-probability sampling method was used to select mental health care practitioners, the key informants. With purposive non-probability sampling, the researcher critically chose the criteria for inclusion in the sample and then chose the sample case from the population (Strydom & Delpont, 2002; De Vos, 2002). Non-probability sampling does not use random sampling (Fortune & Reid, 1999; Mark, 1996; Neuman, 2009). The inclusion criteria for this sample are social workers and psychologists registered with Therapist.Directory and Divorce.Directory, which are sites that represent professionals specialising in the field of divorce, custody proceedings and sexual abuse matters. Due to the researcher's practice experience in the field, the researcher had

knowledge that the gatekeepers would have access to the appropriate participants that could add value to the study.

*Recruitment and initial contact with key-informants* - The following mental health care professional sites, Therapist.Directory and Divorce.Directory, were contacted to obtain permission for the researcher to contact the mental health care professionals registered on these sites. These sites have lists of all registered social workers and psychologists working in the field of psychology and social work and their areas of speciality and are available to all registered mental health care professionals. A permission letter (*Appendix F1-Sample permission letter for gatekeepers to source mental health care professionals*) was sent to the governing board to obtain their consent that these professionals could be contacted and permission was obtained. These are public sites and all information is open for public display. Social workers and psychologists were included in the sample size, the criteria being that they specialise in the field of divorce, custody proceedings and sexual abuse matters.

A list was compiled of all the names, professional credentials, contact details and physical addresses of their practices that fit this set criteria. The individuals on the compiled list were contacted via telephone and the research study was discussed with them. The key informants were asked whether they were willing to partake in the research study and if they would commit to a face-to-face interview.

A subsequent list was compiled with all the key informants who agreed to participate in the study. A date, time, and place of interview was scheduled and confirmed by e-mail. Thirty interviews were held with key informants who specialise in the field of custody, divorce and sexual abuse, excluding the pilot study interviews.

*Sampling of the alleged abusive parent and the accusing parent* – “Sometimes you may appropriately select your sample on the basis of your own knowledge of the population, its elements, and the nature of your research aims – in short, based on your judgement and the

purpose of the study. In some instances, you may wish to study a small subset of a larger population in which many members of the subset are easily identified, but where enumerating all of them would be nearly impossible” (Rubin & Babbie, 2013, p.172). When using this method of sampling you will use purposive non-probability sampling methods. With purposive non-probability sampling the researcher thinks critically about the criteria for inclusion in the sample and then chooses the sample case from the population accordingly (Strydom & Delport, 2002; De Vos, 2002). The inclusion criteria for this sample were divorced men and women with children who have been accused of sexually abusing their children or have been falsely accused by their partner of sexually abusing their children. Since the researcher is in private practice in this field, participants who had had any connection with the researcher’s practice were excluded.

*Recruitment and initial contact with the accused and the accuser-* The specific sample that the researcher was looking for was divorced men and women with children, where the man or woman had accused (“accusing parent”)/or had been accused (“alleged abusive parent”) of sexual abuse of their children and where the accusation had proven to be false.

The researcher is aware of organisations and individuals who are confronted with these social problems, such as Fathers-4-Justice and Healthy Relationships. A permission letter (Appendix G) was sent to the specific organisation to obtain their consent to act as gatekeepers, which permission was given. Once permission was obtained, they were contacted telephonically to set up a meeting. However, the gatekeepers indicated that a meeting was not necessary and they agreed to make the necessary referrals.

The gatekeepers were asked if they could discuss the research with any individual from their organisation who fitted the criteria of an *alleged abusive parent or accusing parent* and who would be willing to be interviewed and share their story for research purposes. If they were willing to participate in the study, the organisation provided their contact details. The

identified participant was then contacted telephonically during which the research study was briefly discussed and a face-to-face interview arranged. In total, ten interviews (five with the alleged abusive parent and five with the accusing parent) were facilitated, excluding the pilot study interviews. Even though a small sample size, the accused and accusing parents interviews adds tremendous value to the study. The sample size was set at ten as it is very difficult to recruit the sample due to the sensitive nature of the topic.

*Total Sample Size* - The total sample size was set at a minimum of 40 interviews. Due to the sensitivity and difficulty in allocating participants to interview, a minimum of five interviews were conducted with parents who were falsely accused of child sexual abuse in divorce and custody proceedings and a further five interviews with the accusing parent who made the false child sexual abuse allegations in divorce and custody proceedings. To obtain further information from key informants, thirty interviews were conducted with social work practitioners, psychologists and counsellors specialising in the fields of custody, divorce and sexual abuse. These interviews provided a representative sample of information obtained from informants about the researched subject matter.

A sample is a smaller representation of a whole population. In research, the observation or study of a phenomenon in its entirety would be time-consuming and impossible to do. Theory has shown that researchers need to observe or interview only some of the people or phenomena involved to obtain a usable idea of the characteristics of the subject or the whole population (De Vos, 2002; Mouton & Marais, 1990; Reamer, 1998; Strydom & Venter, 2002).

#### **4.4 Data collection approach**

Data was collected by means of in-depth interviews with thirty mental health care professionals who served as key informants, five parents who made false child sexual abuse allegations and five parents who were falsely accused of sexually abusing their children.

*In-depth interviews*- In-depth interviews were used to gather information from key informants, the alleged abusive parent and the accusing parent. These were the participants who formed part of the study. Interviewing refers to structured or unstructured verbal communication between the researcher and the participants, in which information is presented to the researcher (Rubin & Babbie, 2011). In-depth interviews, also known as the “focused interview”, centre on selected topics and hypotheses, but the specific items used are not entirely predetermined. The in-depth interviewer needs to be skilled. Interviewers must learn as much as possible about the particular attribute or experience the interviewees have shared (Grinnell & Unrau, 2011).

Interviews have various advantages and are a flexible technique that allows the researcher to explore a greater depth of meaning than can be obtained with other techniques (De Vos, 2002). The researcher’s interpersonal skills can be used to facilitate co-operation and elicit more information. There is a higher response rate to interviews than questionnaires, leading to a complete description of the phenomenon under study by the participants. Interviews allow collection of data from participants unable or unlikely to complete questionnaires, such as those who have a marginal reading and writing ability and cannot express themselves adequately (Burns & Grove, 2003; De Vos, 2002).

*Data collection tools* - Interview guides were used during the interviews. The researcher designed the interview guides to be used during the interviews. These interview guides were prepared in English and translated into Afrikaans. Rubin and Babbie (2011) explain that an interview guide is a qualitative measurement instrument that lists, in outline

form, the topics and issues that the interviewer should cover in the interview, but allows the interviewer to adapt the sequencing and wording of questions for each particular interview. Grinnell and Unrau (2011) explain that interview guides may include specific items but that considerable latitude is given to interviewers to explore in their own way matters pertaining to the research question being studied.

Three different interview guides (*Appendix C, In-depth interview guide with the alleged parent who was accused of child sexual abuse; Appendix D, In-depth interview guide with the accusing parent making the allegations of false child sexual abuse; and Appendix E, Key Informant Interview Guide with mental health care practitioners specialising in the field of divorce and custody proceedings and sexual abuse matters*) were used to guide the interviews with the alleged abusive parent, the accusing parent and the mental health care practitioners. The interview guide included a section to obtain information regarding the participant's geographical information and then an introduction section that needed to be signed, which consisted of information explaining the interview process. The interview guide included ten questions designed specifically for the alleged abusive parent, the accusing parent and the key informants.

The interview guide (*Appendix C – In-depth interview guide with the alleged abusive parent who was accused of child sexual abuse*) that was used with the alleged abusive parent explored how the parent was accused of sexual abuse and tried to establish why they were accused of such a terrible crime. The interview guide examined the accused's perceptions and opinion on the personality and character of their ex-partner who made the allegations and established the intent of the ex-partner; whether it was malicious or a genuine false alarm. Furthermore, the factors contributing to a parent believing that their ex-partner had sexually abused a child was explored according to the alleged abusive parent's perception. The interview guide made provision to explore the opinion of the alleged abusive parent on the

systems, protocol, and interventions that were in place when being accused of child sexual abuse in divorce and custody proceedings. It also looked at the alleged abusive parent's view on the professional service delivery of mental health care providers when confronted with false child sexual abuse. An investigation was undertaken as to what could have been done differently in the alleged abusive parent's particular case that would have resolved matters faster. An additional aspect that was explored was the relationship that the alleged abusive parent had with his ex-partner and his children and what could be done differently in dealing with false child sexual abuse allegations in divorce and custody proceedings.

The interview guide (*Appendix D- In-depth interview guide with the accusing parent making the allegations of false child sexual abuse*) that was used to interview the accusing parent explored how it came about that the parent made such allegations about the alternate parent and what the accusing parent noticed or was told by the child to make them believe that sexual abuse had taken place. A further factor looked at was how the accuser had acted and what they had gone through emotionally when believing that the other parent had sexually abused their child. The decision-making process was looked at and whether the accusing parent was influenced by referring to others. The interview guide included questions regarding the systems, protocols and interventions in place when a person thinks that their child has been sexually abused. A further exploration was to find out whether the accusing parent had attempted to approach the ex-partner and inform him/her about what they believed and to endeavour to resolve the situation without professional assistance. Feelings were explored about what the accusing parent had felt when they were proven wrong and it was said that the child had not in fact been sexually abused. It was further explored how the relationship was with the ex-partner and with the children and what the accusing parent felt could have been done differently.

The interview guide (*Appendix E – Key Informant Guide with mental health care practitioners specialising in the field of divorce and custody proceedings and sexual abuse matters*) that was used with the key informants included topics which examined how often practitioners were confronted with false child sexual abuse allegations and how they dealt with these allegations when they were referred to their practice. It explored factors contributing to the making of false allegations and whether key informants were of the opinion that accusing parents might struggle with mental illness. The interview guide explored if referent orders were involved in the decision-making process of making the false sexual abuse allegation. The perceptions of the mental health practitioners were explored regarding their experience of the accusing parent and the alleged abusive parent. The interview further focused on whether the practitioner saw the justice system as capable of dealing with the problem of false child sexual abuse and what could be done to act preventatively in these matters.

*Instrument Translation* — The interview guides were compiled in English and translated into Afrikaans that catered for the needs of the participants. After interviews had been facilitated in Afrikaans, notes and text were translated from Afrikaans into English for the data analyses process to take place.

The use of a tool from one culture to another requires, first and foremost, attention to the cultural relevance of the measure for the cultures for which it is being employed. An important consideration then is whether the tool can be translated from the source language (i.e., the original language of the tool) into the target language (i.e., the language into which the tool needs to be translated) without losing meaning in the translation process (Waltz, Strickland and Lenz, 2010).

*Research Implementation* - Interviews were conducted face-to-face by the research assistants in a neutral, non-threatening environment. Most of the interviews with the key

informants took place at their practices or organisations. The accused parent and accusing parent's interviews were scheduled to take place in a public setting to ensure the safety of the research assistants. Several locations could be available for conducting the interview: (1) a research office; (2) the participant's home or practice; or (3) a neutral setting. The participant preference as to the interview environment would be considered. However, if the interviewer had a choice, the advantages and disadvantages of the most common settings should be considered (Grinnell & Unrau, 2011).

The interviews were conducted in English. However, if the participant preferred to do the interview in Afrikaans, provision was made as interview guides were adapted into Afrikaans. Twenty-four of the research participants interviews were done in Afrikaans, where the participant felt more comfortable speaking in their mother tongue, and the interview transcripts were thereafter translated into English. Detailed handwritten notes were made during all the interviews. The recording apparatus used for transcription purposes was a digital voice recorder. The information that was captured was then carefully transcribed into text. Afrikaans text was translated into English text.

*Research Assistants* - Two research assistants gathered data. Due to the researcher's professional, authoritative position, the research assistants facilitated the interviews thereby preventing the participants from feeling intimidated or under pressure to tell the researcher what they thought she might want to hear. The facilitation avoided the complication of a power dynamic between the researcher and the participants. The researcher, however, worked closely with the assistants to inform them of their responsibilities and to guide and facilitate all processes. Research assistants who were fluent in English and Afrikaans and who had a background in social science were appointed to assist in this study.

*Training of research assistants* - Research assistants were trained by the researcher so that they had a good understanding of the subject, could facilitate interviews professionally

and could make the necessary transcriptions. Grinnell and Unrau's (2011) qualitative interviewing guidelines were discussed with the research assistants in their training. The researcher ensured that the assistants were able to facilitate excellent and professional interviews. The research assistants facilitated the interviews and aimed to keep the interviews relaxed and free of pressure. They also gave the participants the opportunity to open up regarding their experiences concerning false child sexual abuse allegations in divorce and custody proceedings.

The training included a two-day training programme that included the following –

- An in-depth discussion on the research proposal and what the research entailed. The research assistants were given a copy of the research proposal and were asked to study the document. On the second day of the training programme, the research assistants were asked questions regarding the study so as to ascertain whether the assistants had insight into the subject matter;
- The researcher thoroughly discussed false child sexual abuse allegations in divorce and custody proceedings with the research assistants and specifically drew from the literature study so that they were given sufficient information to understand the topic at hand;
- The researcher referred the research assistants to books and articles that they should study to give them more insight into the subject matter;
- The researcher trained the research assistants on how to make the initial contact with organisations and professionals to gather information for the purpose of the study;
- The researcher trained the research assistants on how to be an effective and well-equipped research assistant;
- The researcher trained the research assistants on how to conduct effective and in-depth interviews by using role play techniques ;

- The research assistants were trained on how to keep sufficient notes and how to transcribe effectively;
- The research assistants were trained on how to assist the researcher with data analysis if it became necessary to obtain their personal insight from conducting the interviews.
- The research assistants signed a confidentiality agreement (*Appendix A1 - Example of confidentiality agreement with research assistants; Appendix A2 - Confidentiality agreement with research assistant 1; Appendix A3 – Confidentiality agreement with research assistant 2*) to ensure that the information gathered remained confidential. It was imperative that a trust relationship was built between the researcher and the research assistants as the research assistants dealt with sensitive information.

*Study area* – Interviews took place in the demographic areas of Johannesburg and Pretoria as this was where the researcher’s practice was located and where cases on this subject matter had been seen in practice. The majority of the clients that resported false child sexual abuse allegations were Afrikaans and English speaking and thus this study made provision for these two languages. This study excluded any client related to the researcher’s practice and participants were sourced from the gate keepers to prevent any bias. As interviews took place in the Johannesburg/Pretoria area, the limitation was that participants, who formed part of the study, were mostly from this geographic area. This method of interviewing is geographically limiting, but it would be very costly to travel to all parts of the country to conduct face-to-face interviews.

*Pilot study* - Grinnell and Unrau (2011) explain that conducting a pilot study is the final stage of preparation. For the pilot study, a small sample of individuals should be drawn from the population group that the researcher is studying. Two pilot interviews were conducted respectively with key-informants, the alleged abusive parent, and the accusing parent, to test each interview guide and to make any necessary changes. Changes indicated in the pilot

study were considered carefully and incorporated. Most of the changes effected to the initial interview schedule were so that it would be more user-friendly for the research assistants when completing the personal information of the participants. Small changes were made to the questions of the interview schedules so that the questions read effortlessly. The pilot study was done in English and Afrikaans as the participants either selected speaking English or Afrikaans. The procedures are carried out with the pilot individuals and should include an actual interview if the researcher is preparing to conduct an in-person interview. The distribution of responses to each question must be reviewed, recordings must be listened to, all comments must be read, and then the researcher must code what was heard or read, to identify problems in the wording or delivery of questions. The researcher must revise any questions that participants do not seem to interpret as the researcher had intended, or that are not working well for other reasons. If the response rate is low, it must be considered whether some modifications in procedure can improve it. The pilot interviews were excluded from the study results (Grinnell & Unrau, 2011).

#### **4.5 Data analysis and verification**

*Data Analysis* - According to Grinnell and Unrau (2011), as well as Creswell (2009), the central purpose of analysis in qualitative studies is to sift, sort and organise the masses of data acquired during data collection in such a way that the themes and interpretations that emerge from the process address the original research problem(s). Data analysis is a challenging and creative process characterised by an intimate relationship of the researcher with the participants and the data generated (De Vos, 2002).

Qualitative analysis involves non-numerical examination and interpretation of observations. Qualitative analysis involves a continual interplay between theory and analysis (Grinnell & Unrau, 2011). In analysing qualitative data, the researcher seeks to discover

patterns, such as changes over time or possible causal links between variables. The processing of qualitative data is as much art as science (Cresswell, 2009; Grinnell & Unrau, 2011). The data analysis methods that were used to deliver results were content analysis and thematic analysis. According to literature (Babbie, 2011; Berg, 2007; Grinnell & Unrau, 2011; Rubin & Babbie, 2011), content analysis can be used as a qualitative technique of data analysis. Content analysis is a research method for studying virtually any form of communication, and consists primarily of coding and tabulating the occurrences of certain forms of content that are being communicated (Grinnell & Unrau, 2011). Many different possible relationships between variables can be discovered in an existing database (Rubin & Babbie, 2011).

In this analysis, the researcher read the entire interview, identifying several topics. These topics then became primary categories or category labels. With too many categories, saturation is achieved slowly. Once the categories have ample data, the researcher selected to categorise this data into sub-categories of two or more. A tree diagram was developed with types of the main category. When each category was reasonably full and saturation reached (that is, no new data emerged) the researcher wrote descriptive paragraphs about, and looked for relationships between, categories taking significant quotations from the transcripts. These relationships could be concurrence, antecedents or consequences of an initial category (Babbie, 2011; Berg, 2007; Grinnell & Unrau, 2011; Rubin & Babbie, 2011).

*Data analysis process* - The researcher used Tesch's eight steps in thematic data analysis (De Vos, 2002:340-341):

(1) The researcher organised the transcriptions into folders identifying the group they formed part off i.e. mental health professionals etc. The researcher critically read through all the transcriptions, making notes of themes that emerged from the data. Lists of themes were

compiled as the researcher identified connections between participant's versions in the transcriptions.

(2) The researcher critically reasoned and inferred views highlighted in the data to add to the themes that has been construed from the data.

(3) The researcher arranged similar topics into groups by forming columns labelled major topics, unique topics, and leftovers and drafted figures to group the topics together. This process enabled the researcher to see what topics have come from the data and which topics link together.

(4) The researcher then abbreviated the topics as codes and wrote the codes next to the appropriate segment of the text. This assisted the researcher in organising the data topics. The researcher critically considered the organisation of data to check if new categories or codes emerged from the data.

(5) The researcher found the most descriptive wording for the topics and converted them into categories. The aim was to reduce the total list of categories by grouping topics together that related to each other. Lines drawn between the categories indicated interrelationship of categories and this assisted the researcher to present the data.

(6) The researcher considered all categories and quotations that made sense of the categories. A final decision was then made on the abbreviation of each category and the information that supports each category and the codes were arranged alphabetically.

(7) The data material belonging to each category was placed in files that was clearly marked for data analysis of the transcriptions and the preliminary analysis was performed.

(8) This process was done twice to check that all the data was organised and analysed in a organised way and re-coding of the data was done.

*Data verification* –Verification ensures reliability and validity of data, methodological coherence, sampling sufficiency, developing a dynamic relationship between sampling, data

collection and analysis, theoretical thinking and theory development (Morse, Barrett, Mayan, Olson & Spiers, 2002). The researcher aimed for methodological coherence to ensure congruence between the research question and the components of the study method. The interdependence of qualitative research demands that the question match the method, which matches the data and the analytic procedures. As the research unfolds, the process may not be linear (Glaser, 1978; Morse, 1997).

The research sample was appropriate, consisting of participants who best represented or had knowledge of the research topic. This method of sampling ensured efficient and effective saturation of categories, with optimal quality data and minimum dross. Sampling adequacy, evidenced by saturation and replication (Morse, 1991), means that sufficient data accounting for all aspects of the phenomenon was obtained. The research assistants collected the data and the researcher analysed it concurrently. This formed a mutual interaction between what is known and what is needed to be known. This pacing and the iterative interaction between data and analysis is the essence of attaining reliability and validity (Morse et al., 2002).

The researcher considered all aspects theoretically and reconfirmed information emerging from data into new data. These ideas gave rise to new concepts that, in turn, were verified by data already collected. The researcher used macro and micro theories within this study to create a theoretical understanding. Valid theories are well developed and informed and are comprehensive, logical, parsimonious and consistent (Glaser, 1978; Morse, 1997). These verification strategies incrementally and interactively contribute to and build reliability and validity, thus ensuring rigour within the research study.

Guba's model (1981) of trustworthiness of qualitative research was considered to verify the research results. His example places great emphasis on the four constructs of credibility, transferability, dependability and conformability of qualitative data. Tactics used within all these strategies to ward off obvious biases are the following: checking for

representativeness, checking for researcher effects reactively, triangulating and weighing of the evidence. Tactics for testing the viability of patterns centre on the active search for contrasts, comparisons, outlier, and extreme cases. These strategies were implemented within the research (De Vos, 2001).

#### **4.6 Ethical considerations**

Grinnell and Unrau (2011) explain that the need to protect individuals participating in research studies can be tracked back to 1947 with the Nuremberg Code. A military tribunal developed the Code to provide standards for judging the horrific and inhumane medical experiments conducted on humans by the Nazi regime during World War II. The Nuremberg Code laid the groundwork for the principles underlying our practices today regarding the ethical conduct of research. The first tenet of the Code stipulates that voluntary consent of potential research participants is essential and it details the conditions under which consent should be obtained. The second tenet dictates that the potential research study must be expected to be of some benefit to society. Several principles of the Code relate to avoiding unnecessary risk of harm, including physical and mental suffering or injury. Another point in the Code speaks to the quality of the study and stipulates that it should be carried out by qualified researchers. Finally, the Code demands that participants be allowed to withdraw from the study at any time without any form of reprisal whatsoever (Grinnell & Unrau, 2011). In this research study, the following ethical aspects were considered so as to protect human participants from the results of these findings.

##### **4.6.1 Human participants' protection**

To protect human participants, ethical clearance is needed before data collection can commence. Ethical clearance was sought from the ethical and research committee of the UCT

Department of Social Development. Since participants were recruited from various gatekeepers, such as Fathers-4-Justice, Healthy Relationships, Therapy Direct and Divorce Direct, a permission letter (*Appendix F1- Example of permission letter for gatekeepers to source mental health care professionals; Appendix G1- Example of permission letter for gatekeepers to source falsely accused parents and the accusing parents*) was sent to the gatekeepers to obtain their written permission to play a part in this research study.

#### **4.6.2 Risks and benefits of the study**

The risk of the study included that the social problem of false child sexual abuse allegations in divorce and custody proceedings is a very sensitive issue and participants may become rather emotional during the interviews. The research assistants were made aware of the sensitivity of this research study and respected its delicate nature. If, at any stage, the participants felt overwhelmed by the interviews and became emotional, the research assistant would terminate the interview. They would ask the researcher to assist with the termination process and emotional situation at hand and make the necessary referral. The researcher is a qualified social worker and can handle such matters with expert skill. This problem did, however, not occur in any of the interviews.

The benefits of this study will be to contribute significantly to the understanding of false child sexual abuse cases. It will create an evidence-based understanding for courts and practitioners, such as social workers. The outcome will create an understanding and generate knowledge regarding factors that contribute to false child sexual abuse allegations in divorce and custody proceedings. Mental health care practitioners will be able to clarify and support their recommendations with more evidence in court, and mental health care practitioners will be able to give clear expert testimony. This study will further be beneficial as it will assist the practitioner to explain the reasons behind the allegations to all parties involved, i.e. the parents, the children, the legal teams and the courts.

The outcome of the study will be able to influence policy making, as policies, such as the Green Paper and White Paper on Families, should acknowledge the existence of false child sexual abuse allegations in divorce and custody proceedings and should give directions on how to deal effectively with this problem. This study will be beneficial to the researcher's private practice, as the researcher is often confronted with false child sexual abuse allegations in divorce and custody proceedings and will benefit by research and academic literature to support casework. It will also enable the researcher to become an expert in false child sexual abuse matters and to train others in this field.

#### **4.6.3 The ethical aspect of competency**

One ethical aspect to consider in the research study is the competency of the researcher to do an analysis of the literature researched and information collected. Researchers are ethically obliged to ensure that they are competent and adequately skilled to undertake the proposed investigation (Babbie, 2011; Grinnell & Unrau, 2011; Strydom, 2005).

As the researcher is a qualified social worker and has experience in the field of forensic work regarding sexual abuse and divorce and custody cases, she has the experience and is able to conduct and facilitate the planned research study and ensure competency in leading the research project. Research assistants with sufficient knowledge regarding research and the subject matter and with the necessary interview skills were appointed. The necessary training was facilitated with the research assistants to ensure that they had good ethics and high standards of work quality (Grinnell & Unrau, 2011; Gordon, 1992). The two-day intensive training with the research assistants ensured competency to assist with the research project.

#### **4.6.4 No harm to the participants**

The study followed the utmost ethical standards to protect the participants so that no harm came to them. Rubin and Babbie (2011) explain that social work research should never injure the participants in a study, regardless of whether they volunteered for it. Perhaps the clearest instance of this norm in practice concerns the revealing of information that would embarrass them or endanger their home lives, friendships, jobs and so forth. Research participants can be harmed psychologically in the course of a study, and the researcher must be aware of the often subtle dangers and guard against them. Research participants are often asked to reveal deviant behaviour, attitudes that they feel are unpopular, or personal characteristics that they may feel are demeaning, such as, low income, the receipt of welfare payments, and the like. Revealing such information is likely to make them feel uncomfortable, at the very least. Social work research projects may also force participants to face aspects of themselves of which they are normally not fully aware. This can happen even when the information is not revealed directly to the researcher. In retrospect, a particular past behaviour, for example, may appear unjust or immoral to the participant, for whom the project can then be the source of a continuing personal agony. Alternatively, if the study concerns codes of ethical conduct, the participant may begin questioning his or her morality, and that personal concern may last long after the research had been completed (Grinnell & Unrau, 2011).

This research topic is highly controversial and sensitive. Individuals involved in false child sexual abuse allegations in divorce and custody proceedings may have been severely upset and traumatised by proceedings. It was the responsibility of the research assistants to act with empathy and sensitivity in the research role when recruiting the participants and facilitating the interviews. The research assistants ensured a trusting relationship by being sensitive to the participants' emotional state of mind, which enabled the participants to feel

an openness towards the research assistants and gain their trust. It was clearly explained to participants that no harm would come their way if they chose to participate in the study. This was also confirmed in writing in the informed consent form and during the introduction to the interview. This ensured no harm to the participants.

If, at any point, the participants felt that they did not want to participate further in the research study, the participants would have been excluded from the research without any questions asked. This, however, did not occur in any of the interviews. If at any stage during the interview the research assistant experienced that a participant was struggling emotionally with the questions being asked, they enquired from the participant whether they wanted to continue and whether they were emotionally able to continue. The research assistant ensured that they were still happy to participate by asking, at various intervals, whether the participant still felt confident to proceed with the interview. If the research assistant felt at any stage that the participant was not comfortable or was not coping with the interview, the research assistant would have terminated the interview. This, however, did not occur in any of the scheduled interviews. By employing this strategy of data collection, it was ensured that the participants suffered no emotional harm. If the participant felt emotional due to the information being requested, the research assistant would make a note of this and discuss it with the researcher. It would then have been recommended that the participant be referred to a mental health professional who would be able to assist them with their emotional difficulty. This, however, did not occur during any of the interviews and the interviews were facilitated with ease.

#### **4.6.5 Voluntary participation and informed consent**

A major tenet of research ethics is that participation must be voluntary. No one should be forced to participate. All participants had to be made aware that they were participating in

a study; what the consequences of the study were; and that they had to consent to participate in it (Guilford, 2001; Grinnell & Unrau, 2011; Rubin & Babbie, 2011).

*Voluntary participation* – The research assistants explained to the participants, in detail, that they should understand that they were free to participate if they chose to, that their participation was voluntary and that they were under no obligation to participate. The research assistants, furthermore, explained that any participant could withdraw from the research process at any time, without any repercussions. The participants were not deceived in any matter, and all information was discussed openly with them before information gathering took place. This explanation ensured voluntary participation.

*Informed consent* – The research assistants discussed an information sheet and written consent form (*Appendix B – Information Sheet and Written Consent Form*) in detail with all the participants, upon which they needed to give their consent to participate in the study, if they wished to participate. The informed consent form, furthermore, explicitly stated that they would receive no benefit or reward for taking part in the study and that they would merely be adding value to the field of social work. Information was not to be gathered from any participants if they did not give permission beforehand to take part in the research study and if they did not sign the informed consent form. The participants in this study were literate and were able to sign the informed consent form with their individual signatures. The informed consent form was in English and Afrikaans. The research assistants made sure that all participants could speak and communicate effectively in English or Afrikaans in the interviews and were able to read the informed consent form that they had to sign before interviewing could take place.

#### **4.6.6 Confidentiality and anonymity**

Social work research has the potential of causing unintentional harm to people. Confidentiality and anonymity were a priority throughout the research project to protect human participants (Christians, 2005; Rubin & Babbie, 2011; Strydom, 2005). According to Wiles (2013), issues of anonymity and confidentiality are key considerations in ethical research practice and, in common with informed consent, are concepts that underpin professional research guidelines for social scientists. The management of confidentiality and anonymity is closely linked with the management of consent, in that participants need to be informed about how confidentiality and anonymity will be managed and what the implications of participating will be in relation to these issues before consenting to participate. In other words, they need to be made aware of what will happen to the data, how it will be reported, whether it will be possible to be identified from such data and its implications thereof (Christians, 2005; Rubin & Babbie, 2011; Strydom, 2005).

The individual participant needs to consider the consequences and risks of participating as regards confidentiality and anonymity in the light of his/her views about what is public and what is private. However, they need to be guided in this by the researcher, who will disseminate the research and who knows who the likely audiences will be (Wiles, 2013).

*Confidentiality* - Confidentiality is concerned with who has the right of access to the data provided by the participants (Christians, 2005; Rubin & Babbie, 2011; Strydom, 2005). Due to the sensitive nature of this study, the researcher guaranteed that the information gathered from the participants would remain confidential. Information obtained was password-coded allowing only the researcher, research assistant and the supervisor of the study to have access to the information. The information will be deleted after five years of completing the study. These measures ensure that the information gathered is kept confidential and only used for the purpose of the research study.

*Anonymity* - Anonymity refers to concealing the identities of participants in all documents resulting from the research (Christians, 2005; Rubin & Babbie, 2011; Strydom, 2005; Wiles, 2013). To ensure anonymity, a master identification file was created that linked numbers to names to permit subsequent corrections of missing or contradictory information. This file would not be available to anyone else except for legitimate purposes (Rubin & Babbie, 2011; Strydom, 2005). The researcher ensured that no names or surnames or other identification details were shared that could identify or link participants to research data. The study referred to participants as biological mother, biological father, alleged abusive parent, accusing parent, child, mental health practitioner, social worker and psychologist. With this naming process, the researcher could ensure participants anonymity and the research assistants explained the meaning of anonymity to them.

#### **4.7 Limitations of the study**

This study included interviews with the parent making the sexual abuse allegations. These interviews proved to be difficult as the accusing parents were rather stressed and angry about the outcome of their cases. The accusing parents did, however, choose to discuss their viewpoints honestly as they wanted to be heard as they felt they were unjustly treated in the system. Where the researcher initially thought that the accusing parent would not wish to partake in the study, it proved to be valuable to include them in it. Their inclusion did not limit to the study but added value. During the interviews, the accusing parents displayed evident anger and hostility towards professionals and the courts. This anger could have limited the truthfulness of the information given and may have limited the study to a certain extent as regards the honesty of the accusing parent.

The analysis of the information received from the accused parent proved to be thought-provoking. The accused parent predominantly experienced extreme anger, bitterness and

hostility for what the accusing parent had done, and this only allowed them to give a one-dimensional perspective to the problem. The anger of the accused clouded the obtaining of further perceptions and information. The study took the anger of the accused parents into consideration when doing the data analysis.

If participants could not partake in the interviews in English, the interviews were conducted in Afrikaans. If there were participants who would have liked to partake in an interview in another language this would have been considered; however, there was no such request during the data collection process. The challenge of translating interviews held in other languages was taken into account. Interviews done in Afrikaans were translated into English using careful translation procedures. The research assistant, together with the researcher, checked and re-checked for effective translation to prevent translation errors. Error in translation can thus be a limitation within the study.

A lot is being said about the perspectives of the mental health professionals about the accusing parent. For the diagnosis presented in the study, technically, professionals would have used an established criterion, not assumptions or viewpoints. The researcher should have included a section on the assessment scales that professionals use in making their diagnosis. This can be limiting to the study as professionals did not explain a specific criteria that could have been valuable to the study, but focuses more on their professional insight and experiences.

#### **4.8 Reflexivity**

The researcher is part of and not divorced from the phenomenon under study. As this study is a qualitative project, it was necessary to take into consideration, throughout the research study, that a person's thoughts and ideas tend to be inherently biased. Brewer (2000) describes various aspects that should be taken into account to enable a study that is facilitated

to be done so with integrity. Because the values and thoughts of a person can be represented in their work, it is important, throughout the study, to check that the researcher's beliefs do not prejudice the research being conducted (Brewer, 2000). The researcher works closely in practice with false child sexual abuse matters and understand the complexities of this social phenomenon and thus the importance of the needed research. The researcher ensured that none of the participants that took part of this research project is in anyway associated to the practice to ensure an objective study free from bias. False child sexual abuse allegations in custody and divorce cases are highly controversial and a sensitive topic. The researcher ensured that the research assistants were trained well and ensured that they had time to debrief to guarantee that the research assistants feel confident within the research process.

The role of research assistants was important, as this assisted with the information gathering process and added to objectivity, which is important in qualitative research. It was imperative that the researcher's biases (for example, having an opinion of the accuser's motives or an expectation that the accused will give a bitter and angry version) did not affect the research process. The researcher needed to assume an explorative stance to obtain all available information so as to create an understanding of this complex social problem of false child sexual abuse allegations in divorce and custody proceedings. This research study can make a difference within so many family's lives that has been affected by false sexual abuse matters as it emphasise that this social problem truly exists.

## CHAPTER 5: PRESENTATION AND DISCUSSION OF FINDINGS

Chapter 5 focuses on the data analysis of the study and presents the qualitative data obtained from the fieldwork done. The researcher uses tables and figures to present topics drawn from the data obtained, to make sense of the data and provide an understanding thereof. Information was gathered from key informants, the falsely accused parent and the parents making the allegations. The topics that will be discussed in this chapter were drawn from the data gathered, and literature studied, which will be included to enrich, and make sense of, the topics.

### 5.1 Results

The following information was gathered from the data collected in the qualitative research study. The quotations included in this chapter were taken from the transcriptions (*Appendix H1 – Example of transcript of the interviews facilitated with a key informant; Appendix H2 – Example of a transcript of the interview facilitated with the accusing parent making the false child sexual abuse allegation; Appendix H3 – Example of a transcript of the interview facilitated with the falsely accused parent*) made of the interviews facilitated with the research participants.

#### 5.1.1 Socio-demographic profile of participants

In this section, tables provide a profile of the participants, including the key informants, the accused parents and the parents making the false allegations. Table 1 gives a profile of the key informants who include social workers, psychologists, and other counsellors and professionals working with false sexual abuse matters. Twenty-two female key informants and eight male key informants were interviewed. The youngest participant was

28 and the oldest participant 80 years of age. The professional's years of experience indicate that the key informants, who formed part of this study, have the necessary experience to give sufficient insight into the social problem. Five key informants work in the public sector whereas 25 of the key informants work in private practice. This shows that the majority of professionals are in private practice but that the public sector is also represented in the sample. The key informants hold various qualifications specialising in a social related field. Twenty-three participants hold post-graduate degrees whereas seven participants have obtained an undergraduate degree. These results indicate that the participants in this study are well educated and have sufficient academic knowledge.

Table 1 allowed the researcher to deduce detailed information from the key informants, which included social workers, psychologists and other professionals who specialise in false sexual abuse matters. False sexual abuse allegations are challenging for the courts and professionals working with sexual abuse. To establish whether a sexual abuse charge has been fabricated can also be a complex task and needs specialist attention. Mental health professionals thus need to be appropriately qualified and specialised to work in this field of mental health care (Bala & Schuman, 2000; Dillon, 1987; Faller & Everson, 2012; Kuehnle, 1998; Kuehnle & Connell, 2009; Ney, 1995; McGraw & Smith, 1992; Zepezauer, 1994).

**Table 1: Profile of the key informants interviewed**

	<b>Respondent</b>	<b>Practice</b>	<b>Gender</b>	<b>Age</b>	<b>Educational Level</b>	<b>Years' Experience</b>
1	Social Worker	Private	Male	44	Master's degree in Social Work	7
2	Social Worker	Public	Female	32	Honours degree in Social Work	3
3	Clinical Psychologist	Private	Female	59	PhD in Psychology	25
4	Counsellor	Private	Male	43	BA (SW), Honours degree in Social Work	15
5	Accredited Mediator	Private	Female	54	BCom, BA (SW)	12
6	Psychologist	Private	Male	55	Master's degree in Psychology	15+
7	Psychologist	Private	Female	36	PhD in Psychology	8
8	Medical Doctor	Public	Male	50	MBChB	25
9	Psychologist	Private	Male	28	Honours degree in Psychology	5
10	Psychologist	Private	Male	42	PhD in Psychology	20
11	Clinical Psychologist	Private	Female	43	Master's degree in Psychology	6
12	Educational Psychologist	Private	Female	48	PhD in Psychology	14
13	Psychologist	Private	Female	53	Master's degree in Psychology	25
14	Clinical Psychologist	Private	Female	54	PhD in Psychology	28
15	Social Worker	Private	Female	80	BA(SW)	37
16	Attorney	Private	Female	39	BA(SW)	13
17	Social Worker	Private	Female	47	BA(SW)	11
18	Psychologist	Private	Female		Master's degree in Psychology	14
19	Social Worker	Private	Female	Not completed	BA(SW)	Not completed
20	Social Worker	Public	Female	Not completed	BA(SW)	Not completed
21	SAPS - Family Child Sexual Offense Unit	Public	Male	45	BA(SW)	26
22	Social Worker	Private	Female	Not completed	BA(SW)	Not completed
23	Clinical Social Worker	Private	Female	46	PhD in Social Work	20
24	Social Worker	Private	Female	50	Master's degree in Social Work	24
25	Clinical Psychologist	Private	Female	46	Master's degree in Psychology	23
26	Social Worker	Private	Female	50	Master's degree in Social Work	24
27	Clinical Social Worker	Private	Female	46	PhD in Social Work	20
28	Psychologist	Private	Male	28	Honours degree in Psychology	5
29	Social Worker	Public	Female	Not completed	BA (SW)	Not completed
30	Counselling and Research Psychologist	Private	Female	56	PhD in Psychology	34

Table 2 presents information on parents falsely accused of sexual abuse. The table indicates that all five participants falsely accused of sexually abusing their children are male. The average age of the men was 45, thus, in their middle years. Furthermore, the information presents that the men are all qualified, from holding certificates and diplomas to a higher level of education, having obtained a degree. The research findings, thus, reveal that the falsely accused parent is not a parent who is uneducated but is often well-educated and qualified. The findings indicate that the falsely accused parents were on average married for 10.6 years. Some of the couples were married for up to 20 years and had a long-standing relationship, and some were not married for that long, e.g. one year. The number of children born of these marriages varied from single child households to households with up to three children. The ages of the children also varied, with most of them being in their teenage years. Cases in this study were all cases where the sexual abuse charges have been proven to be false and the cases closed after years of argument, indicating that the children would have been much younger when the false sexual abuse allegations were made. From this, we can interpret that children are often in their toddler or middle years when these false sexual abuse allegations are made.

**Table 2: Profile of the falsely accused parents**

	<b>Gender</b>	<b>Age</b>	<b>Educational level</b>	<b>Years been married before divorce</b>	<b>How many children born of the marriage</b>	<b>Ages of the children</b>
1	Male	42	Diploma	13	2	8 & 14
2	Male	47	Certificates	20	3	15
3	Male	45	Diploma	10	1	4
4	Male	37	Degree	7	1	9
5	Male	54	PhD	3	2	11 & 12

In this study, the total population of falsely accused parents were males, but this is not always the case. McDonald (1998) indicates that, while it is popularly believed that all allegations of sexual abuse in a divorce involve the mother accusing the father, this is not the case. Mothers accused biological fathers in 48% of the cases and stepfathers were accused by mothers in 6% of cases. Fathers accused mothers or a mother's new partner in 16% of cases and fathers accused third parties in another 6% of cases. The remainder of the allegations were made by third parties. This is only one study referred to by McDonald (1998). The generalisation should thus not be made that it is always the male who is falsely accused of child sexual abuse. However, in this study all five participants were males where false child abuse allegations were made in custody and divorce proceedings.

Table 3 indicates that all the participants who falsely accused the other parent are female and between the ages of 19 and 48. The participants are all of low-level academic stature and have no tertiary qualification. The table shows that the couples were married for between one and two years, and the children are between the ages of two and ten.

**Table 3: Profile of the accusing parent making the false allegation**

	Gender	Age	Educational level	Years been married before divorce	How many children born of the marriage	Ages of the children
1	Female	37	Matric	5	2	5 & 7
2	Female	48	Not completed	7	1	10
3	Female	28	Not completed	2	1	2
4	Female	19	Matric	Not completed	1	Not completed
5	Female	26	Certificate	2	1	3

The research results in Table 4 reflect that all participants who are the accusing parent are females. Some research, as in the table, found that the accusers who make false allegations of child sexual abuse are usually female and usually the mother (Barker & Howell, 1994). However, this issue remains contentious, and it is not necessarily only mothers who make these allegations, but also fathers and stepparents (Barker & Howell, 1994; Trocmé & Bala, 2005; Wakefield & Underwagner, 2012). The research shows that the profile of the accused and the accuser is consistent with what the literature suggests, indicating that it is mostly the mother of the children who will falsely accuse the father of sexually abusing the children.

The level of education of the participants is informative. The falsely accused parent appeared mostly to have received a certificate, diploma or degree, whilst the accusing parent generally did not seem to be well-educated and mostly only had a matric or a certificate. The participants were from an older age group than the accusing parents.

An interesting phenomenon that presents itself from Table 3 is that the year of marriage and the age of the children indicate that the children born from these marriages are born out of wedlock. This complex family dynamic is possibly a contributing reason for motivating the accusing parent to report false child sexual abuse.

### **5.1.2 Themes**

**Three sections are to follow - the personal experiences of the falsely accused parent; the personal experiences of the parent making the false allegation; and a mental health care perspective on false child sexual abuse allegations in South Africa.**

### **5.1.2.1 Personal experiences of the falsely accused parent**

The interviews held with the accused parents gave significant insight into their experiences regarding false child sexual abuse in divorce and custody proceedings. The information obtained from the accused parents indicates the severe trauma they have experienced due to the false allegations. The heartache, shock and distress faced by these falsely accused parents came through in all the interviews held with them.

#### **(a) Facing the allegation of child sexual abuse**

In the interviews with the falsely accused parents, it became obvious that all of these parents had at some time enjoyed a good relationship with their children and that the accusation came as a shock to them. One day they still had contact with their children and the next day contact was restricted or terminated. The alternate parent, a therapist, attorney or the police had informed them that they were being accused of sexually abusing their children and that they no longer had contact rights to their children.

What became evident from all the interviews held with these falsely accused parents was that they had never expected such an allegation to take place. There was no build up to the allegations, they were made without prior warning, their rights to their children were automatically suspended and they instantaneously had no contact with their children. One factor that was noted was that, before the accusations were made, the children would often choose to stay with the accused parent. This could prompt the making of the allegations because of the fear the alternate parent might have of losing contact with the children.

The following are quotations obtained during the interviews held with the falsely accused parents highlighting aspects of how they were falsely accused of sexually abusing their children.

My ex-wife made an allegation because my daughter wanted to stay with me. During our separation we used to spend alternate weekends together and on one of the weekends my daughter said she doesn't want to go back home. And I told my wife that my daughter wanted to stay with me, and it came the following week. She said that I need to speak to you and this is what the child said. And that's how the allegations started. And I didn't take too much notice of it and then I decided let's go and see a psychologist, call Child Line and see what they can do, cause I've got nothing to hide but she didn't want to do that. And she kept on delaying it for about a week, two weeks, three weeks and it went to a month. In that time she started slowly restricting the access, she said she does not want the child to feel uncomfortable, so let's be cautious. And then the next thing I knew it was like a month, two months later and the police phoned me to tell me there's a charge of child abuse laid against me. *(Falsely accused father, aged 42, with two children, aged eight and 14).*

It came out in therapy. We were referred to a family advocate for family therapy by a psychologist and in one of the sessions it was said that my ex-wife had accused me in her session. It was the first time, it happened over a long time. You know you initially ignore it as if it was just you know a thing that she said in the passing by. But later she and probably with the help of her lawyers made the allegations. But it was in one of the family advocate sessions. On a Friday afternoon the police arrested me. They do it on a Friday afternoon so that you spend the weekend in jail. Thereafter basically her attorney wrote a letter where she prohibited access to my children... Let me think nicely about the name the policewoman used, it was a woman that came to arrest me. She told me it was a law of coaching, you sexual coach, something like that. It comes down to that she had me arrested because she thought I had exposed the children to pornography. They apparently saw something on TV that was of a sexual nature... *(Falsely accused father, aged 47, was married for 20 years before the divorce)*

The research results indicate how the falsely accused parents are often arrested more than once on various charges not knowing the reason for the allegations. It was established that, even with no evidence, these falsely accused parents are arrested and their contact rights instantaneously terminated. It became apparent that these allegations come as a shock to the falsely accused parents and that they often cannot comprehend what is happening and feel confused by the charges and how to deal effectively with them. It, furthermore, became obvious that the pattern of false allegations is often repeated and that the falsely accused parents are repeatedly being arrested and humiliated.

Literature concurs as Janse van Rensburg (2008) explains that child sexual abuse is the most powerful allegation that a parent can make in divorce and custody cases, and the court will respond immediately. In the interviews with the falsely accused parents, it is highlighted that there is an immediate response to these allegations, typically by a police officer making an arrest. Thereafter the case can linger on for months in a system that is not necessarily that effective.

The interviews with the falsely accused parents portray a bleak perception as to why parents will make false allegations. From the falsely accused parents' perception, the accuser knows that no sexual abuse has taken place. The theme running through the interviews is that the accusation has little to do with the child. The child is merely being used as a tool to destroy the accused parent because the accuser wants the accused parent out of their lives and will take all measures to make this a reality. The falsely accused parents had strong views on how far the accusing parent would go to destroy the falsely accused parent. They indicated that the accuser will even go as far as trying to take the falsely accused parent completely out of the picture by eliminating that parent, e.g. attempting to take their lives.

The following quotations highlight the falsely accused's thoughts on the reasons the accusations were made.

No I don't think my ex-partner really believed I sexually abused the child. A bit of background to the situation. I used to be really involved in the church and my ex wasn't and I caught her having an affair with another guy and in order to bad mouth me she started making these allegations. But in a way she knew she couldn't win the child abuse allegations case as my daughter was my life then. I was prepared to lose everything, except my daughter. So the only way she could get to me was through my daughter. *(Falsely accused father, 13 years married before the divorce with two children, aged eight and 14)*

I've got a theory about it. Like I said, I think she wanted to actually pretty much, she wanted to kill me. I did refer to the incident where I walked from the gym. It was an afternoon at five o'clock. A Colt stopped next to me. They said they are police but they were in civilian clothing, and yes they assaulted me. I don't know if it was her doing, I should have brought the photos. They really beat me up. It looked really bad. My eyebrow was open and there was blood. I'm not sure if she was behind it. I think she was. She was in the IT business and she had consulted with the police and she has contact in the police so maybe she hired them to shake me up. But what gave me the punch that she wanted to give me, was to lock me up for a weekend. It is a death penalty in a South African jail. You're not going to get out of there alive or you will wake up with aids on a Monday morning nine-o'clock. That's my opinion; she wanted to get rid of me. She said if she can't have me nobody will *(Falsely accused father, three children born of the marriage of 20 years)*.

The research results presented an extremely negative picture where an accuser will make all efforts to attempt to destroy the falsely accused parent's life. The falsely accused parent is convinced that the accuser's main aim is to destroy them and any relationship they might have with their children. According to Boakes (1999) and Jenkins (2002), false complaints are easily made and carry serious consequences for the alleged abusive parent.

False allegations of child sexual abuse are powerful allegations with serious consequences (Boakes, 1999; Janse van Rensburg, 2008; Zepezauer, 1994; Wakefield & Underwagner, 2012). With reference to cases in the United States, Morphonios (2008) explains that child molestation is a terrible crime and that false allegations play on the natural prejudices of society, to the extent that victory can almost be guaranteed for accusing parents.

**(b) The falsely accused parent's belief that the accused parent does not have the interests of the child at heart**

The research results indicate that the perception of the accused parent is that the accusing parent does not think about the child or the child's needs or interests. This theme emerged strongly with the falsely accused parent believing that the accusing parent does not make the allegations out of concern for the children. The following passages were obtained from interviews with the falsely accused parents.

No definitely not out of concern for the child or to protect the child. Being vindictive is the reason. I had a very good relationship with my daughter; my wife worked at the airport, so she worked, well I thought she worked shift work. So she was away a lot. It was because of the working hours that I was the primary caregiver of my daughter, which I don't mind because I loved it. I was a hands-on father. *(Falsely accused father, 13 years married with two children)*

She definitely did it for revenge. If you read the report you will see they use the word suspect. She finds it suspect that a woman who is so worried about the interests of her children exposes them to all the psychological evaluations and stuff. You will see it is there. No, it was absolutely revenge... *(Falsely accused father, aged 47)*

The research results indicated that, from the falsely accused parent's perception, the accusing parents' motives are vindictive and revengeful, and they do not think of or serve the best interests of the children. They have their own agendas that are often vengeful and aimed at destroying the falsely accused parents and preventing them from ever having a relationship with their child. Literature (Bow et al., 2002) indicates that the research results are accurate but adds that not all allegations are rooted in anger, but some are out of concern for the children. With regard to the background of problematic family dynamics, motives of involved parties may range from genuine safety concerns and a need to protect the child, to vengeance, vindictiveness and hostility relating to the marital break-up.

**(c) The accused parent's perception of the system in place when faced with sexual abuse charges**

The research results indicate that the accused parents' perception is that the system in place when being accused of sexual abuse is ill-equipped to deal with such matters. They believe that the system is inadequate, and their overall indication was that the system does not work. These extracts convey the falsely accused parent's perception of the system in place when faced with sexual abuse charges.

There was no system because with only the suggestion of an allegation you can be accused of child abuse. The captain in child protection services said the best she could do for me was for me to wait till the child is grown up; eventually the truth will come out. And I said, it is not about that. What happens to the five, six years in between there, I don't see my daughter? And during the time when the allegations were made the family advocate's office suggested supervised visits by the maternal granny and that was supervised for four hours every alternate week... So were the child's interests taken to heart? I don't think so. You could have got a neutral party, if it was that. I was willing to abide by it because for me, as long as I got to see

my kid, it was better than not seeing her at all, but it was frustrating during the time because it did sever the relationship. (*Falsely accused father, aged 42*).

There is no system in place. One organisation refuses up to today to accept my innocence. They evaluated my child a few times and I phoned and I asked to come and see them and the answer was no. The family advocate was 100 per cent biased. The moment that a woman makes a claim of sexual abuse the father is the snake in the story; it is as simple as that. Even the law does not make provision for that. I am of the opinion, and I read a lot about it, that if a woman makes these kinds of sounds of sexual abuse allegations in divorce cases, then the family advocate, the psychologist and sometimes the judge provide their opinion immediately. Let's be honest, the sexual abuse of a child is a really serious crime. If someone only makes a suggestion of that serious crime the one on the receiving end of the suggestion, with all respect, is f\*\*\*ed. So I was f\*\*\*ed from the very first moment that the complaint was reported. I am using ugly words, but this is pretty much what it is, and there is no system in place that will change that. With respect to the psychologist, psychology is a soft science that can't say if I'm a bad father or they have a bad mom. They can publish everything that the child says, but the choice is not made on these grounds, because if you compared this to what the children say about me and what my ex-wife says then you should, uhm, technically place the children back with me. If there are bad things said about the mom, the courts do not look at that. The court checks if she is okay, is she able to still change nappies, especially if the child is still in her fragile years, and then they feel that the child must be with the mom, not with their dad. I don't have breasts. I know I am joking about it. Mothers have breasts, and children in their fragile years are supposed to be with their mother. So there are no mechanisms in place to protect me from allegations. The only mechanism that I have is to cut off completely. I have no access to them; nothing at all. Nothing because then they can't make any allegations against me. (*Falsely accused father, married for 20 years before the divorce*)

Look, if I take my own case as an example, I feel the entire process takes too long. We are not in year three. The 5<sup>th</sup> of May it is three years now and the process is starting

again. (*Falsely accused father, aged 45, married for 10 years with one child born of the marriage*)

From the research findings, it is evident that the falsely accused fathers feel that the system has failed them and that it does not work. Overall, they feel that there is no system in place that effectively deals with these matters. The research participants indicated that the system that is in place is against them and that it was nearly impossible to try and prove their innocence. Even if there is no truth in the allegation against them, the end result is a distant relationship with their children and supervised contact or no contact at all as there is too great a risk that another allegation will be made. There is no system in place that protects the accused.

According to literature (Barker & Howell, 1994; Jenkins, 2002), this tendency is also highlighted and explains that an unfortunate but all too frequently used tactic by mothers is to accuse the father of sexually molesting their child. The mere accusation is sufficient to strip the father of all his custody rights and to launch a criminal investigation. Even when no evidence is found to substantiate the allegation, family law courts typically err on the side of caution and award full custody to the mother (Morphonios, 2008; Varghese, 2004; Wexler, 1990).

#### **(d) The accused parent's perception of professional services rendered in their matter**

The research findings presented various opinions about professional services provided in the cases of the falsely accused, from absolute hopelessness to being somewhat hopeful. Some of the falsely accused were involved in the process whereas others were not. The following information were obtained from the interviews held with the falsely accused parents on professional services rendered to them.

Uh, absolutely useless to be quite frank. Uh, because uh, when we go to the office of the Family Advocate, no case is taken on an individual basis. I think they just use the same brush to paint everybody with because that's how it is. They just look at it, they read through it and say 'Okay, this is what the mother says and this is what you say. Let's take the more protective approach and go with what the mother says.' And, unfortunately, so many fathers are losing access to their kids because all you need is a mother to make an allegation and then we are basically screwed. You don't need proof these days, you just need an allegation. (*Falsely accused father, two children born of the marriage*)

I think most of the time some of the psychologists were very professional in their approach towards me. I never knew if they were biased towards me or not biased towards me....their approach is very professional. (*Falsely accused father, aged 47*)

I was not involved at all. My daughter, for example, did not even want to go to the Teddy Bear Clinic or Kids Clinic. My wife refused to do so. She used her own psychologist. (*Falsely accused father, married 10 years before divorce*)

It is evident from the research findings that professionals aim to deliver a professional service but that this is not always the case. The reasons professionals are unable to deliver a professional service are probably because of a lack of knowledge or guidance, and the fact that they are ill-equipped to deal with the complexities of the case. Eddy (2007) explains that there are various possible explanations or theories to be considered when explaining child sexual abuse allegations made in divorce and custody proceedings. An investigator must keep an open mind in gathering evidence, and must explore all theories. Literature (Paradise et al., 1999; Penfold, 1995; Thoennes & Tjaden, 1990) suggests that a broad view is taken in understanding aspects that drive child sexual abuse allegations in divorce and

custody matters and that practitioners need to be objective when dealing with these cases. They should treat each issue with the necessary expertise it requires and understand that there is no place for generalisation.

**(e) Suggested alternatives by the falsely accused parent to improve service delivery**

From the research results, various options were given that could add value to the process of investigating a sexual abuse matter in custody and divorce proceedings. The falsely accused parents had understood the intervention process, how they were affected by it and gave valuable input into suggested alternatives. The following excerpts were taken from the interviews done with the falsely accused parents that gives alternatives to improve service delivery.

I think if they just listened to both parties, looked at the evidence and been more thorough with the investigation. Let's go back to basics and do an investigation. There was no investigation done. The child was never interviewed in a normal, child-friendly environment. No one went to the school, spoke to the teachers and nothing was done. *(Falsely accused parent, aged 42).*

Well the legal process I feel that they could give preference to such a case. As an example, Oscar Pistorius killed someone and he, within four months, has been through everything; but with my case, three years later. Because this is how the system works. *(Falsely accused father, aged 45, and married for 10 years before divorce)*

The research results indicate that the falsely accused parents feel that cases of false child sexual abuse do not get the necessary and urgent attention that they should and that the cases often stretch over numerous years. Through this extended period, the falsely accused's relationship with the children merely breaks down further. And additional false evidence

indicates that there is a negative child-parent relationship which may be a sign of sexual abuse. It became obvious that the falsely accused feel that the intervention plan is not well structured and is often disorganised and open to abuse, such as not being able to deliver final recommendations. This lack of structure leaves the process open for interpretation and puts the falsely accused at risk. It seems that cases are being dealt with by luck of the draw, i.e. either getting a professional who is well-equipped to make the necessary recommendations or hoping for a magistrate or judge who is equipped and knowledgeable regarding false sex abuse cases and can make an informed ruling. But this seems not always to be the case and the falsely accused are often being victimised without real evidence.

Literature (Bow et al., 2002; Goldstein & Tyler, 1998; McIntosh & Prinz, 1993; Wakefield, 2006) supports the research results and explains that child sexual abuse allegations arising during divorce and custody proceedings are complicated. It is not always easy to distinguish between false and true allegations, and it becomes an intricate process of intervention. It is believed that false allegations are rife in Family Court, with fervour reminiscent of hysteria (Hirst, 2005; Jenkins, 2002; Varghese, 2004).

#### **(f) Relationship dynamics post-allegation for the falsely accused parent**

The research results indicate that post-false allegation it is hard to recover from the false allegations and relationships are often strained. Passages obtained during the interviews held with the accused parents present the following pertaining to relationships post-false allegation.

We don't talk. We talk when it's absolutely necessary and just via text messages or via attorneys. My daughter is quite aware of this. She will be nine in February and it's been going on for six years now. So it makes it very

difficult because there is still a lot of animosity and although I'll be winning cases and I have access to my daughter, she still doesn't abide by the High Court rules and what do you do from there? ... But then you need money to do that. But most fathers in this situation don't have the money because we spend everything trying to fight this case and it is an expensive task as well. *(Falsely accused father, married for 13 years before the divorce)*

There is no relationship. I have not seen them in six years, all three of them. I pay alimony every month, I pay R15 000.00 for the two children and all the medical costs and school and such stuff. So my relationship with my ex-wife and children is totally financial. I pay R15 000.00 into an account, that's it; that's the relationship. *(Falsely accused father, three children born of the marriage)*

I have seen my children three and a half years ago. *(Falsely accused father, married for ten years before the divorce and one child born of the marriage, aged four)*

The research results indicate that, even though the allegations were proven to be false, and there was insufficient evidence to prove that these parents sexually abused their children, the accused parents have no contact with their children. They either end up having no relationship at all with their children or otherwise it is strained. The only communication between the parents pertains to monetary issues. These results show that generally after the false child sexual abuse allegations the children remain in the care of the accusing parent. The falsely accused parent walks away with nothing except a bad reputation, and the sexual abuse claims permanently hanging over his head.

The research results are supported by literature (Barker & Howell, 1994; Jenkins, 2002). An unfortunate but all too frequently used tactic by mothers is to accuse the father of sexually molesting their child. The mere accusation is sufficient to strip the father of all his

custody rights and to launch a criminal investigation. Even when no evidence is found to substantiate the allegation, family law courts typically err on the side of caution and award full custody to the mother (Morphonios, 2008; Varghese, 2004; Wexler, 1990).

The research results indicate that the falsely accused parent experiences a strong sense of helplessness. The theme of helplessness featured strongly in the interviews held with the falsely accused parents.

I was totally helpless. I would say definitely helpless. Unfortunately, fortunately should I say, I have a very good support structure with friends and family, but I had no vent. I honestly felt like dying. Literally, cause for physical pain you can take something and deal with it but for emotional pain there was nothing you could do. I would say, my only vent was training and I eventually ended up with Crush Syndrome and I was going into kidney failure because I was training myself sick. Literally because I was training like fifteen, sixteen times a week. So I would get tired and go home and pass out. And then I ended up in hospital because of the stress I put my body under and that was my vent, as well as speaking with other fathers in similar situations. Turning to other forms of narcotics because they just don't know how to deal with the emotional pain as it is just too much to handle but no one sees that. *(Falsely accused father, married for 13 years before divorce with two children born of the marriage)*

...I was very cross. I wanted to beat her to death, with a stick or with my bat, that's how cross I was. I did not do it otherwise I would have been in jail, but I was cross and maybe it was the hopelessness. I mean what can I do? You hear all the things about you, you don't see your children. If I find them they just disappear again, then she moves to another house and then I start looking for them again. Then the moment I find them, and want to visit them according to my rights, she makes a complaint. I got tired of it. I feel dejected, without hope. *(Falsely accused father, aged 47, with three children born of the marriage)*

You don't just feel helpless, you are helpless. You are powerless. You are powerless because there is nothing you can do. Because you are a teacher, you get embarrassed. Other people trust you with their children on tours and this allegation is hanging over your head, so, yes, it is a problem. (*Falsely accused father, aged 45, married for 10 years before the divorce*)

The research results portray a story of sadness and hopelessness where the falsely accused are left in despair. The false allegations have an enormous impact on the falsely accused's general functioning and mental health and place severe pressure and stress on them. This tension and stress seems not necessarily to be alleviated post allegation. It appears that the process merely continues and that the falsely accused are never really in a position to again have a healthy and functional relationship with their children post-allegations.

False allegations of child sexual abuse are powerful allegations with serious consequences (Boakes, 1999; Janse van Rensburg, 2008; Zepezauer, 1994; Wakefield & Underwagner, 2012). With reference to cases in the United States, Morphonios (2008) explains that child molestation is a terrible crime and that false allegations play on the natural prejudices of society, to the extent that victory can almost be guaranteed for the accusing parent.

#### **5.1.2.2 Personal experiences of the parent making the false allegation**

The five interviews held with the accusing parents gave significant insight into their understanding of false child sexual abuse allegations in divorce and custody proceedings. These interviews added significant value to the research study as it gave insight into the personal experiences of the parent making the false child sexual abuse allegation.

### **(a) Reporting child sexual abuse in custody and divorce proceedings**

The research results indicated that there are different reactions when parents are faced with the thought of their child possibly being sexually abused. The quotations derived from the interviews with the accusing parents delivered the following information on the reporting of child sexual abuse.

I immediately went to open a case. (*Accusing parent, aged 48*)

I first took her to the doctor to have her checked out and there was no sign of any sexual intercourse having taken place but he discovered some bruises, you know on her body that I didn't notice initially. That made me think, maybe something might have happened. (*Accusing parent, married for two years before the divorce with one child, aged 2*)

The research results indicate that accusing parents would either react by immediately opening a case with the police or, before pressing charges, would consider a medical examination by a doctor. According to Boakes (1999) and Jenkins (2002), false complaints are easily made and carry serious consequences for the alleged abusive parent. Many of those who make false claims sincerely believe the truth of what they report, while others are opportunistic and are consciously lying for personal gain (Barker & Howell, 1994; Dauwer, Dayan & Houzel, 2003).

The research results indicate that the response of the parents making the allegations was based mainly on what they witnessed with their children. The quotations obtained during the interviews held with the accusing parents indicate that the allegations were mostly based on their observations of their children's behaviour, which made them feel that there was the possibility of sexual abuse and the need to report the matter to the police.

We had an arrangement that every second weekend they would go to visit him and the weekend of her birthday she came back on the Sunday. The Wednesday after I saw her with her hands in her pants. Then I asked her what was going on and she started to cry. Then I thought okay, I will leave it. Then we went to bath which is when she showed me and said this is what daddy does with me. Then I was at Wonderboom Police Station, talked to a lot of people and opened a case at Garsfontein because he lives in Garsfontein. And then they immediately took her for a medical examination that Wednesday and the case was given over to the Child Protection Unit at Moot Police Station and, yes, she showed me what happened. (*Accusing mother, aged 37, with two children born of the five-year marriage, aged 5 and 7*)

You know my daughter's behaviour just changed. She became very quiet. She didn't socialise with other kids and also she was very, how can I say this, she would become very defensive when you try to get her dressed or the minute you try to touch her, like to change her clothes. She would become very defensive and make like you are trying to fight with her, and so on, then she would start crying. So I was always wondering, why, why, why all of a sudden now you know when I need to change her clothes. She didn't want to get bathed and every time I asked her why she would start crying and just, you know, like walk away. (*Accusing mother, aged 28, married for two years with one child, aged 2*)

The research results indicate that the accusing parents truly believed that their child was sexually abused and felt the need to report the suspicion. The Sexual Offences Act (2007) clearly stipulates the obligation to report sexual abuse. This obligation supports the research results that show that the accusing parent thought that reporting the possibility of sexual abuse was the right thing to do. However, the aspect of perception and the influence of anger and misrepresentation or misunderstanding symptoms and signs, leads to a complex social problem.

The research results, based on the interviews held with the accusing parents, indicated that the accusing parent had indicated various indicators to substantiate the possible idea of sexual abuse.

She told me and showed me what he did it to her and her brother. He made them stand naked on the bed and take photos of her and so on. (*Accusing mother, aged 48, with one child born of the marriage, aged 10*)

She did not say something specifically but just the way sometimes when we see things on TV and you see people kissing she would say, oh I did that or she would, you know, she would say things like that and I would ask her, like, who did you do this with but she won't answer. So it made me think is it maybe someone at school or someone else. But then I started to wonder about her dad (*Accusing mother, aged 28, married for two years with one child, aged 1*).

The research results indicated that the accusing parents were mostly led by what they thought they had observed from their children. They then came to the conclusion that sexual abuse was a possibility based on the information that they received from their child or what they thought they had observed. Literature (Cross et al., 2012; Behnke & Connell, 2005; Kuehnle & Connell, 2009; Lyon, et al., 2012) states that false child sexual abuse allegations are a convoluted social problem as various factors come into play for a parent to make the allegation. This is also reflected in the research results.

#### **(b) The emotional experience of the parent making the false allegation**

The research results indicated that the accusing parent went through various emotions regarding the possible child sexual abuse. The following passages give an indication of the parent making the false allegation's emotional experiences.

I am still emotional. This is still really tough. You can't think that someone can do something like that to a small girl. I feel very angry. I will kill him if I can. (*Accusing parent, married for seven years before divorce*)

I was very upset, I couldn't believe it, you know. I was just devastated. I couldn't comprehend, you know, what could possibly happen to her and especially because she's only been around family members. She hadn't been exposed to anyone, you know, outside of our circle so that made me really start to sort of just think, suspect everyone who's doing this to my child. I was very angry. (*Accusing mother, one child born of the marriage*)

The results explain emotions of severe anger, sadness, confusion and aggressiveness.

It is evident that the accusing parents were emotionally loaded as they truly believed that their child was being sexually abused. Factors that contribute to false allegations of child sexual abuse may include the accusing parents' truly believing that they are seeing symptoms of sexual abuse in their children, feeling that they can be financially rewarded in the process, being vindictive and angry, or a spectrum of psychopathology might influence a person's judgement (Barker & Howell, 1994; Jenkins, 2002; Trocmé & Bala, 2005; Wakefield & Underwagner, 2012).

### **(c) The accusing parent's perceptions of systems in place for reporting sexual abuse**

The research results indicate that, overall, accusing parents experienced the systems in place for reporting sexual abuse to be inadequate. The following quotations explains the accusing parent's perceptions of the systems in place for reporting sexual abuse.

The systems are definitely very poor. (*Accusing mother, aged 37*)

I would say that the systems in place are poorly structured but it's just very overwhelming because they give you different information. You go to the police and they tell you one thing. Go to this other office and they tell you to apply for this and that and so it's completely overwhelming as a parent. You know, you don't know where to start and also I don't think they are being helpful enough, in my opinion. (*Accusing mother, married for seven years before the divorce*)

Poor. They threw the case out, after I went back a second time as well. They said there were just no physical signs of sexual abuse. I mean, why would my child lie? They don't know what they are doing. (*Accusing mother, aged 26*)

The research results suggest that the accusing parents feel that the system failed them and that the system is poorly developed and confusing. It is clear from the research results that the accusing parents firmly believe in their allegations of sexual abuse and feel that the system failed them as no sexual abuse was proven and the cases were thrown out of Court. This leads to the accusing parent having the perception that the systems put in place are insufficient. Janse van Rensburg (2008) suggests the opposite is true from what the accusing parents experienced. She explains that child sexual abuse is the most powerful allegation that a parent can make in divorce and custody cases and that the court will respond immediately.

#### **(d) The accusing parent blind-siding the accused parent**

The research results presented diverse reactions as to whether the accusing parent approached the accused parent to discuss the sexual abuse allegations or blindsided them with

the information. The following quotations were obtained from the interviews held with the accusing parents pertaining to blind-siding the accused parent.

No I did not discuss it with my ex-partner. (*Accusing mother, aged 48*)

Yes I gave him a call. It's just been that we have been unable to just be together in one room, it's just been fight, one fight after the other. So, I gave him a call and, you know, just like the way he handles ever other situation, he sort of brushed it off. And that made me, you know, suspect him even more because you know that is something that I really take seriously and he was just like I'm trying to make up another issue, you know, to fight about. (*Accusing mother, aged 28, married for two years before the divorce*)

No, why would I need to? He needs to pay! (*Accusing mother, married for two years before the divorce with one child born of the marriage, aged three*)

The research results indicate that the parents making the allegations have diverse reactions on sitting down and discussing the suspicions with the alternate parents. However, the general view is that, due to the volatility of the parental relationship, there is no good faith in having a conversation about possible sexual abuse. Some of the accusing parents feel that it is not necessary to be transparent whereas others have tried to discuss matters but, due to the tension between the parties, it is difficult to discuss any issue. An allegation of sexual abuse merely ends up in a volatile conversation. It can thus be deduced that the accused parent will mostly learn of the sexual abuse allegation from a third party as the accusing parent does not necessarily see how they can have the discussion in what is already a high-conflict situation.

According to Bala, Mitnick, Trocmé and Houston (2007), a significant proportion of allegations of child sexual abuse, made in the context of parental separation, are true, but there are also relatively high rates of false and unfounded allegations. While some cases of untrue allegations are instances of fabrication, some unfounded allegations are made in good faith. Pre-existing distrust or hostility may result in misunderstanding and unfounded allegations, especially in cases where the children involved are young and the allegations are reported through a parent. Some cases of unfounded allegations may be the product of emotional disturbance in the accusing parent (Bala et al., 2007; Bow et al., 2002; Gardner, 1991).

#### **(e) Relationship dynamics for the accusing parent post allegation**

The research results indicate strained relationships post-allegations. During the interviews with the accusing parents, these parents indicated the following regarding the relationship dynamics for the accusing parent post allegation.

I had a protection order against him until now, about a month ago. And he has no relationship with the children. He was not allowed to have any contact with the children. And he has never, we never had a settlement on the children and he does not do anything to see the children. So there is no relationship at this stage. (*Accusing mother, aged 48*).

It's been okay. With me and my ex-husband the relationship is very distant as usual. With my child, he picks her up, drops her off. We don't really talk. I tried to communicate via email and sort of update him on her emotional state and he's been very unresponsive as usual. With my daughter we are making some progress. She is still very fragile and still very quiet but I'm slowly starting to get her to open up. I'm hoping that things get better.

*(Accusing mother, married for two years before the divorce)*

Well obviously we don't talk anymore. I am very angry. I don't want him near me or my child. He still sees my child often, but not that much. I won't allow it. I mean, she must be very scared of him now. I don't like the idea of them alone. *(Accusing mother, aged 28)*

The research results indicate a very strained relationship post-allegation between the accusing parent and the accused. The accusing parent was rather aggressive towards the accused even though no allegation was proven. It seems that, overall, the accusing parent will never believe that the sexual abuse did not happen. They have no interest in investing further in the relationship as they still believe that the accused parent is guilty.

Janse van Rensburg (2008) explains that false child sexual abuse allegations in divorce and custody proceedings are a disconcerting problem in South Africa. They have a devastating effect on the family unit going through a divorce, and on society as a whole. Both parents and children are severely affected during and post-allegation (Boakes, 1999; Janse van Rensburg, 2008; Zepezauer, 1994; Wakefield & Underwagner, 2012).

**(f) How the accusing parent views the effectiveness of the system when confronted with suspected child sexual abuse**

During the interviews with the accusing parents, it was evident that they were disappointed in the system and were angry at the way matters were dealt with. The research results indicated that some of the participants accepted the ruling, but the majority of participants felt cheated by the process. They believed that they were right about the allegations and felt that they would not have done anything differently but that the system has

much to improve on. The following quotations were obtained during the interviews giving explanation to the effectiveness of the system when confronted with suspected child sexual abuse.

The entire legal system for me is not right. If you read the report where she said that she identifies the sexual abuser as her father and the stuff that is in the report showing what she said. I can't understand how this has happened and I think that this is being taken up lightly. Even the investigating officer, a very nice guy from the protection unit, told me that these cases take years and what about her? You know? I don't think that the children are being protected and he walks free and what if he gets her one day when she is alone, what then? I don't think our children are being protected, no matter who did it to her. I just think this is wrong. *(Accusing mother, aged 48, with one child born of the marriage)*

Yes I do think I overreacted. I did go through a lot of anger during that time, so maybe that might have been what caused my husband, my ex-husband to completely shut down. Because you know, I was devastated, and screaming and shouting – it was a shouting match. I think maybe, if I handled it in a calmer manner, it could have been better, and then we would not have got it to that point. *(Accusing parent, aged 28, and one child born of the marriage, aged two)*

I am not happy at all with the court and the legal system in place. They let him go free and now I look like an idiot. What about me and my child? I can tell you that I will be returning and trying to go to court again. He will not see the child again. *(Accusing mother, aged 26, with one child born form the marriage, aged three)*

The research results exhibit that the accusing parent may still be struggling with aggressive feelings towards the accused parent. The accusing parent struggles to accept responsibility for the allegations made and blames the system for being ineffective. Some of

the accusing parents do take some responsibility by acknowledging that their actions and emotions had played a part in the situation, but this does not seem to be the overruling view. It is clear that the accusing parents struggle to accept that there was no proof of sexual abuse and continue to hold their own views.

According to Bala, Mitnick, Trocmé and Houston (2007), a significant proportion of allegations of child sexual abuse made in the context of parental separation are true, but there are also relatively high rates of false and unfounded allegations. While some cases of untrue allegations are instances of fabrication, some unfounded allegations are made in good faith. Pre-existing distrust or hostility may result in misunderstandings and unfounded allegations, especially in cases where the children involved are young and the parents are the ones reporting the abuse. Some cases of unfounded allegations may be the product of emotional disturbances in the accusing parent (Bala et al., 2007; Bow et al., 2002; Gardner, 1991).

### **5.1.2.3 A mental health care perspective on false child sexual abuse allegations in South Africa**

During the interviews and from the information obtained from the key informants, the following topics came to the fore and gave valuable insight regarding sexual abuse in custody and divorce proceedings.

#### **(a) Reporting of false child sexual abuse incidents to mental health professionals**

From the interviews with the mental health professionals, it is evident that false sexual abuse allegations in divorce and custody proceedings are a reality and should be a real concern and taken seriously. The mental health care professionals struggled to make exact estimates, but it was clear that the majority of professionals were currently busy with such

cases. The following quotations gave insight on the reporting of false child sexual abuse incidences to mental health professionals.

It is hard to say, but probably five cases on a yearly basis. I would estimate that half are alleged and half are true. *(Male social worker in private practice)*

Probably somewhere around 40% of the time. *(Social worker in private practice, with 11 years' experience)*

It seems that the general consensus is that, in the last five to ten years, there is a higher incidence of reports of false sexual abuse allegations. This may be due to divorce and custody proceedings being more hostile and acrimonious. The levels of hostility are exacerbated and lead to an increase in reporting of false sexual abuse allegations. A psychologist explains that trends have changed as false reporting is now-adays common practice.

I can't quantify it but I am just thinking back to practice when I started practicing in the early or mid-1990s. It was fairly unheard of and quite you know something if it was discovered whereas now it feels like common practice that you rule that out before you write a report. *(Female psychologist in private practice; holds a master's degree in psychology with 14 years' experience)*

The interviews indicated that mental health professionals are often confronted with false child sexual abuse cases in their practices as reflected in the following answers of the mental health practitioners.

It is hard to quantify, probably somewhere around 40% of the time. *(Social worker in private practice)*

I'd say probably at least a third of the cases that I've worked on, quite a lot now that I think about it. *(Male counsellor in private practice with 15 years' experience)*

The research findings correlate with literature found in other countries that there is an increase of false child sexual abuse allegations (Awad & McDonough, 1991). In Australia, it is indicated that, in high-conflict cases, up to 23% of custody cases involve child sexual abuse allegations (Higgins, 2007). These findings are similar to studies of Thoennes and Tjaden (1990) and McIntosh and Prinz (1993). Based on the research findings and the literature, there is a definite indication that false child sexual abuse allegations in custody and divorce proceedings are a complex reality in society and seem to be a growing phenomenon. False child sexual abuse is a reality and needs attention as it does not serve a child on any level.

#### **(b) Professional protocol in dealing with child sexual abuse in South Africa**

The interviewing of the mental health professionals indicated that professionals have various ways of dealing with the intervention process when confronted with a sexual abuse allegation within their practice. The professionals follow different intervention methods and deal with the alleged child sexual abuse in various ways. There is no standard method or protocol. Most of the professionals will interview both parents and will assess the children accordingly and, if necessary, make use of a multi-disciplinary team.

It also became obvious that referrals are often made due to the complexities of dealing with a sexual abuse case in the midst of a divorce or custody evaluation. It does, however, seem that the assessment process is challenging as the family does not necessarily want to give their cooperation. The consensus is that the assessment process, when faced with sexual abuse in custody and divorce proceedings, is challenging and stressful. It furthermore seems that the majority of professionals do not know exactly how to deal with these matters and feel insecure and unsure of how to address them. Mental health care practitioners expressed the

following pertaining to professional protocol in dealing with child sexual abuse in South Africa.

I request from them or their attorneys all legal documents, all reports they have done previously, all assessments, family and settlement agreements, everything, and after that I start to see the children. Usually there is more than one child involved then I see them individually and together with their siblings. I see about between four and six sessions per child. After that I will do an interactional analysis with both parents separately, with the children separately and also together, like the father with children and mother with the children to see sort of the patterns, the boundaries, the discipline, the attachment, the hesitancy you know that I can pick up from that interactional analysis. After that I will do home visits. I will go to the parents' homes where I can observe the children with the parents inside the home, see what the interaction patterns are, what they are doing. I see what the children's rooms look like, the environment in the family home, how the parent interacts with the child, and then after that I will get all the collateral information from schools. I go and visit the schools, I do classes, it's where I observe the children in the classroom, at break time with their friends. I will have meetings with the teachers, with the head of schools, and I will also interview domestic workers, therapists, grandparents, aunts, whoever may seem important to the children in their lives, also au pairs, and nannies, anybody...and then after I have got my information I will start writing the report. (*Female social worker in private practice*)

The uncertainty and insecurity in dealing with sexual abuse cases in custody and divorce proceedings are evident and it seems that mental health professionals have great difficulty with the assessment process. A counsellor states the difficulty that he experiences in the assessment process in the extract below.

Sometimes I would need to just make sure that the roles are distinct, I may need to refer out for a more in-depth assessment. Particularly you're focused on the assessment of the sexual abuse allegations if it comes up in the course of a custody assessment. Otherwise if it is referred specifically to me for that purpose and maybe the couple is divorced already or they have separated then I will assess

it myself. Often in these cases it is often about probability especially when children are a lot younger and there is no physical evidence to support the allegations. So I think in these cases it is hard to get a completely true or a completely false finding in a report. But it would be around assessing the probability if the sexual abuse has taken place. (*Male counsellor in private practice*)

According to the research findings, mental health care professionals find sexual abuse allegations made in custody and divorce proceedings challenging and stressful. These findings coincide with literature that explains that family courts frequently rely on the expertise of mental health care practitioners in cases of sexual abuse in the context of child custody evaluations. Such evaluations are complex and the problem of false allegations of child sexual abuse in divorce and custody proceedings is a contentious and complicated social problem (Behnke & Connell, 2005; Bow et al., 2002). False sexual abuse allegations create a challenging task for professionals and the courts that must address these matters in this highly charged atmosphere. To establish whether a sexual abuse charge has been fabricated can also be a complex task and needs specialist attention (Bala & Schoeman, 2000; Dillon, 1987; Faller & Everson, 2012; Kuehnle, 1998; Kuehnle & Connell, 2009; Ney, 1995; McGraw & Smith, 1992; Zepezauer, 1994).

### **(c) Professional perception on factors contributing to false child sexual abuse**

According to the mental health care professionals interviewed, a definite connection of thoughts exists regarding the factors contributing to false child sexual abuse allegations. The researcher used caution on the estimates of the allegations based on the professionals as it is still perceptions and not necessary information based on specific facts. The following topics were repeated during the interviews with the professionals explaining factors that contribute to parents making false child sexual abuse allegations in divorce and custody proceedings.

Mental health professionals indicate that factors contributing to false allegations may be that the accusing parent uses the allegation as a tool for financial control and to place pressure on the accused to manipulate the accused with money. Thus, charges will be dropped if more maintenance is paid. The children will, thus, live with the accuser and the maintenance will benefit the accuser's financial position. It is, thus, a method of obtaining sole custody and primary residency of the children and alienating the father figure. A repeating topic by mental health professionals was that the accusing parent wants emotionally and financially to blackmail the accused. There is, thus, an intention to alienate the child from the parent and the accuser often loses perspective as to the importance of a child having a relationship with both parents post-divorce. Often a contributing factor in alleging sexual abuse is that the one parent wishes that the alternate parent is not part of life post-divorce.

It furthermore seems that an unhealthy emotional bond exists between one of the parents and the children. A severe intermeshed relationship between the mother and the child, where there are no sufficient boundaries, can lead to emotional confusion and result in creating an alignment to hurt the father. The pathology induced by emotional stress and trauma of a high conflict marriage can create emotional difficulty and irrationality. Accusers may struggle with depression, bi-polar disorder, narcissistic borderline disorder, borderline personality disorder and histrionic disorders. Accusers may struggle with severe insecurity, have detached relationships with their parents, be confronted with their childhood complexities and have ego-centric behaviour tendencies. The circumstances of the divorce, such as the experience and extreme hurt or betrayal in a marriage, can lead to a person wanting to get back at their ex-partner. Mental health professionals specified various factors that contribute to false allegations.

I think one of the biggest factors is when you have a parent that is struggling psychologically with the divorce, where the parent making the allegation has got some

psychological problems of their own, you often see a lot of alienating behaviour possibly over possessiveness with the children or round the children, frustration of contact, very critical of the other parent. It is really related to the parent making the allegation struggling with the divorce. *(Social worker in private practice)*

I do think there is a strong weighing of personality disorders, I find that often in cases where there's a parent who is quite malignant, and has strong features of personality disorders, it tends to happen more frequently. *(Male counsellor in private practice)*

Influential parties can play a role in making an allegation, such as friends, grandparents, new partners and attorneys. Unethical legal teams may play a part in stretching out cases for financial gain or to win the case for their client whom they represent. High conflict divorces create a lot of tension and stress, and this may lead to unrealistic views and perceptions that can lead to alleging false sexual abuse. It is often found that hostility and acrimony between parents filter into revenge that may encourage the false allegation. Mothers may feel resentful and ill-treated and want to get back at and punish the father with the ultimate goal of him never seeing the children again. Sexual abuse, domestic abuse and physical abuse that transpired between the parents and the issues related to this are transferred onto the relationship with the children and the belief may arise that the children have also been abused. A social worker expressed that hostility plays a big role in making false child sexual abuse allegations.

The huge mess of hostility between the parents, and they try to find something else to get back at the parent be that the father or the mother or the father's family or the mother's family to punish that parent and to alienate that parent. *(Social worker in the public domain with three years' work experience)*

Another factor that comes into play is that children may feel confused and emotionally distressed and do not understand what is actually happening in this high-conflict environment. Symptoms related to stress may be misinterpreted by the parents who believe that the child is being sexually abused. The accuser may misinterpret behavioural indications of the children which may be induced by the separation or custody battle. The parent starts believing that these behaviours are caused by sexual abuse, links this to the access of the other parent and is of the opinion that, during access with the other parent, the children are being sexually abused and that is why the children are acting out in such a way.

The child might actually have been sexually abused, but the parent does not want to reveal the real perpetrator (might be a grandparent or a new partner) and tries to cover this by accusing the father where a high-conflict relationship already exists. One parent may want to get rid of the other parent and alleging sexual abuse is the most probable way for the children not to have access to the other parent. The accuser wants to push the accused out of the child's life because the accuser has met someone else and wants to create a "white-picket-fence-family" with the new partner and believes that the other parent has no role to play in their lives and, therefore, initiates false sexual abuse allegations.

With the amendments made to the Children's Act, mothers may feel that they need to defend their rights to show that they are a better-suited parent than the father and thus secure primary residence. They may feel threatened and, therefore, allege false sexual abuse. A psychological battle over the divorce and not having closure may lead to various emotional challenges that can lead to paranoia and over-protectiveness. This may result in frustration with the contact schedule and ultimately to creating false allegations. Personal gain for the accuser is a factor when alleging false sexual abuse as the parent may be struggling with a win-lose dynamic post-divorce. The accuser may have the fear that the children will grow

closer to the other parent and may then initiate the chaos of creating a false allegation to alienate the children from the accused parent.

The accuser might have been sexually abused themselves and is transferring their hurts and unresolved problems onto their children and start believing that their children have also been sexually abused. The accuser may be self-absorbed, detached from reality and prone to fantasizing. They then begin to fabricate allegations because of their fantasy of revenge as seen by this psychologist.

I think it is some sort of power struggle, factors can include revenge, punishment, and payback. I suppose that revenge and some kind of legal strategizing, to gain an advantage. I guess it can include cruelty and things like a rich fantasy life, some people are not as in touch with reality as they should be, and maybe around issues surrounding the children a power struggle intertwined with revenge and fantasy can create a chaotic mess. *(Female psychologist in private practice with a PhD in Psychology)*

Mental health professionals expressed various contributing factors to false child sexual abuse allegations in custody and divorce proceedings. The researcher deduced the key aspects that should be highlighted to obtain a thorough understanding of factors contributing to false child sexual abuse matters from a mental health perspective. The content of Figure 3 contains information pertaining to deflection, transference, misinterpretation, manipulation, revenge, alienation, obtaining an overhand in custody matters, loss of perspective, dysfunctional relations, emotional confusion and difficulties and refers to psychological disorders.

**Figure 3: A mental health perspective on factors contributing to false child sexual abuse allegations**



The research findings as indicated in Figure 3 clearly indicate that professionals state that there are various factors contributing to false child sexual abuse allegations in divorce and custody proceedings. Literature (Cross et al., 2012; Behnke & Connell, 2005; Kuehnle & Connell, 2009; Lyon, et al., 2012) indicates that there are various factors that come into play for a parent to make a false allegation and that false child sexual abuse allegations are a convoluted social problem.

Research findings obtained from the interviews with the falsely accused parents concurs with that of the professional opinion and indicates various factors that might have

been a reason to allege sexual abuse. The following quote gives a comprehensive picture of what might occur in such a matter.

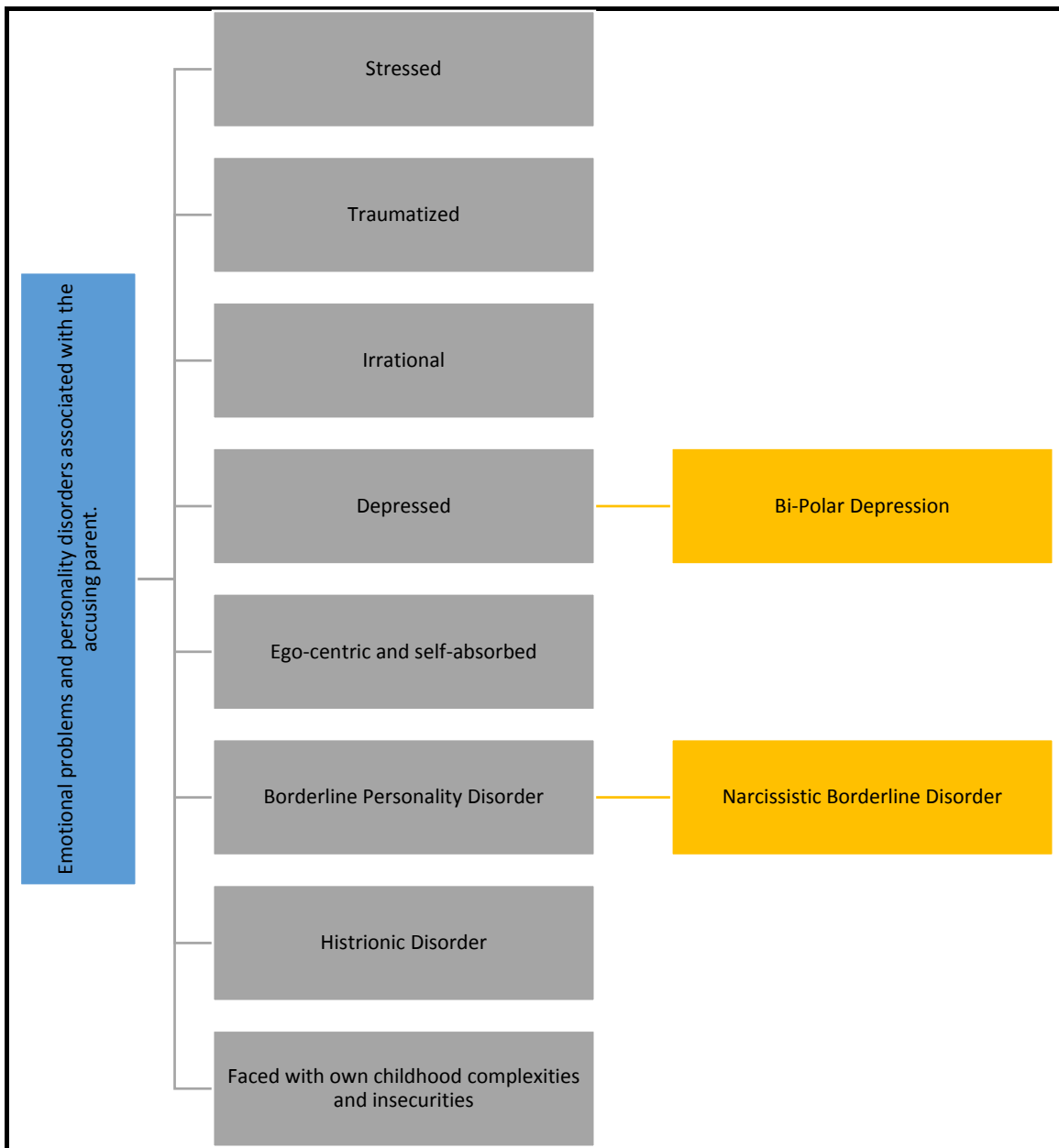
Well what did she say or what did she fabricate. I know at a stage my little daughter had a nappy rash; what do you call it, vaginal infection and such stuff. She took her to a medical doctor and the medical doctor said it is normal as girls sometimes get vaginal infection or nappy rash if they wear nappies. It is not abnormal. This may have triggered her. I think she did it on request of her attorneys. Her attorney said to her if you want to lose this bastard nail him with sexual abuse, and then you will lose him. At a stage the psychologist thought my wife molested the children. Here, I circled it: 'the undersigned psychologist finds it highly suspect that Miss, ordered by an attorney or attorneys at the time, insists on having the child inspected. Why, for example, was the child referred to even a third legal practitioner in such a short space of time? Surely it is obvious that repeating internal examinations over and over, and psychological evaluations over and over is extremely traumatic for the child.' But you will see there was nappy rash and vaginal infection, it could trigger it; she could have thought it was from sexual abuse. (*Falsely accused father, aged 47, married for 20 years with three children born of the marriage*).

The research findings indicate that the accusing parent might misconstrue information and the observations of the child and the divorce conflict may become intertwined. This, coupled with legal assistance, may become confusing and where what was initially an innocent process it now turns into a vindictive witch-hunt. Literature (Barker & Howell, 1994; Jenkins, 2002; Trocmé & Bala, 2005; Wakefield & Underwagner, 2012) states that factors that contribute to false allegations of child sexual abuse may include the accusing parent truly believing that they are seeing symptoms of sexual abuse in their children, that they might feel that they can be rewarded in the process, that they may be vindictive and angry, or a spectrum of psychopathology might influence a person's judgements.

#### **(d) Professional views on the profile of the accusing parent**

In the interviews, the majority of mental health professionals were of the opinion that the parent making the allegation may often struggle with emotional difficulties and personality disorders. The following emotional problems and personality disorders were associated with the accusing parent as presented in Figure 4. During the interviews with the mental health professionals, various emotional problems and personality disorders were put forward by the professionals. It is imperative that results of the research indicate a possible profile of the accusing parent making the false allegations. This profile could assist professionals working in the field and assist in recognising high-risk situations pertaining to false sexual abuse allegations. Figure 4 makes reference to various personality disorders and depression symptomology that form part of the accusing parent's persona from a professional view point.

**Figure 4: A professional view of emotional problems and personality disorders associated with the accusing parent**



It is clear from the research findings and from literature (Barker & Howell, 1994; Wakefield & Underwagner, 2012) that there is a definite indication that the accusing parent may be predisposed to emotional difficulties and personality disorders. Personality disorder diagnoses are often found in the person who makes allegations that are found not to be true.

The mental health professionals struggled to identify a specific profile of the accusing parent making the false child sexual abuse allegations. Some of the participants indicated

that there was no specific profile whereas others thought there might be a profile. One of the mental health professionals referred to a profile as a “mixed bag of elements” and reference was made to serious pathology and big egocentric character.

I'd say there are two profiles. It boils down to the question of serious pathology, depressed or bipolar people who truly believe the lies in their minds and then I'd say it is a traumatised over emotional person... It goes with emotional trauma and divorce. For most people it is extremely traumatising and if there is an underlying pathology it accelerates the possibility of these allegations. Sometimes it's a combination of both, a normal depressed person who is on medication that is working but who is placed under the pressure of a divorce and can snap. So it is either one or a combination of the two. *(Clinical psychologist; holds a master's degree in psychology with six years' experience)*

I think there is a very big egocentric character and that they are very tuned into their own benefits. They do not see their own children's needs but only see their own needs and what they want to achieve above anyone else's needs, above their children's needs and above their ex-partner's needs. So they are not able to see this. So I also sometimes see a strong form of depression with them but I think that insecurity and low self-esteem that links with the egocentric and grandiose type of manner that they function on. Yes I think those things are, but they are also very easily influenced. A lot of the time that is the other thing that I see. But I think the egocentric is almost the most important characteristic you know. *(Male social worker in private practice with seven years' experience)*

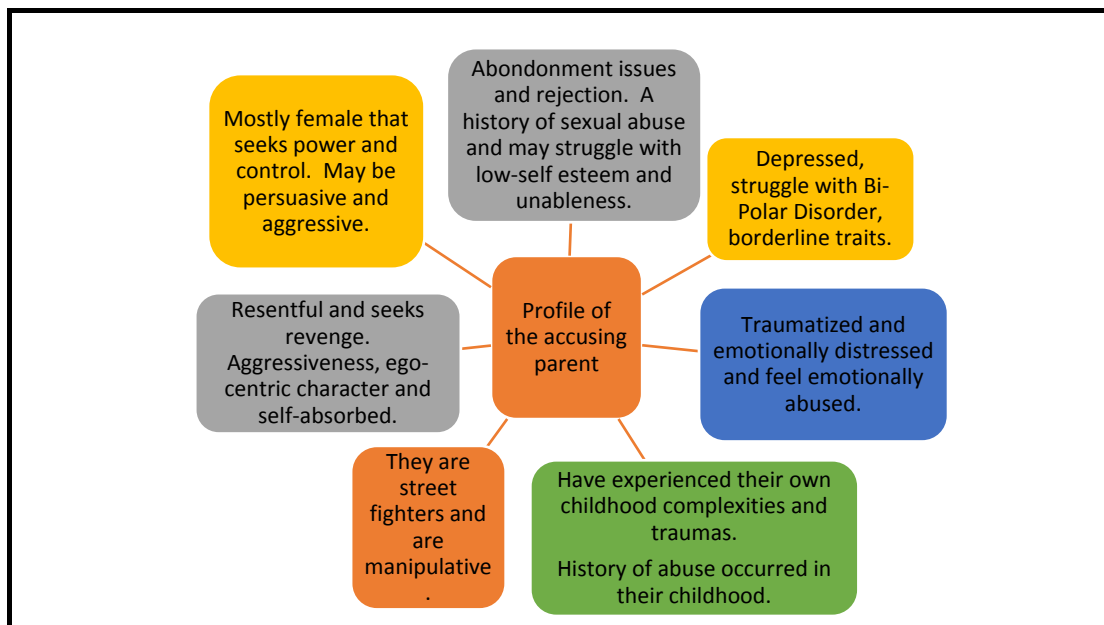
One of the participants indicated that it is not necessarily a specific profile but also how they translate their information. This will also give an indication as to whether the information given is sincere or a fabrication. This quotation below indicates that there is a definite profile and a lack of sincerity is problematic.

There is a definite profile but for me. It is normally in terms of how they describe the child because normally when one is looking at sexual abuse specifically you will have

specific indicators like your behavioural indicators, your emotional indicators, your physical indicators. So they would describe these indicators and like I am saying would also seem coherent. Then they would tell you about an incident where the child is close to them and then they would cry and then they would stop within two ticks, that is too instantly there. There is no sincerity in them showing that their child is close to them and that's what I have seen with a lot of them that I have worked with over the three years. *(Psychologist in private practice; holds a doctoral degree in psychology with 22 years of experience)*

Figure 5 highlights the profile of the accusing parents according to a mental health perspective and indicates that there are certain characteristics to take into consideration with the accusing parent. The key aspects that come to the fore in the profile of the accusing parent as suggested by mental health care professionals are aspects such as abandonment, rejection, depression, personality traits, trauma and distress, childhood complexities, manipulative behaviour, revenge, anger and a need for power.

**Figure 5: A mental health perspective on the profile of the accusing parent**



The research findings express various characteristics that form part of the profile of the accusing parent in false child sexual abuse allegations. Literature (Barker & Howell, 1994)

and research findings correlate with possible characteristics that form the profile of an accusing parent. There is, thus, some type of profile to consider when working on such matters. Certain research has found that the accusers, who make false allegations of child sexual abuse, are usually female and usually the mother. Personality disorder diagnoses are also often found in the person who makes allegations that are found not to be true. Falsely accusing parents are more likely to have histrionic personality disorders, borderline personality, and passive aggressive or paranoid traits. A greater incidence of personality disorder or factitious disorder has also been found in those who make false allegations of child sexual abuse in custody disputes, as well as a history of eating and childhood abuse (Barker & Howell, 1994; Wakefield & Underwagner, 2012).

Research results obtained from the falsely accused parent is congruent with the views of mental health professionals pertaining to the profile of the accusing parent. Similar key aspects are the view that the accusers had experienced childhood traumas and problems and came from divorced backgrounds. Furthermore, a similar theme that presented itself was that the accuser had dysfunctional relationships with their fathers, and it was also indicated that they probably had a general hatred of men. The overall characteristic that stood out was that of an aggressive and volatile nature. The following quotations produce information on how the falsely accused parent summarises the character of the accusing parent.

What happened to me came as a surprise to me because I had no clue she was having an affair. But, in a nutshell, her mom divorced her father when she was three months old and she never had a relationship with her father and never met him. So in her family I think there are about three or four generations where everyone's divorced. So I was like the first stable marriage in a long time. So I think it was just normal for them not to have male figures around. So like to get rid of me was the norm. (*Falsely accused father, aged 42*)

Look she was an aggressive person. She gets cross quickly and then she throws tantrums. But when I met her I thought I will be able to make a difference in her life. She did not have a good childhood and her mom and dad were divorced at that time. You will see it is in the reports. Also she said to me she hated men. She had no relationship with her dad. I think that way her dad dropped them ... The dad just left. She doesn't like men and I thought when I met her I will make a difference in her life. But the aggression in her; she got cross quickly. Man I am not a person who likes conflict and I can't handle it, so what I did when there was conflict, I disappeared. That thing of a man cave, I disappeared there; I disappeared because I don't really know what to do with a woman that is hysterical. (*Falsely accused father, 47 with three children born of the marriage*)

Perspectives from the accused parent support the literature (Barker & Howell, 1994; Jenkins, 2002; Trocmé & Bala, 2005; Wakefield & Underwagner, 2012) which indicates that the accusing parent may be vindictive and angry, or a spectrum of psychopathology might influence a person's judgement. It was established in the interviews that the accusing parent's childhood was definitely a motivating factor for them making the false allegations.

The researcher however showed caution as no falsely accused will present their accuser in a positive light and may portray vindictiveness. The researcher took this aspect into consideration and acted with extreme caution when looking at how the accused parents were portraying their ex-partners. At times the falsely accused parents presented with ego-centeredness, a self-focussed nature and some degree of narcissism in their explanations that could at times cloud their perceptual portrayal of the accusing parent and was taken into consideration when the research themes were identified.

#### **(e) A professional perspective on the accused parent's profile**

In the interviews, the mental health professionals could not identify a specific profile of the accused parent but could identify some characteristic that could relate to the parent being falsely accused of sexually abusing their children. It seemed that there was a consensus that it is mostly men who are accused and that these men are generally good-hearted and compliant and an easy victim for someone who wants to take revenge. They are often soft targets as the accuser knows the accused very well and they know how to manipulate “the good guy” to get what they want.

The accused seems to present with symptoms of post-traumatic stress disorder during the intervention process indicating that he is highly stressed and traumatised. However, the opposite has also been found to be true, where the husband could have been rather abusive, narcissistic and authoritarian. The face of the accused is thus two-fold: either the successful narcissist authoritarian who is abusive versus the low-key melancholic man who is good hearted and can easily be manipulated and controlled. These profiles are highlighted in the following passages.

I would say maybe I can limit it to two definite profiles, the one being the father figure in the house who might have been quite a narcissistic figure in the household, a very authoritarian figure in the household, where the mother has been emotionally abused for many years. The other profile of the father that I also find is where the father is genuinely surprised because, subsequent to the divorce, there was a shared custody arrangement, and then suddenly, out of the blue, the mother lays police charges against the father, or even the family or grandparents, where he is taken absolutely by surprise and where the children are immediately removed from him. In some instances there is not even supervised contact. Then you do get fathers who are really dazed, confused, surprised and do not know what to do. Everybody is discussing it, talking about it, while he lives in shame and embarrassment and then after that whole process and investigation, you often find a broken man... (*Female psychologist in private practice*)

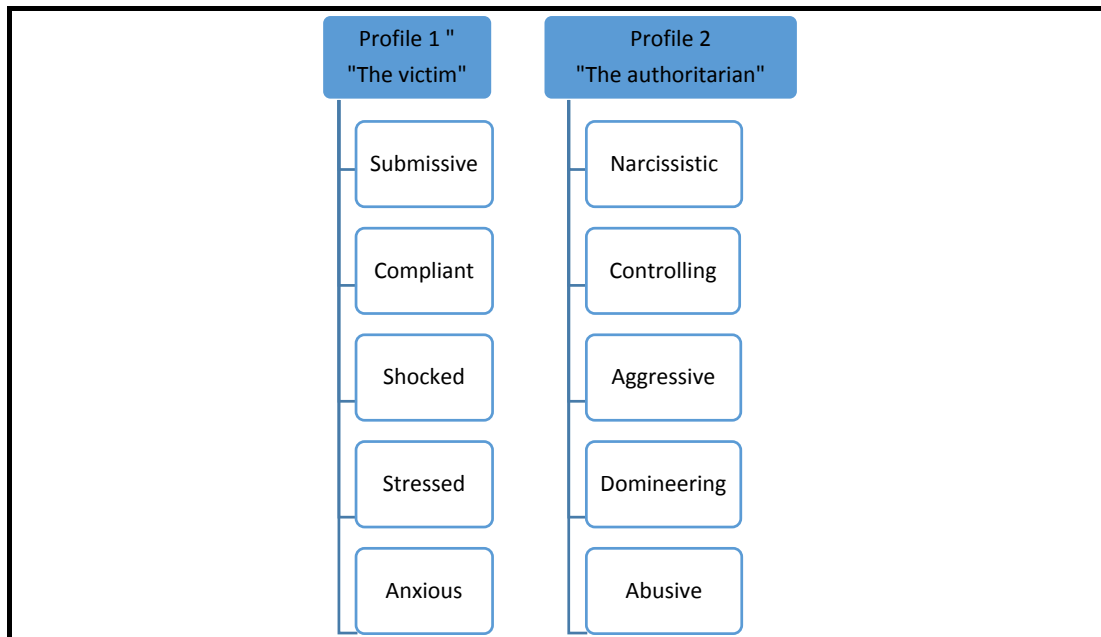
Largely I'd say probably a more submissive person; someone less domineering or antagonistic, who generally is quite compliant and goes with the flow. Often these allegations come as a huge shock and sometimes come at a time in the relationship when there has been consistent antagonism. They have their visitation sorted and then it comes as quite a surprise. The accused are not very assertive types generally. (*Social worker in private practice*)

I think they are sometimes naïve – naïve to think – or they don't try to fix it or they want to be less important – they want us to think they did nothing wrong – like the father would say he did nothing wrong, they will do exactly what is being told to them. (*Male counsellor in private practice*)

The longer the case gets dragged out, they start to question themselves. They are not guilty of the charge but they start doubting themselves as if they did something wrong. They start to question themselves and sometimes I need to bring them to this realization. Because they start to question every aspect of their lives, it is very traumatic, trauma compared to coming from the war, like they were in a bank heist or a really bad hijack. The emotions are so bad, that they need to be placed on antidepressants or other over-the-counter medicine, such as sleeping pills, to get through the trauma. They lose all perspective because now they don't know what to believe. (*Female social worker in private practice*)

The research findings indicate that there is not one specific profile of parents who are accused of false sexual abuse in divorce and custody proceedings. The mental health professionals did, however, indicate the following two possible profiles, both showing that the father is nearly always the accused; one being a more aggressive profile and the other a more submissive profile. No specific literature could be found on a possible profile of the alleged accused. Figure 6 presents the research findings of two possible profiles of the falsely accused fathers according to a mental health perspective.

**Figure 6: A mental health perspective on a possible profile of the falsely accused parent**



**(f) A perspective on the influence of referent others**

In the interviews with the mental health professionals, it became evident that the professionals are of the opinion that various parties can influence parents in making the allegation. These influencing parties can be friends, grandparents and other family members, new partners or the legal team that is representing their client and there agendas are highlighted below.

I think at the breakdown of a marriage it is an opportune time for people who have an agenda to perpetuate that agenda. If the brother-in-law has always hated the ex-husband or always been jealous of him I can imagine it would be very easy for him to put a knife in his brother-in-law's back. And, of course, it occurs to me, if we are examining the possibility that the accuser has some sort of psychological illness, that there is absolutely nothing to eliminate the possibility of other family members having a psychological illness. Some people can be very persuasive. *(Female psychologist, doctorate in psychology with eight years' experience)*

Yes, I definitely think there can be influential people. In my experience I found that grandparents really assist the parents in obtaining the false evidence doing very intrusive investigations into the children, taking very intrusive, and I would say abusive, photographs of the children to prove their point. The doctors who they take them to, to get the J88, also want to err on the side of caution, so they will say, private parts, the genitals, are a little bit red and further investigation is required... I found that most of the attorneys I work with are very sensitive towards this. They also don't know what to do, but they don't insist on immediate arrest and removal of the children from the father. You do get attorneys who fuel the flames, by stating immediate refusal of contact, immediate arrest, immediate application in the family court, removal of the child etc. *(Female social worker in the public domain)*

As the research findings indicate, there is a strong possibility that there are influencing parties who help initiate, motivate and contribute towards constructing the false sexual abuse allegation. According to Morphonios (2008), false child sexual abuse allegations are not necessarily the strategy of the parent but can also be a strategy carefully planned by the litigation team to win their case. The crossing of the ethical line to win a case seems to be contributing to the increase of false child sexual abuse allegations in divorce and custody proceedings, in a society where a winning position is often prioritised above an ethical stance (Morphonios, 2008).

From the interviews with the accusing parents pertaining to the influence of referent orders, the following quotations were obtained and aligned with the professional perspective.

“(Immediate answer, did not give a chance for the interviewer to finish the question) No!” *(Accusing mother, married for seven years before the divorce).*

I think definitely my friends. Because when I shared that with my friends, they all immediately suspected her dad, you know. It never came to mind, like to me, I would never

think that her own dad would do something like this.  
(*Accusing mother, aged 28*)

My family only supported me through this matter. No one influenced me. (*Accusing mother, married for two years before the divorce with one child born of the marriage, aged three*)

The research results obtained from the falsely accused parent indicate that influence does occur and that significant others do have the ability to plant the suggestion of the perpetrator, and discussions may influence the accusing parent. According to Morphonios (2008), false child sexual abuse allegations are not necessarily the strategy of the parent but can also be a strategy carefully planned by the litigation team to win their case. The crossing of the ethical line to win a case seems to be contributing to the increase of false child sexual abuse allegations in divorce and custody proceedings in a society where a winning position is often prioritised above an ethical stance (Morphonios, 2008).

#### **(g) Discrepancies between professional opinions and the views of the accusing parent**

According to mental health professionals, some parents will continue to believe that sexual abuse has taken place even when proven not to have happened, whilst others know it did not occur and purely use the sexual abuse allegation to strategize in order to get what they want and to manipulate the other parent. Psychopathology is certainly an aspect to consider when the accusing parent continues to believe that sexual abuse has taken place even where it was proven to have been a false allegation and nothing has happened to the child. Mental health professionals articulated various ideas about false child sexual abuse.

I think sometimes yes and sometimes no in that they believe that the child was really sexually abused. I think when they really do believe it and its false then I think you

have definitely got someone who is bordering on the delusional side of things. The personality problems are so severe that they convince themselves of that. But I think in some cases they don't. Accusations are made strategically with the intention to manipulate or to obtain power. There is also definite personality pathology, such as anti-social parents with psychopathic traits and borderline personality disorders. Often I think they can start to believe that this is possibly true even though there is no real evidence to support it, so it becomes around the fantasy and suddenly takes a life of its own. So, generally speaking, in terms of my experience, I can say that is what I have noticed. *(Counsellor in private practice)*

I do in most cases feel that the parents who make the allegations believe that the child was really sexually abused. I think there are a small minority where mothers will deliberately distort and coach and whatever ... and I think that there you will find a great amount of psychopathology. *(Female social worker in private practice)*

Mental health professionals expressed in the interviews that some of the accusing parents truly believe and are utterly convinced that child sexual abuse has taken place. They will not believe, even after the facilitated intervention, that it has not occurred. The accusing parent will feel unheard, betrayed by the therapist and may become aggressive because of their intense belief in the child sexual abuse allegation and will not believe anyone who tries to tell them differently. This self-belief is visible in the passages below.

The one who is making the allegation, who is saying that sexual abuse has taken place, believe themselves. I believe that the more they talk about it, they seriously in their minds believe that the child has been abused because they tell you about behavioural signs or symptoms that they have seen; they tell you about emotional changes you know. They tell you about how the child is not fine when they engage with you so you can really see that in their minds they believe that this really happened to the child and, in most such instances, a medical examination was done, a J88, and then there were no evidence of any penetration or old scarring or healing. No such a thing, but

what this parent is telling you is really making you believe that this has happened to the child. (*Female psychologist in private practice with 22 years of experience*)

I think they do believe themselves, yes. I think there are a very large percentage of them who try to believe themselves and then get very angry when you tell them in the end that it is not true. You know mostly the ones with the psychiatric problems, they are truly convinced of that you know. But there are parents who one is able to talk to over time and tell them that it is not like that and they will accept it. There are also a percentage of them who handle it with aggression when the results come back stating that there are no signs and we cannot find any ground for this. (*Male social worker in private practice with seven years' experience*)

According to Boakes (1999) and Jenkins (2002) false complaints are easily made and carry serious consequences for the alleged abusive parent. Many of those who make false claims sincerely believe the truth of what they report while others are opportunistic and are consciously lying for personal gain. Literature and the research findings agree that there are cases where the accuser honestly believes that sexual abuse has occurred and that false allegations of sexual abuse are not always made for personal gain or out of vindictiveness and revenge.

From the information obtained from the parent making the false allegation, an understanding was gained of how the accusing parents view the findings in their case. With a child sexual abuse allegation that has proven to be false, it can be expected that the accusing parent may either accept the findings and be thankful that no sexual abuse has taken place or it can have the opposite effect, where the accusing parent does not accept the findings and remains of the belief that sexual abuse has taken place and the findings are incorrect. The following quotations give insight as to the views expressed, based on the sexual abuse findings.

You know, I still sit here with all the papers. We have taken her for a forensic assessment. The police said we must take her for a forensic assessment, then the report came back. I waited eight months for that. Last year December I went to the police station that was when I saw the report for the first time and then they said okay. They then decided to go to SSA or something and they would then decide if he gets accused or if the case gets thrown out of court. Then they informed me in May that he is being accused but I did not go to court. Then he got accused and then the case got thrown out by the court because, as they said, the forensic report is not what it's apparently supposed to be and the child has not given an affidavit at the police station herself. What do you expect from a four year old girl with a police officer? But this is her affidavit. Then I went to see the state prosecutor and then they re-opened the case again. Then she had to go for another assessment and this broke her emotionally. She is afraid to walk out of the front door and every time she has to go for an assessment she gets nightmares. Then I stopped the process two months ago. *(Accusing mother, aged 48, one child born of the marriage, aged 10)*

I am not sure. You know, I believe something happened. I don't know if he did it or someone else did it. But you know, I think he could do something like that. He can be very cruel. I have seen how bad he can get and I am not around when, you know, when he is with my child. So as much as you are saying that there is no proof as to what happened, I am still not entirely sure that you know it's not him. *(Accusing mother, aged 28)*

I was very disappointed and angry with our legal system like I mentioned previously. *(Accusing mother, married for two years before divorce)*

A concurrent theme in the research results is that, even after the findings are made that no sexual abuse has taken place, the accusing parent does not agree with the findings and continues to believe that child sexual abuse has taken place and that the system has failed them. Eddy (2007) explains that there are various possible explanations or theories to be considered when explaining child sexual abuse allegations made in divorce and custody

proceedings. When conducting an investigation, professionals must keep an open mind while gathering evidence and must explore all possible theories. It is imperative that all parties understand the reason for the child sexual abuse allegations, and the need to put prevention strategies in place going forward. These prevention strategies will ensure that the motives for the allegations are sufficiently addressed and prevent sexual abuse claims from becoming a vicious cycle, which is often the case in these matters.

#### **(h) Professional views on the effectiveness of the South African justice system and suggested preventative measures**

The research findings indicate that the mental health professionals interviewed are of the overall opinion that the judicial system is not necessarily equipped to deal with false child sexual abuse allegations in divorce and custody proceedings. It appears that there is a feeling of scepticism as to whether the justice system can deal with this social phenomenon. The research participants concurred that the justice system was not necessarily equipped to deal with false sexual abuse allegations.

So whether it is false or not false, our system can't effectively deal with sexual abuse. *(Female clinical psychologist; six years' work experience)*

No, they can't, there is no process or policy or guidelines on what to do, that it even exists; that there is a phenomenon like that; that there is false reporting; that you need to look at that; that you need a form of punishment of the person who lays the false charges and who consistently lays the false charges, because they can do it forever. I do find that some mothers, once they are cleared and once the family has been through the whole process, once she has the child again for a weekend or a week contact, she will find something; go to the doctor again; get a J88 filled; go to the police with that J88 form; go to the police and lay charges again; have an invasive procedure all over again.

So there must be some form of punishment, but only after being assessed that there is really no evidence, and it's a solid base after a full assessment. (*Female social worker in the public domain*)

I think our justice system struggles with false sexual abuse allegations and I don't think they are really geared. I think there is a big shortage of proper training and people, like social workers, psychologists, lawyers who have even trained to know how to deal with this and to know what the proper procedures are to follow. I think our justice system sometimes makes a big deal out of nothing and exposes the children to systems that are sometimes not needed you know. They listen to parents' allegations without looking if they are actual facts... There is no teamwork to work together to reach a common goal to resolve problems. And it is very different to what they have in America. They work together in teams. It is a very big loss for me. I think in England they also work systematically and we do not get that in South Africa. (*Male social worker in private practice; seven years' experience*)

It seems like an absolute disaster most of the time and you just see the child suffer. (*Female social worker in private practice, 37 years of experience*)

Research findings indicate that there is an ignorance about false sexual abuse allegations and the justice system is far from ready to deal effectively with this social problem that arises in divorce and custody proceedings. These findings align with what is found in literature as literature indicates that policies are set out to protect families. But neither the White Paper on Families in South Africa (2012) nor the Green Paper on Families (2008) makes mention of families that have been affected by false child sexual abuse allegations in divorce and custody proceedings and indicates an ignorance of the problem.

The interviews with the mental health professionals brought various ideas to the fore concerning preventative strategies and plans to address the social problem of false child sexual abuse allegations. It seems that overall the research results indicate that mental health professionals are of the opinion that there is a general lack of training and skill in dealing

with false sexual abuse allegations. It is evident that there is a lack of service delivery. A further aspect that arises from the research findings is that the participants feel that there are no ramifications for the falsely accusing parent. They expressed the view that some penalty or punishment would make accusing parents think twice about making an allegation with malicious intent knowing that it was false.

I would make assessments compulsory. I would have designated units that are well trained and well publicised, that are creditworthy that you can refer people too. And assessments should be done by an organisation like that, the first stop. If it is then found that there is abuse or assault it has to be referred further. But I would like to have a specialist unit that just does the assessment and someone who the court accepts. (*Clinical psychologist in private practice*)

I think there need to be policies, guidelines and workshops for health professionals and lawyers, like a collaborative approach with everybody working in the field of divorce, and specific training and you know to teach people, to make them aware; have a protocol involved when there is an allegation involved, or when there is an allegation of sexual abuse, because you don't treat it as a false allegation if the allegation comes to your practice or it is reported. You never treat it as false allegations. It's only where there is real evidence that it is a false allegation that you realise that it is coming from a vindictive parent, or it might be a parent who is really concerned. So there is a need for policies and guidelines, and amendments to the Children's Act, the Offences Act, because in accordance with the Offences Act, if you are aware, or somebody reports to you that a child is being molested, and you don't do anything about it, or if you've got evidence and you don't report it to the police or the specific authority that you are supposed to report it to, you can go to jail for five years. So I feel within the Children's Act, within the Sexual Offences Act, within the Divorce Act, there need to be specific clauses on how you deal with this, and after a specific process of finding evidence, and report from an expert professional, and there need to be guidelines also as to who can do these assessments. Not everybody can do it, but there need to be a few experts who are and, like the Teddy Bear Clinic, who can do it. Then after that procedure, if the mother comes

again, there needs to be a guideline on what the next step is. *(Social worker in the public domain)*

I think there must be a law that if a father or a mother makes an allegation and it proves to be false they must be punished. It must be a criminal offence, because so many dads that I worked with don't see their children and the law prevents them from seeing their children because of the false allegations that were made. It's not only sexual abuse cases, it's also fathers who distance themselves because of the mother's influence towards the children. The law must deal with these cases faster, but the magistrates don't want to make a decision because there are attorneys involved. It's getting dragged out. In my previous job it took a dad four years to see his children. The law must handle these cases quicker and parents who make false child sexual abuse allegations in custody proceedings must be punished. *(Male psychologist, PhD in psychology with 20 years' experience)*

The research results indicate how seriously the mental health professionals are taking these matters and show that they are desperate to see that changes are made to allow for a system that works effectively. Brooks and Milchman (1991) emphasise that it would be helpful if instruments are available that will assist in assessing these matters. They explain that developing an objective behavioural assessment instrument to validate child sexual abuse allegations, and to achieve clinical legal consensus regarding the credibility of the instrument, would be highly beneficial in dealing with these matters. It is suggested that these cases should be assessed by experienced child and family clinicians who can deliver expert testimony (Bow et al., 2002). McGraw and Smith (1992) stress that clinicians should adhere to a systematic clinical process of validation when dealing with divorce and custody proceedings and child sexual abuse allegations. There is not much reading where literature speaks of options of punishment and consequences for the accusing parent and research findings should be considered in this regard.

## CHAPTER 6: CONCLUSIONS AND RECOMMENDATIONS

In this Chapter, the research findings will be summarised and various conclusions will be drawn from the research study. Based on the qualitative research findings, various recommendations will be made in order to give an evidence-based understanding for social workers when doing interventions with children and families confronted with false child sexual abuse allegations during divorce and custody proceedings.

### 6.1 Conclusions

The aim of this study is to explore the problem of false allegations of child sexual abuse in divorce and custody proceedings, in an attempt to develop an evidence-based understanding for social workers when doing interventions with children and families who are confronted with this problem during divorce and custody proceedings. The researcher is of the opinion that this aim has indeed been reached from the research results obtained. These give an evidence-based understanding by identifying themes that became evident when obtaining the information from the participants in the qualitative research study. These research results will add value to the social work profession in dealing with false child sexual abuse allegations in divorce and custody proceedings.

*Factors contributing to false child sexual abuse allegations* – It is evident, considering the research results, that there are various factors contributing to false child sexual abuse allegations in divorce and custody proceedings. This theme ties in with General System's Theory where various components form the whole of the problem. In this study various factors contribute to the social problem of false child sexual abuse allegations. The research results indicate that there is a sense that some of the accusing parents definitely believe that sexual abuse has taken place. Even when they cannot prove these allegations, they continue

to believe that the sexual abuse has occurred. These beliefs are often rooted in unresolved spousal anger and/or in the psychological dysfunction and emotional instability of the accusing parent. Due to the accusing parent's predisposition to mental health problems, it appears that they may see signs and symptoms of sexual abuse in the child that are not real. The research results also indicate that significant others and legal counsel of the accusing parent may also have an influence. They may exert subtle pressure on the accusing parent to make the allegation because of hidden agendas, e.g. to win the case or for family members to get full control of the child. These findings are confirmed by literature which states that factors, which contribute to false allegations of child sexual abuse, may include the accusing parent truly believing that they are seeing symptoms of sexual abuse in their children; feeling that they can be rewarded financially in the process; being vindictive and angry, or a spectrum of psychopathology that might influence a person's judgement (Barker & Howell, 1994; Jenkins, 2002; Trocmé & Bala, 2005; Wakefield & Underwagner, 2012). The reasoning behind why false child sexual abuse cases are reported ties in with the Theory of Reason Action, the Theory of Planned Behaviour as the accusing person feels that they have a compelling argument for the allegation to be made.

*Subjective norms related to false child sexual abuse allegations* - A broad definition of perceived or *subjective norm* is "the perceived social pressure to perform or not to perform the behaviour" in question (Ajzen, 1991). But subjective norm is usually defined more precisely as an individual's perception or "opinion about what important others believe the individual should do" (Finlay, Trafimow & Moroi, 1999) – i.e. perform or not perform the behaviour in a specific situation. This perception or opinion has been labelled as that individual's normative belief, which is often then multiplied by motivation to comply (with this belief). The research results indicate that there are subjective norms related to false child sexual abuse allegations in divorce and custody proceedings. Due to the accusing parent's

insecurity they will start discussing the allegations with other role players. These role players are often family members, friends and their legal team, e.g. an attorney. This theme ties in with the Crisis Theory where the accusing parent feels in the mist of a crisis and because of their beliefs a further crisis unfolds within the family unit. Based on their opinions, the accusing parent will be motivated to make the allegations and to press charges. The accusing parent will feel a false sense of security as they will feel supported by these role players and will take action based on the motivation that they obtain from the role players. Morphonios (2008) supports these findings and explains that false child sexual abuse allegations are not necessarily the strategy of the parent but can also be a strategy carefully planned by the litigation team to win their case. The concept of the “subjective norm” in relation to the current study is not stable in its application.

*The impact the false sexual abuse allegations have on the children and the family* – It is evident from the research results that the impact of false child sexual abuse allegations is detrimental to the family system that ties in with the micro theory, the general system’s theory. The false allegation brings disequilibrium to the family system that is very difficult to restore post-allegation. The changes that the sexual abuse allegations bring to the family inevitably cause severe dysfunction and all the members in the family system are ultimately negatively affected. This explanation of the impact the false sexual abuse allegations have on the children and the family is based on the General Systems Theory proposed by Von Bertalanffy (1972). The impact of these allegations have a severely negative impact on the falsely accused parent, e.g. an estranged relationship with the child, severe distress, anxiety, depression and aggression, to the extent where the falsely accused no longer wants to live. The false allegations have an enormous impact on the child, e.g. emotional distress, confusion and convoluted relationships with both parents. The allegations furthermore have an impact on the accusing parent as they will become trapped in the false belief and will need

to find the necessary motivation to continue with the allegations that can become all-consuming and can create further psycho-pathology. Furthermore, the accusing parent ends up having no future of a positive post-divorce relationship with their ex-spouse and has to live with the complexities of explaining the reasons for the allegation. They often have to try and save face and continue to believe that the sexual abuse has taken place even though it has been proven not to have happened with the case being dismissed. Literature (Boakes, 1999; Janse van Rensburg, 2008; Zepezauer, 1994; Wakefield & Underwagner, 2012) supports the research findings and states that false allegations of child sexual abuse in divorce and custody proceedings is a real problem in society and affects the family unit as a whole, including both parents and children.

*The meaning persons accused of child sexual abuse make of their experience* – It is evident from the research findings that false child sexual abuse allegations have a detrimental effect on the accused parent. The research results explain the agony, severe trauma, emotional distress, depression, suicidal thoughts and utter dismay that the falsely accused parents go through. It was evident that the accused parent ultimately loses everything: their dignity, their ability to enter confidently into the workforce, their relationship with their child, et cetera. This situation often affects relationships with other key players as the accused parent immediately carries the stigma of being a sexual perpetrator. Ultimately, the falsely accused parent enters into a state of crisis which they struggle to exit as there is often no end to the process since the accusing parent continuously opens new cases which motivate an estranged relationship with the falsely accused parent. Research results indicate that false allegations steal away the falsely accused parents' lives. These allegations may lead to them being hospitalised as a result of the crisis in which they find themselves. This is often associated with feelings of hopelessness. The meaning that persons accused of child sexual abuse make of their experience falls within the realms of the Crisis Theory where the falsely

accused parent is in a state of disequilibrium due to the devastating life event. The accused parent often struggles to gain emotional equilibrium again because of the universally devastating events (Slaikeu, 1990). Varghese (2004) agrees with the research results and the indication of the devastation sown. He explains that, in custody disputes, when one parent accuses the other of sexually abusing their child, the consequences can be devastating. Once an allegation has been made, it cannot be ignored, and the results in terms of residence and contact for divorced family structures are serious.

*The essence of the phenomenon of false sexual abuse allegations from the mental health care perspective* - The research results present an overall negative picture of false sexual abuse allegations. Mental health care professionals indicate that the system often does not necessarily achieve the desired results. Answers in these cases are left unresolved and families struggle post-allegation to function again as a post-divorce family unit. The research results also highlight that false allegations are a complicated phenomenon and not all professionals have the necessary skills to deal adequately with these matters. In addition, the courts also do not have the necessary skills to address these matters. The mental health care professionals give various reasons as to why these false allegations are so complicated and provide various factors that contribute to false allegations, such as anger and bitterness between spouses, emotional distress observed from the child's dysfunctional behaviour and the psychological predisposition of the parents. The research results, furthermore, highlight various characteristics of the accusing and accused parent. These characteristics provide a possible profile of both the accusing parent and the falsely accused parent, including a possible clinical diagnosis of, especially, the accusing parent. It is evident from the results that false sexual abuse allegations have an extremely negative impact on all people involved and do not serve the interests of the child in any way, or those of the family. Literature (Bow et al., Goldstein & Tyler, 1998; McIntosh & Prinz, 1993; Wakefield, 2006) concurs with the

research results and the aspect of the complicated social phenomenon, explaining that child sexual abuse allegations arising during divorce and custody proceedings are complicated. It is not always easy to distinguish between false and true allegations, and it becomes an intricate process of intervention.

The above summary, thus, sufficiently answers the research questions and the assumptions that were set out in this research study. The explorative study of false allegations of child sexual abuse in divorce and custody proceedings provides an appropriate understanding of the subject matter.

The research results showed the researcher the reasons why she initially wanted to pursue this study as this social phenomenon is devastating to the family system post-divorce. The researcher has practical experience of the subject matter of the research. This study highlighted to her the importance of undertaking the research as there is a dire need for professionals and the court system to accept the magnitude of this social problem that is faced by society. It is evident from the research results that there is no real system in place in South Africa that sufficiently deals with false child sexual abuse allegations in divorce and custody proceedings. In addition, there is no policy or legislation that acknowledges or highlights this social problem of false allegations. This lack of clear guidelines inevitably leads to the belief that false sexual abuse allegations do not exist and this social dilemma becomes invisible.

The research results show that mental health care professionals and the court system are ill-equipped to deal with false child sexual abuse allegations in divorce and custody proceedings and do not have the necessary skills to deal effectively with such a complicated social problem. It can be concluded that neither the mental health care professionals nor the courts have the necessary training to deal with these complicated matters. This, unfortunately, leads to cases not being sufficiently addressed and resolved, cases being

postponed because there are no skills to resolve the matters in the courts and, overall, a lack of professional skills, abilities and knowledge that pertain to the subject matter.

This South African-based study will thus provide the necessary information to assist courts and experts in dealing with false child sexual abuse allegations in divorce and custody proceedings, as the research results indicate that false child sexual abuse is a reality in South African society.

This study will make a significant contribution to the understanding of child sexual abuse allegations as it provides an evidence-based understanding and has generated data regarding factors that contribute to false allegations in divorce and custody proceedings. Mental health care professionals should be able to use this research study and the results obtained in support of their recommendations, and it will enable them to substantiate their recommendations in court with evidence and clear expert testimony. It should, furthermore, enable practitioners to explain the reasons behind the allegations to the parents, the affected children, the legal teams and the courts which should improve post-allegation functioning in the family system.

The research results and the outcome of this study should influence policy makers to acknowledge the existence of false child sexual abuse allegations in divorce and custody proceedings, and should ultimately provide a strategy on how to deal effectively with this problem.

This research study ultimately enabled the researcher to become an expert in the field of false child sexual abuse allegations in divorce and custody proceedings and will benefit the researcher in private practice, enable her to train other professionals in the field and give guidance to the courts in cases where they are battling to reach a final determination.

## **6.2 Recommendations**

The following recommendations are made based on the research results that were gathered during this qualitative study. The recommendations will focus on amendments to policy and legislation; changes that need to be made to the system; professional and report writing skills; and on future research.

### **6.2.1 Amendments to South African Policy and Legislation**

False allegations of child sexual abuse have devastating effects on the divorced family unit and policies should take this matter into consideration so as to protect the family unit and to promote family functioning post-divorce with specific focus on the best interest standard of the child. To strengthen families in South Africa, policies and programmes need to be set in place to strengthen the post-divorce family unit.

As sexual abuse is a significant problem in South Africa, it is imperative that the Act clearly sets out the importance of the reporting of sexual abuse, as is indeed done in the Act. This Act needs to be considered in the light of child sexual abuse allegations in divorce and custody proceedings (Janse van Rensburg, 2008; McDonald, 1998; Preller, 2014).

It is recommended that policies and legislation be amended to include the definition of false child sexual abuse allegations. Such amendments will assist professionals and the courts to make informed decisions and will enable them to refer to the necessary information as reflected in the policies and legislation.

It is, thus, recommended that The Green Paper on Families (2008); The White Paper on Families in South Africa (2012); South Africa Divorce Act 70 of 1979; Sexual Offences and Related Matters Amendment Act, 2007; Domestic Violence Act, 1998; and the Children's Act 38 of 2005 make the necessary amendments to include the following information –

- a clear definition of false child sexual abuse allegations;
- a possible profile of the accused and the accusing parent;
- a summary of the process of a false child sexual abuse allegation;
- set out consequences for the accusing parent.

The inclusion of false child sexual abuse allegations in custody and divorce proceedings will enable professionals to use the information as indicated in the policies and legislation within the intervention process.

### **6.2.2 Changes needed to the South African system dealing with sexual abuse matters**

It is recommended that the court system, which deals with child sexual abuse allegations in divorce and custody proceedings, should have an understanding of the social pathology of false child sexual abuse allegations and that it become well-versed and equipped to deal effectively with these matters.

It is imperative that court staff make sound decisions during these types of proceedings and that they do not merely postpone the case because they are ignorant of the procedures to be followed. This will prevent them from requesting postponement after postponement in order to buy more time.

It is imperative that the courts, the magistrates and judges take reports that are written by qualified experts seriously and not merely refer the matter back to the Family Advocate's Office. It is recommended that the court staff be made aware that to over assess children who have already been to see a professional expert does not serve the interests of the child and should be prevented. Thus, to send the children from pillar to post because the court staff are ill-equipped to deal with matters should be avoided at all costs.

When a report has been compiled regarding a sexual abuse allegation in a divorce and custody matter, it is recommended that it be read thoroughly before making a judgment or postponement. The professional should be requested to attend court to present the case from a mental health care perspective.

It is recommended that false child sexual abuse allegations be taken seriously and, when an accusing parent attempts to make a further allegation, after the first allegation has been found to be false, to not buy into this process again. The accusing parent needs to be dealt with firmly, and the necessary action must be taken to show them that this repeated process will not be tolerated.

It is recommended that accusing parents, who make allegations that are proven to be vindictive in nature as indicated by the mental health professional in the report, should face certain ramifications. It is recommended that such a parent needs to be given a sentence of community service for a period of a year. A psychologist should also assess the parent for psychopathology and personality disorders, and the necessary medication should be prescribed. Furthermore, such a parent should attend psychotherapy with a qualified professional for a year as well as suitable parenting classes in order for rehabilitation to take place. After the one year period, the appointed psychiatrist and therapist should give feedback to the court. In this way, the court will ensure that false sexual abuse allegations are not easily made and that there will be consequences for such actions.

It is recommended that the accused not be treated as guilty until proven guilty or not guilty as, in these types of matters, it is often very difficult to prove one's innocence. It is, thus, imperative that court staff and mental health professionals take all necessary care to ensure that the child's interests are best served in this matter. They also need to be very sensitive towards the needs of the accused and the accuser and to really put their professional

hats on when dealing with these matters as they are complicated and need to be treated with the utmost professional care.

It is, furthermore, recommended that, if court staff and professionals are not well-equipped to deal with these types of cases, professional advice should be sourced from an expert in the field so that the necessary guidance can be obtained and suitable decisions made. It is not advisable to postpone matters or to repeat assessment processes with the family. It is rather prudent for the court to obtain expert knowledge to enable them to make the necessary decisions.

Laws need to be passed that protect the rights of the accused as in any other type of trial. Penalties for false accusers should be created and imposed. Sexual abuse allegations made in the middle of divorce and custody proceedings should be viewed seriously and practitioners should take an objective stance (Morphonios, 2008).

### **6.2.3 Capacity building of mental health professionals**

It is recommended that social workers and psychologists who work with child sexual abuse cases in divorce and custody matters be well qualified and have the necessary work experience. It is further recommended that mental health care professionals have the following credentials (1) at least a master's degree with a dissertation theme focussed on the specialist field; (2) have published relevant scientific articles on the subject matter; and (3) have at least 10 years' work experience.

It is recommended that mental health professionals assess the matter thoroughly and involve all the necessary parties concerned, including (1) the accused parent; (2) the accusing parent; and (3) the relevant children.

It is recommended that reports not be delayed for an extended period but be released to all parties within two months of doing the assessment.

It is recommended that the proposals in the report be clear, i.e. if a false allegation presents itself defining false child sexual abuse allegations, that this be supported with relevant literature; that it be explained how it was determined that it was a false allegation; and that specific and firm recommendations be given so that there is no confusion as to whether sexual abuse has taken place. It is imperative that mental health professionals not be scared of making the necessary firm recommendations. So often recommendations are rather vague and confusing which only creates more confusion and conflict and does not serve the interests of the family post-allegation.

It is recommended that professionals include in their report writing Family Mediation Intervention Programs using cognitive behavioural therapy and dealing with betrayal and forgiveness.

It is recommended that mental health care professionals write thorough, organised and professional reports (*Appendix I – Example of professional report writing for the purpose of court proceedings*) that can be used in court proceedings. It is imperative that mental health care professionals, who work in the field of sexual abuse and divorce and custody cases, have the necessary skills to draft professional reports. Comprehensive reports are needed that include the following – (1) a complete curriculum vitae of the mental health care professional which reflects the competency and experience of the professional; (2) a statement of competency to ensure that the person reading the report can trust in the mental health care professional's competency; (3) a motivation for compiling the report stating how the case unfolded and the motivation for assessing the children; (4) the biological information of all persons concerned; (5) dates of the assessment, giving information on when all parties were

seen; (6) procedures and instruments that were used within the assessment; (7) clinical impressions of both the accusing parent and the parent being accused; (8) a personality profile and clinical impression and an in-depth summary of the children who have allegedly been sexually abused; (9) a detailed summary of the matter; and (10) detailed, clear and specific recommendations that are stated with authority by the mental health care professional that stands as an expert in the matter.

Practitioners need to be objective and deal with each case with the necessary expertise it requires, knowing that there is no place for generalisation (Paradise et al., 1999; Penfold, 1995; Thoennes & Tjaden, 1990).

Mental health care practitioners need to understand and be able to explain false claims to families that are in the midst of such a situation, and they need to be able to explain this problem in court as an expert witness (Lyon et al., 2012; Olafson, 2012).

#### **6.2.4 The need for future research**

As this research is a ground-breaking study in South Africa, as no scientific research has been published on the subject, this study can be used as a basis for future studies. From this research, possible profiles of both the accusing and the accused parents have been provided. Research can be undertaken that focuses specifically on developing an outline of the potential profiles of both the accusing and the accused parent. This profile will assist mental health care professionals during the intervention process to more easily identify if there is the possibility of a defined case of a false child sexual abuse allegation.

Other opportunities for research on this subject matter would be to do case studies on children who have gone through false child sexual abuse allegations in divorce and custody proceedings. These case studies will assist in obtaining an understanding of the experiences

the child has undergone and, through therapy, help these children to process emotionally what has happened to them and their families.

Research on intervention programmes and tools that can be used with the families within the assessment process will also be beneficial for mental health care professionals specialising in this field.

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## Appendices

### Appendix A1

#### Example of confidentiality agreement with research assistants

##### Confidential Information Disclosure Agreement:

This Agreement is entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_ by and between \_\_\_\_\_ with offices at \_\_\_\_\_ (hereinafter "Research Assistant") and \_\_\_\_\_, with offices at \_\_\_\_\_ (hereinafter "Researcher").

WHEREAS Researcher possesses certain ideas and information relating to \_\_\_\_\_ that is confidential and proprietary to Researcher (hereinafter "Confidential Information"); and

WHEREAS the Research Assistant is willing to receive disclosure of the Confidential Information pursuant to the terms of this Agreement for the purpose of \_\_\_\_\_;

NOW THEREFORE, in consideration of the mutual undertakings of I and the Research Assistant under this Agreement, the parties agree as follows:

1. Disclosure. Researcher agrees to disclose, and Research Assistant agrees to receive the Confidential Information.

2. Confidentiality.

2.1 No Use. Research Assistant agrees not to use the Confidential Information in any way, or to manufacture or test any product embodying Confidential Information, except for the purpose set forth above.

2.2 No Disclosure. Research Assistant agrees to use her best efforts to prevent and protect the Confidential Information, or any part thereof, from disclosure to any person other than

Research Assistant's employees with a need for disclosure in connection with Research Assistant's authorised use of the Confidential Information.

2.3 Protection of Secrecy. Research Assistant agrees to take all steps reasonably necessary to protect the secrecy of the Confidential Information, and to prevent the Confidential Information from falling into the public domain or into the possession of unauthorised persons.

3. Limits on Confidential Information. Confidential Information shall not be deemed proprietary and the Research Assistant shall have no obligation with respect to such information where the information:

(a) was known to Research Assistant prior to receiving any of the Confidential Information from Discloser;

(b) has become publicly known through no wrongful act of Research Assistant;

(c) was received by Research Assistant without breach of this Agreement from a third party without restriction as to the use and disclosure of the information;

(d) was independently developed by Research Assistant without use of the Confidential Information; or

(e) was ordered to be publicly released by the requirement of a government agency.

4. Ownership of Confidential Information. Research Assistant agrees that all Confidential Information shall remain the property of Researcher, and that Researcher may use such Confidential Information for any purpose without obligation to Research Assistant. Nothing contained herein shall be construed as granting or implying any transfer of rights to Research Assistant in the Confidential Information, or any patents or other intellectual property protecting or relating to the Confidential Information.

5. Term and Termination. The obligations of this Agreement shall be continuing until the Confidential Information disclosed to Research Assistant is no longer confidential.

6. Survival of Rights and Obligations. This Agreement shall be binding upon, inure to the benefit of, and enforceable by (a) Researcher, her successors, and assigns; and (b) Research Assistant, her successors and assigns.

IN WITNESS WHEREOF, the parties have executed this agreement effective as of the date first written above.

RESEARCHER ( \_\_\_\_\_ ) ASSISTANT ( \_\_\_\_\_ )

Signed:

Signed:

\_\_\_\_\_ Print

\_\_\_\_\_ Print

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix A2

### Confidentiality agreement with research assistant 1

#### Confidentiality agreement with research assistant

This Agreement is entered into this 13 day of NOVEMBER, 2014 by and between ANITA ROSA LONGA with offices at THE STABLES, LONEMILL (hereinafter "Research Assistant") and DR TANYA ROBINSON, with offices at REGENT OFFICE PARK (hereinafter "Researcher").

WHEREAS Researcher possesses certain ideas and information relating to FALSE SEXUAL ABUSE ALLEGATIONS that is confidential and proprietary to <sup>this</sup> Researcher (hereinafter "Confidential Information"); and

WHEREAS the Research Assistant is willing to receive disclosure of the Confidential Information pursuant to the terms of this Agreement for the purpose of RESEARCH;

NOW THEREFORE, in consideration of the mutual undertakings of I and the Research Assistant under this Agreement, the parties agree as follows:

1. Disclosure. Researcher agrees to disclose, and Research Assistant agrees to receive the Confidential Information.

2. Confidentiality.

2.1 No Use. Research Assistant agrees not to use the Confidential Information in any way, or to manufacture or test any product embodying Confidential Information, except for the purpose set forth above.

2.2 No Disclosure. Research Assistant agrees to use her best efforts to prevent and protect the Confidential Information, or any part thereof, from disclosure to any person other than Research Assistant's employees with a need for disclosure in connection with Research Assistant's authorised use of the Confidential Information.

2.3 Protection of Secrecy. Research Assistant agrees to take all steps reasonably necessary to protect the secrecy of the Confidential Information, and to prevent the Confidential Information from falling into the public domain or into the possession of unauthorised persons.

3. Limits on Confidential Information. Confidential Information shall not be deemed proprietary and the Research Assistant shall have no obligation with respect to such information where the information:



- (a) was known to Research Assistant prior to receiving any of the Confidential Information from Discloser;
- (b) has become publicly known through no wrongful act of Research Assistant;
- (c) was received by Research Assistant without breach of this Agreement from a third party without restriction as to the use and disclosure of the information;
- (d) was independently developed by Research Assistant without use of the Confidential Information; or
- (e) was ordered to be publicly released by the requirement of a government agency.

4. Ownership of Confidential Information. Research Assistant agrees that all Confidential Information shall remain the property of Researcher, and that Researcher may use such Confidential Information for any purpose without obligation to Research Assistant. Nothing contained herein shall be construed as granting or implying any transfer of rights to Research Assistant in the Confidential Information, or any patents or other intellectual property protecting or relating to the Confidential Information.

5. Term and Termination. The obligations of this Agreement shall be continuing until the Confidential Information disclosed to Research Assistant is no longer confidential.

6. Survival of Rights and Obligations. This Agreement shall be binding upon, inure to the benefit of, and enforceable by (a) Researcher, her successors, and assigns; and (b) Research Assistant, her successors and assigns.

IN WITNESS WHEREOF, the parties have executed this agreement effective as of the date first written above.

RESEARCHER (  ) ASSISTANT (  )

Signed:

Signed:

Print

Print

Name: Tanya Robinson

Name: ANITA ROSA LONDA

Title: DR.

Title: MRS

Date: 13 November 2014

Date: 13 NOVEMBER 2014

## Appendix A3

### Confidentiality agreement with research assistant 2

#### Confidentiality agreement with research assistant

This Agreement is entered into this 13<sup>th</sup> day of NOVEMBER, 2014 by and between JANETTE NEL with offices at REGENT OFFICE PARK (hereinafter "Research Assistant") and DR. TM ROBINSON, with offices at REGENT OFFICE PARK (hereinafter "Researcher").

WHEREAS Researcher possesses certain ideas and information relating to FALSE SEXUAL ABUSE ALLEGATIONS that is confidential and proprietary to <sup>this</sup> Researcher (hereinafter "Confidential Information"); and

WHEREAS the Research Assistant is willing to receive disclosure of the Confidential Information pursuant to the terms of this Agreement for the purpose of RESEARCH;

NOW THEREFORE, in consideration of the mutual undertakings of I and the Research Assistant under this Agreement, the parties agree as follows:

1. Disclosure. Researcher agrees to disclose, and Research Assistant agrees to receive the Confidential Information.

2. Confidentiality.

2.1 No Use. Research Assistant agrees not to use the Confidential Information in any way, or to manufacture or test any product embodying Confidential Information, except for the purpose set forth above.

2.2 No Disclosure. Research Assistant agrees to use her best efforts to prevent and protect the Confidential Information, or any part thereof, from disclosure to any person other than Research Assistant's employees with a need for disclosure in connection with Research Assistant's authorised use of the Confidential Information.

2.3 Protection of Secrecy. Research Assistant agrees to take all steps reasonably necessary to protect the secrecy of the Confidential Information, and to prevent the Confidential Information from falling into the public domain or into the possession of unauthorised persons.

3. Limits on Confidential Information. Confidential Information shall not be deemed proprietary and the Research Assistant shall have no obligation with respect to such information where the information:



- (a) was known to Research Assistant prior to receiving any of the Confidential Information from Discloser;
- (b) has become publicly known through no wrongful act of Research Assistant;
- (c) was received by Research Assistant without breach of this Agreement from a third party without restriction as to the use and disclosure of the information;
- (d) was independently developed by Research Assistant without use of the Confidential Information; or
- (e) was ordered to be publicly released by the requirement of a government agency.

4. Ownership of Confidential Information. Research Assistant agrees that all Confidential Information shall remain the property of Researcher, and that Researcher may use such Confidential Information for any purpose without obligation to Research Assistant. Nothing contained herein shall be construed as granting or implying any transfer of rights to Research Assistant in the Confidential Information, or any patents or other intellectual property protecting or relating to the Confidential Information.

5. Term and Termination. The obligations of this Agreement shall be continuing until the Confidential Information disclosed to Research Assistant is no longer confidential.

6. Survival of Rights and Obligations. This Agreement shall be binding upon, inure to the benefit of, and enforceable by (a) Researcher, her successors, and assigns; and (b) Research Assistant, her successors and assigns.

IN WITNESS WHEREOF, the parties have executed this agreement effective as of the date first written above.

RESEARCHER (  ) ASSISTANT (  )  
Signed: \_\_\_\_\_ Signed: \_\_\_\_\_  
\_\_\_\_\_ Print \_\_\_\_\_ Print

Name: Tanya Robinson Name: JANETTE NEL  
Title: DR Title: MRS.  
Date: 13 November Date: 13 NOVEMBER

## **Appendix B**

### **Information Sheet and Written Consent Form/*Informasie Bladsy en Geskrewe Toestemmingsbrief***

#### **Information Sheet/*Informasie Bladsy***

Research Title: An explorative study of false allegations of child sexual abuse in divorce and custody proceedings

*Navorsings Titel: 'n Verkennende studie van valse bewerings van kinder seksuele mishandeling in egskeiding en bewaring verrigtinge.*

Name of Researcher: Dr Tanya Marie Robinson

*Naam van Navorser: Dr Tanya Marie Robinson*

Name of Research Assistant: \_\_\_\_\_

*Naam van Navorsings Assistent: \_\_\_\_\_*

Dr Robinson is registered for a PhD in the Department of Social Work at the University of Cape Town, under supervision of Dr Johannes John-Langba.

*Dr Robinson is geregistreerd vir 'n PhD in die Departement van Maatskaplike Werk aan die Universiteit van Kaapstad, onder supervisie van Dr Johannes John-Langba.*

The aim of this study is to explore the problem of false allegations of child sexual abuse in divorce and custody proceedings to create an understanding to professionals and the judicial system to act with knowledge and understanding when confronted with this social problem in practice and in court.

*Die studie beoog om the probleem van false beskuldigings van kinder seksuele mishandeling te verken in egskeidings en bewardings verrigtinge om 'n beter verstaning vir professionele en die regsisteam te skep en sodat hulle kan optree met kennis en bgrip ontwikkel wanneer gekonfronteer met die sosiale probleem in die praktyk en die hof.*

### **Consent Form/Toestemmingsbrief**

#### **Please initial box**

1. I confirm that I have read and understand the information sheet for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.

*1. Ek bevestig dat ek die informasie blad gelees en verstaan het ten opsigte van die bogenoemde studie. Ek het geleentheid gehad om die informasie te nadink, om vra te vrae en die vrae is behoorlik geantwoord.*

2. I understand that my participation is voluntary and that I am free to withdraw at any time, without giving any reason.

*2. Ek verstaan dat my deelname is vrywillig en dat ek vry is om te onttrek ter enige tyd, sonder om redes te gee.*

3. I understand that any information given by me may be used in future reports, articles or presentations by the research team.

*3. Ek verstaan dat enige informasie wat deur my gegee word mag in toekomstige verslae, artikels, of aanbieding gebruik word deur die navorsingsspan.*

4. I understand that my name will not appear in any reports, articles or presentations.

4. Ek verstaan dat my naam sal nie verskyn in enige verlase, artikels of aanbiedings.

5. I agree to take part in the above study.

5. Ek gee toestemming om deel te neem in die bogenoemde studie.

_____	_____	_____
Name of Participant	Date	Signature
<i>Naam van Deelnemer</i>	<i>Datum</i>	<i>Handtekening</i>
_____	_____	_____
Researcher/Assistant	Date	Signature
<i>Navorser/Assistant</i>	<i>Datum</i>	<i>Handtekening</i>

The research information will be password coded and only the researcher, the research assistant and the supervisor of this study will have access to the research information. The data will be deleted after five years of data collection.

If you have any question, contact the Department of Social Development, UCT.

*Die navorsings informasie sal wagwoord gekodeerd wees en slegs die navorser, die navorsings assistent en die supervisor van die studies al toegang tot die navorsing informasie he. Die navorsing sal geskrap word na vyf jaar van data insameling.*

*As jy enige vrae het, kontak die Departement van Sosiale Ontwikkeling, UTC.*

## Appendix C

**In-depth interview guide with the alleged abusive parent that was accused of child sexual abuse. /In-diepte onderhoud gids met die beweerde beskuldigde ouers wat aangekla is van seksuele kinder mishandeling.**

Address/Adres: \_\_\_\_\_

Interviewer/Onderhoudvoerder: \_\_\_\_\_

Gender/Geslag: Female/Vroulik \_\_\_\_\_ Male/Manlik \_\_\_\_\_

Age/Ouderdom: \_\_\_\_\_

Ethnicity/Ras: \_\_\_\_\_

Educational level/Opvoedings vlak: \_\_\_\_\_

Years being married before divorce/Jare getroud voor die egskeiding: \_\_\_\_\_

How many children born from that marriage/Hoeveel kinders is gebore uit die huwelik:

\_\_\_\_\_

Ages of children/Ouderdomme van kinders: \_\_\_\_\_

Appointment date and time/Afspraak datum en tyd: \_\_\_\_\_

Notes/Notas: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

INTRODUCTION (Please go through this introduction even if you are repeating what was said during recruitment).

*INLEIDING (Asseblief gaan deur die inleiding, al is dit 'n herhaling van wat gese is tydens die werwing.*

(a) Thank you for agreeing to have this interview.

*Dankie dat jy ingestem het tot hierdie onderhoud.*

(b) I am ..... from..... We are conducting research to understand false child sexual abuse allegations in divorce and custody proceedings.

*Ek is .....van..... Ons voer navorsing uit om valse bewering van seksuele mishandeling bewerings in egskeidings en bewaring verrigtinge te verstaan.*

(c) Please feel free to talk openly. If you feel uncomfortable talking about something, or would rather not answer a question, please tell me. You do not have to answer questions if you do not want to.

*Voel gerus om openlik te praat. As jy ongemaklik voel om oor iets te praat, of wil eerder nie die vraag antwoord nie, asseblief laat weet my. Jy hoef nie vrae te antwoord as jy nie wil nie.*

(d) Time: The interview will take up approximately an hour. If you are tired, or need to stop and do something else, please tell me and we can take a break.

*Tyd: Die onderhoud sal ongeveer 'n uur neem. As jy moeg voe, of voel jy wil stop om iets anders te doen, asseblief laat weet my dat ons 'n breuk kan vat.*

(e) Confidentiality: Everything said in this interview will be treated as confidential as possible by the researcher/assistant. When we report on the findings, we make sure that everybody remains anonymous.

*Vertroulikheid: Alles wat gese word in die onderhoud sal as vertroulik beskou word sover as moontlik deur die navorser/assistent. Wanneer ons die bevindinge sal rapporteur, sal ons seker maak dat almal anonym bly.*

- (f) Recording: Do you mind if I record this interview? Yes \_\_\_\_\_ No \_\_\_\_\_ It's only for research purposes. That way I don't have to write down lots of notes while we talk. Nobody except the researchers will listen to the recording. [Wait for the participant's response and tick it either yes or no.] Yes \_\_\_\_\_ No \_\_\_\_\_. Please speak clearly so that we can hear what was said in the recording.

*Opname: Sal jy omgee as ek die onderhoud opneem? Ja \_\_\_\_\_ Nee \_\_\_\_\_ Dit is alleenlik vir navorsingsdoeleindes. In hierdie wyse hoef ek nie soveel notas te maak terwyl ons praat. Slegs die navorser sal na die opnames luister. [Wag vir die deelnemer se antwoord en merk ja of nee.] Ja \_\_\_\_\_ Nee \_\_\_\_\_. Praat asseblief duidelik sodat ons kan hoor wat in die opname gese is.*

- (g) As we do not want any translation problems that may affect the study we would prefer if we can do the interview in English/Afrikaans. If English/Afrikaans is not your first language and you struggle with the interview please let me know if you do not feel comfortable with the interview and if you would like to stop.

*Aangesien ons nie met vertalings kwessies bemoeid wil raak wat die studie kan affektter, verkies ons dat die onderhoud in Engels/Afrikaans plaasvind. As Engels/Afrikaans nie jou eerste taal is nie en jy sukkel met die onderhoud asseblief laat my weet as jy nie gemaklik voel met die onderhoud nie en of jy voel jy wil stop.*

- (h) Test recording: Before we start, I would like to make sure that the tape recorder is working properly. (Interviewer: start recording: say your name and the date, and say something light hearted – like an observation about the weather today –it's a sunny day. Ask the respondent an innocuous question to get their voice – or ask about their

age and occupation sitting in their natural position where they will sit for the interview. Stop the recording and play back to make sure it is working and that we can hear both your voices.)

*Toets opname: Voordat ons begin, wil ek net seker maak die band opnemer werk behoorlik. (Onderhoudvoerder: begin opname: se jou name en die datum, en se iets lighartigs – soos ‘n observasie oor die weer vandag – dis ‘n sonnige dag. Vra die deelnemer ‘n onskadelike vraag om hulle stem opteneem – of vrae na oor hulle ouderdom en beroep, waar hulle sal sit in die natuurlike posisie waar die onderhoud sal plaasvind. Stop die opname and speel dit terug, om seker te maak dat dit werk en dat beide die stemme hoorbaar is.)*

Start recording: Remember to press record again before you start the interview. Once again, state the date and place, your name and the respondent’s details “interview with the accused”.

*Begin opname: Onthou om die opnemings knoppie te druk voordat jy die onderhoud begin. Weereens, bevestig die datum en plek, jou naam en die deelnemer se besonderhered “onderhoud met die beskuldigde”.*

Make sure that you position the recorder so that your voices are still audible, even if you are looking down at the paper. Write down as much of the answers as possible in the spaces provided.

*Maak seker jy plaas die opnemer sodat die stemme hoorbaar is, al kyk jy na die papier. Skryf soveel neer van die antwoorde in die spasies wat voorsien word.*

INTERVIEW GUIDE/ ONDERHOUDS GIDS

1. How did it happen that you were accused of sexually abusing your child? (Probe: Did he/she phone you to discuss the situation? Did the police arrest you?)

*Hoe het dit gebeur dat jy aangekla is dat jy jou kind seksueel mishandel het?*

*(Ondersoek: Het hy/sy jou gebel om die situasie te bespreek?/ Het die polisie jou gearresteer?)*

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2. Why do think you ex-partner made these allegations? (Probe: Do you think your ex really believed that you could have sexually abused the children?)

*Hoekom dink jy jou eks-vennoot het die bewerings gemaak? (Ondersoek: Dink jy dat jou eks werklik kon glo dat jy die kinders seksueel mishandel het?)*

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3. Please describe the character of your ex-partner? (Probe: Are your ex in general spiteful? Vindictive? Helpful? Friendly? Angry?)

*Asseblief beskryf die karakter van jou eks-vennoot? (Ondersoek: Is jou eks oor die algemeen moedswillig? Wraaksigtig? Hulpverlenend? Vriendelik? Kwaad?)*

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4. Do you think your ex-partner made the allegation out of concern for the children? (Probe: Do you think he/she wanted to protect the children? Did he/she do it to be vindictive?)

*Dink jy jou eks-vennoot het die bewerings gemaak uit bekommernis vir die kinders?*

*(Ondersoek: Dink jy hy/sy wou die kinders beskerm? Het hy/sy dit gedoen met wraak?)*

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5. What factors do you think will allow a parent to believe that their ex-partner is capable of sexually abusing their own child? (Probe: What do you think they saw that made them believe that sexual abuse took place?)

*Watter faktore dra by tot 'n ouer om tot die geloof te kom dat hulle eks-vennoot in staat is om hulle eie kinders seksueel te mishandel? (Ondersoek: Wat dink jy het hulle gesien wat hulle laat glo het dat seksuele mishandeling plaasgevind het?)*

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6. What is your opinion of the systems that is in place when being accused of child sexual abuse in divorce and custody proceedings? (Probe: Do the systems work? Were the systems helpful?)

*Wat is die sisteme wat in plek is wanneer 'n persoon aangekla word van kinder seksuele molestering in egskeiding en bewaring verrigtinge? (Werk die sisteme? Was die sisteme helpvol?)*

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7. Do you think that the mental health care practitioners that intervened delivered a professional service? (Probe: What did they do? Were you part of the assessment?)

*Dink jy dat die geestes gesondheidsorg praktisyne wat ingegryp het, het 'n professionele diens gelewer? (Ondersoek: Wat het hulle gedoen? Was jy deel van die assessering?)*

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8. What do you think could have been done differently in your case, to resolve matters quicker? (Probe: What happened during the legal/court process?)

*Wat dink jy kon anders gebeur het in jou saak om sake vinniger optegelos het?  
(Ondersoek: Wat het gebeur tydens die regs/hof proses?)*

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9. How is your relationship with your ex-partner that accused you and with your children since you have been found not-guilty? (Probe: Do you still talk? Are your friends?)

*Hoe is jou verhouding met jou eks-vennoot wat jou beskuldig het en met jou kinders, nou dat jy onskuldig bevind is? (Ondersoek: Praat julle nog? Is julle vriende?)*

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10. Did you feel helpless within this process? (Probe: How? Why?)

*Het jy hulpeloos gevoel gedurende die proses? (Ondersoek: Hoe? Hoekom?)*

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CONCLUSION/GEVOLGTREKKING

We have come to the end of the particular things I wanted to ask you about. But before we close: are there any other issues or problems that you feel we have not discussed that you would like to talk about.

*Ons het tot die einde gekom van sekere dinge wat ek jou wou vra. Maar voordat ons eindig: is daar ander aspekte of probleem wat jy voel ons nie bespreek het nie, waaroor jy graag sal wil praat.*

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Is it okay to contact you again for further information and/or clarification of the issue at hand?

*Is dit okay om jou weer te kontak as ons verdere inligting benodig/of om sekere aspekte te verduidelik?*

YES/JA \_\_\_\_\_ NO/NEE \_\_\_\_\_

PLEASE THANK THE PARTICIPANT AT THE END OF THE INTERVIEW.

*ASSEBLIEF BEDANK DIE DEELNEMER AAN DIE EINDE VAN DIE ONDERHOUD.*

OBSERVATIONS/OBSERVASIES

After the interview, write up your notes and observations:

*Na die onderhoud, skryf notas en observasies:*

Interview process/Onderhouds proses:

- What was the dynamics of this interview? Was it an easy or a difficult interview?  
Why?

*Wat was die dinamika van die onderhoud? Was dit 'n maklike of moeilike onderhoud? Hoekom?*

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- Was there anything else that should be taken into account in the analysis?

*Is daar enige iets anders wat inaggeneem moet word tydens die analiese?*

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- Thinking about the focus of the study, what were the main themes/issues that emerged for you during the interview?

*As jy dink aan die fokus van die studie, wat was die hoof temas/aspekte wat na vore gekom het tydens die onderhoud?*

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- Was there any other information volunteered by the respondent which tells us something about this social problem?

*Was daar enige ander informasie wat die deelnemer vrywillig gedeel het oor die sosiale probleem?*

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Name of interviewer/*Naam van onderhoudsvoerder*: \_\_\_\_\_

Signature/*Handtekening*: \_\_\_\_\_

Date/*Datum*: \_\_\_\_\_

## Appendix D

**In-depth interview guide with the accusing parent making the allegations of false child sexual abuse./In-diepte onderhouds gids met die beskuldigende ouer wat die bewerings maak van false kinder seksuele mishandeling.**

Address/Adres: \_\_\_\_\_

Interviewer/Onderhoudvoerder: \_\_\_\_\_

Gender/Geslag: Female/Vroulik \_\_\_\_\_ Male/Manlik \_\_\_\_\_

Age/Ouderdom: \_\_\_\_\_

Ethnicity/Ras: \_\_\_\_\_

Educational level/Opvoedings vlak: \_\_\_\_\_

Years being married before divorce/Jare getroud voor die egskeiding: \_\_\_\_\_

How many children born from that marriage/Hoeveel kinders is gebore uit die huwelik:

\_\_\_\_\_

Ages of children/Ouderdomme van kinders: \_\_\_\_\_

Appointment date and time/Afspraak datum en tyd: \_\_\_\_\_

Notes/Notas: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

INTRODUCTION (Please go through this introduction even if you are repeating what was said during recruitment).

*INLEIDING (Asseblief gaan deur die inleiding, al is dit 'n herhaling van wat gese is tydens die werwing.*

(i) Thank you for agreeing to have this interview.

*Dankie dat jy ingestem het tot hierdie onderhoud.*

(j) I am ..... from..... We are conducting research to understand false child sexual abuse allegations in divorce and custody proceedings.

*Ek is .....van..... Ons voer navorsing uit om valse bewering van seksuele mishandeling bewerings in egskeidings en bewaring verrigtinge te verstaan.*

(k) Please feel free to talk openly. If you feel uncomfortable talking about something, or would rather not answer a question, please tell me. You do not have to answer questions if you do not want to.

*Voel gerus om openlik te praat. As jy ongemaklik voel om oor iets te praat, of wil eerder nie die vraag antwoord nie, asseblief laat weet my. Jy hoef nie vrae te antwoord as jy nie wil nie.*

(l) Time: The interview will take up approximately an hour. If you are tired, or need to stop and do something else, please tell me and we can take a break.

*Tyd: Die onderhoud sal ongeveer 'n uur neem. As jy moeg voe, of voel jy wil stop om iets anders te doen, asseblief laat weet my dat ons 'n breuk kan vat.*

(m)Confidentiality: Everything said in this interview will be treated as confidential as possible by the researcher/assistant. When we report on the findings, we make sure that everybody remains anonymous.

*Vertroulikheid: Alles wat gese word in die onderhoud sal as vertroulik beskou word sover as moontlik deur die navorser/assistent. Wanneer ons die bevindinge sal rapporteur, sal ons seker maak dat almal anonym bly.*

- (n) Recording: Do you mind if I record this interview? Yes \_\_\_\_\_ No \_\_\_\_\_ It's only for research purposes. That way I don't have to write down lots of notes while we talk. Nobody except the researchers will listen to the recording. [Wait for the participant's response and tick it either yes or no.] Yes \_\_\_\_\_ No \_\_\_\_\_. Please speak clearly so that we can hear what was said in the recording.

*Opname: Sal jy omgee as ek die onderhoud opneem? Ja \_\_\_\_\_ Nee \_\_\_\_\_ Dit is alleenlik vir navorsingsdoeleindes. In hierdie wyse hoef ek nie soveel notas te maak terwyl ons praat. Slegs die navorser sal na die opnames luister. [Wag vir die deelnemer se antwoord en merk ja of nee.] Ja \_\_\_\_\_ Nee \_\_\_\_\_. Praat asseblief duidelik sodat ons kan hoor wat in die opname gese is.*

- (o) As we do not want any translation problems that may affect the study we would prefer if we can do the interview in English/Afrikaans. If English/Afrikaans is not your first language and you struggle with the interview please let me know if you do not feel comfortable with the interview and if you would like to stop.

*Aangesien ons nie met vertalings kwessies bemoeid wil raak wat die studie kan affektter, verkies ons dat die onderhoud in Engels/Afrikaans plaasvind. As Engels/Afrikaans nie jou eerste taal is nie en jy sukkel met die onderhoud asseblief laat my weet as jy nie gemaklik voel met die onderhoud nie en of jy voel jy wil stop.*

- (p) Test recording: Before we start, I would like to make sure that the tape recorder is working properly. (Interviewer: start recording: say your name and the date, and say something light hearted – like an observation about the weather today –it's a sunny day. Ask the respondent an innocuous question to get their voice – or ask about their

age and occupation sitting in their natural position where they will sit for the interview. Stop the recording and play back to make sure it is working and that we can hear both your voices.)

*Toets opname: Voordat ons begin, wil ek net seker maak die band opnemer werk behoorlik. (Onderhoudvoerder: begin opname: se jou name en die datum, en se iets lighartigs – soos ‘n observasie oor die weer vandag – dis ‘n sonnige dag. Vra die deelnemer ‘n onskadelike vraag om hulle stem opteneem – of vrae na oor hulle ouderdom en beroep, waar hulle sal sit in die natuurlike posisie waar die onderhoud sal plaasvind. Stop die opname and speel dit terug, om seker te maak dat dit werk en dat beide die stemme hoorbaar is.)*

Start recording: Remember to press record again before you start the interview. Once again, state the date and place, your name and the respondent’s details “interview with the accused”.

*Begin opname: Onthou om die opnemings knoppie te druk voordat jy die onderhoud begin. Weereens, bevestig die datum en plek, jou naam en die deelnemer se besonderhered “onderhoud met die beskuldigde”.*

Make sure that you position the recorder so that your voices are still audible, even if you are looking down at the paper. Write down as much of the answers as possible in the spaces provided.

*Maak seker jy plaas die opnemer sodat die stemme hoorbaar is, al kyk jy na die papier. Skryf soveel neer van die antwoorde in die spasies wat voorsien word.*

## INTERVIEW GUIDE/ONDERHOUDS GIDS

1. How did it happen that you accused your ex-partner of sexually abusing your child?

(Probe: What signs or symptoms did you see?)

*Hoe het dit gebeur dat jy jou eks-vennoot van seksuele mishandeling van julle kind beskuldig het? (Ondersoek: Watter tekens of simptome het jy gesien?)*

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---

2. What did you notice in your child that made you believe that your child was sexually abused by your ex-partner? (Probe: Did the child say something? Did the child present something in his/her behaviour?)

*Wat het jy in jou kind opgemerk wat jou laat glo het dat die kind seksueel mishandel is deur jou eks-vennoot? (Ondersoek: Het die kind iets gese? Of het die kind iets spesifiek in sy/haar gedrag gewys?)*

---

---

3. What did you do when you became aware that your child might have been sexually abused by the father/mother? (Probe: Did you take the child to a doctor? Did you phone the police? Did inform a therapist?)

*Wat het jy gedoen toe jy agterkom dat jou kind dalk seksueel mishandel is deur hulle ma/pa? (Ondersoek: Het jy die kind na 'n dokter geneem? Die polisie gebel? 'n Terapeut laat weet?)*

---

---

4. What did you emotionally go through when suspecting that your child might have been sexually abused by your ex-partner? (Probe: Did you cry? Did you feel anger?)

*Wat het jy emosioneel deurgegaan toe jy vermoed dat jou kind deur jou eks-vennoot seksueel mishandel is? (Ondersoek: Het jy gehuil? Was jy kwaad?)*

---

---

5. Do you feel that your decision was influenced by friends, grandparents, a new partner or your legal counsel? (Probe: Or anyone else? Who else did you discuss the situation with?)

*Voel jy dat jou besluit beïnvloed was deur vriende, grootouers, a nuwe vriend of jou regsman? (Ondersoek: Of enige iemand anders? Met wie anders het jy die situasie bespreek?)*

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6. What is your opinion of the systems that is in place when you think that your child is being sexually abused? (Probe: Are the systems well structured? Or poorly?)

*Wat is jou opinie oor die sisteme wat in plek is wanneer jy gekonfronteer is met die gedagte dat jou kind seksueel mishandel is? (Ondersoek: Is die sisteme georden? Of swak?)*

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7. Did you try and approach your ex-partner and discussed with him/her your suspicions? (Probe: Did you arrange a meeting? Or discussed it telephonically?)

*Het jy jou vermoedens probeer bespreek met jou eks-vennoot? (Ondersoek: Het jy 'n vergadering gereel? Of dit telefonies bespreek?)*

- 
- 
8. How did you feel when it was decided that your child was not sexually abused and that your allegation was false? (Probe: Did you believe the findings?)

*Hoe het jy gevoel toe dit beslis is dat jou kind nie seksueel mishandel is nie en dat die bewerings false is? (Ondersoek: Het jy die bevindinge geglo?)*

---

---

9. How is your relationship with your ex-partner that you accused and your relationship with your children? (Probe: Do you have an amicable relationship?)

*Hoe is jou verhouding met jou eks-vennoot wat jy beskuldig het en jou verhouding met jou kinders? (Ondersoek: Het julle 'n vriendskaplike verhouding?)*

---

---

10. Retrospectively what do you think you could have done differently? (Probe: Do you think you overreacted?)

*Terugwerkend dink jy, jy kon iets anders doen? (Ondersoek: Dink jy dit was 'n oorreaksie?)*

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CONCLUSION/GEVOLGTREKKING

We have come to the end of the particular things I wanted to ask you about. But before we close: are there any other issues or problems that you feel we have not discussed that you would like to talk about.

*Ons het tot die einde gekom van sekere dinge wat ek jou wou vra. Maar voordat ons eindig: is daar ander aspekte of problem wat jy voel ons nie bespreek het nie, waaroor jy graag sal wil praat.*

---

---

Is it okay to contact you again for further information and/or clarification of the issue at hand?

*Is dit okay om jou weer te kontak as ons verdere inligting benodig/of om sekere aspekte te verduidelik?*

YES/JA \_\_\_\_\_ NO/NEE \_\_\_\_\_

PLEASE THANK THE PARTICIPANT AT THE END OF THE INTERVIEW.

*ASSEBLIEF BEDANK DIE DEELNEMER AAN DIE EINDE VAN DIE ONDERHOUD.*

OBSERVATIONS/OBSERVASIES

After the interview, write up your notes and observations:

*Na die onderhoud, skryf notas en observasies:*

Interview process/Onderhouds proses:

- What was the dynamics of this interview? Was it an easy or a difficult interview?  
Why?

*Wat was die dinamika van die onderhoud? Was dit 'n maklike of moeilike onderhoud? Hoekom?*

---

---

- Was there anything else that should be take into account in the analysis?

*Is daar enige iets anders wat inaggeneem moet word tydens die analiese?*

---

---

- Thinking about the focus of the study, what were the main themes/issues that emerged for you during the interview?

*As jy dink aan die fokus van die studie, wat was die hoof temas/aspekte wat na vore gekom het tydens die onderhoud?*

---

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- Was there any other information volunteered by the respondent which tells us something about this social problem?

*Was daar enige ander informasie wat die deelnemer vrywillig gedeel het oor die sosiale probleem?*

---

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Name of interviewer/*Naam van onderhoudsvoerder*: \_\_\_\_\_

Signature/*Handtekening*: \_\_\_\_\_

Date/*Datum*: \_\_\_\_\_

**Appendix E**

**Key Informant Interview Guide with mental health care practioners specialising in the field of divorce and custody proceedings and sexual abuse matters./ *Sleutel Informant Onderhouds gids met geestesgesondheidsorg praktisyne wat spesialiseer in die veld van egskaidings en bewarings verrigtinge en seksuele mishandelingsake.***

Address/*Adres*: \_\_\_\_\_

Interviewer/ *Onderhoudsvoerder*: \_\_\_\_\_

Respondent/*Respondent*: Social Worker/*Maatskaplike Werker* \_\_\_\_\_

Psychologist/*Sielkundige* \_\_\_\_\_

Gender/*Geslag*: Female/*Vroulik* \_\_\_\_\_ Male/*Manlik* \_\_\_\_\_

Age/*Ouderdom*: \_\_\_\_\_

Ethnicity/*Etnisiteit*: \_\_\_\_\_

Educational level/*Opvoedkundige vlak*: \_\_\_\_\_

Years of experience/*Jare ervaring*: \_\_\_\_\_

Location of practice/*Praktyk area*: \_\_\_\_\_

Appointment Date and Time/ *Datum en Tyd van Afspraak*: \_\_\_\_\_

Notes/*Notas*: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

INTRODUCTION (Please go through this introduction even if you are repeating what was said during recruitment).

*INLEIDING (Asseblief gaan deur die inleiding, al is dit 'n herhaling van wat gese is tydens die werwing.*

(q) Thank you for agreeing to have this interview.

*Dankie dat jy ingestem het tot hierdie onderhoud.*

(r) I am ..... from..... We are conducting research to understand false child sexual abuse allegations in divorce and custody proceedings.

*Ek is .....van..... Ons voer navorsing uit om valse bewering van seksuele mishandeling bewerings in egskeidings en bewaring verrigtinge te verstaan.*

(s) Please feel free to talk openly. If you feel uncomfortable talking about something, or would rather not answer a question, please tell me. You do not have to answer questions if you do not want to.

*Voel gerus om openlik te praat. As jy ongemaklik voel om oor iets te praat, of wil eerder nie die vraag antwoord nie, asseblief laat weet my. Jy hoef nie vrae te antwoord as jy nie wil nie.*

(t) Time: The interview will take up approximately an hour. If you are tired, or need to stop and do something else, please tell me and we can take a break.

*Tyd: Die onderhoud sal ongeveer 'n uur neem. As jy moeg voe, of voel jy wil stop om iets anders te doen, asseblief laat weet my dat ons 'n breuk kan vat.*

(u) Confidentiality: Everything said in this interview will be treated as confidential as possible by the researcher/assistant. When we report on the findings, we make sure that everybody remains anonymous.

*Vertroulikheid: Alles wat gese word in die onderhoud sal as vertroulik beskou word sover as moontlik deur die navorser/assistent. Wanneer ons die bevindinge sal rapporteur, sal ons seker maak dat almal anonym bly.*

- (v) Recording: Do you mind if I record this interview? Yes \_\_\_\_\_ No \_\_\_\_\_ It's only for research purposes. That way I don't have to write down lots of notes while we talk. Nobody except the researchers will listen to the recording. [Wait for the participant's response and tick it either yes or no.] Yes \_\_\_\_\_ No \_\_\_\_\_. Please speak clearly so that we can hear what was said in the recording.

*Opname: Sal jy omgee as ek die onderhoud opneem? Ja \_\_\_\_\_ Nee \_\_\_\_\_ Dit is alleenlik vir navorsingsdoeleindes. In hierdie wyse hoef ek nie soveel notas te maak terwyl ons praat. Slegs die navorser sal na die opnames luister. [Wag vir die deelnemer se antwoord en merk ja of nee.] Ja \_\_\_\_\_ Nee \_\_\_\_\_. Praat asseblief duidelik sodat ons kan hoor wat in die opname gese is.*

- (w) As we do not want any translation problems that may affect the study we would prefer if we can do the interview in English/Afrikaans. If English/Afrikaans is not your first language and you struggle with the interview please let me know if you do not feel comfortable with the interview and if you would like to stop.

*Aangesien ons nie met vertalings kwessies bemoeid wil raak wat die studie kan affektter, verkies ons dat die onderhoud in Engels/Afrikaans plaasvind. As Engels/Afrikaans nie jou eerste taal is nie en jy sukkel met die onderhoud asseblief laat my weet as jy nie gemaklik voel met die onderhoud nie en of jy voel jy wil stop.*

- (x) Test recording: Before we start, I would like to make sure that the tape recorder is working properly. (Interviewer: start recording: say your name and the date, and say something light hearted – like an observation about the weather today –it's a sunny day. Ask the respondent an innocuous question to get their voice – or ask about their

age and occupation sitting in their natural position where they will sit for the interview. Stop the recording and play back to make sure it is working and that we can hear both your voices.)

*Toets opname: Voordat ons begin, wil ek net seker maak die band opnemer werk behoorlik. (Onderhoudvoerder: begin opname: se jou name en die datum, en se iets lighartigs – soos ‘n observasie oor die weer vandag – dis ‘n sonnige dag. Vra die deelnemer ‘n onskadelike vraag om hulle stem opteneem – of vrae na oor hulle ouderdom en beroep, waar hulle sal sit in die natuurlike posisie waar die onderhoud sal plaasvind. Stop die opname and speel dit terug, om seker te maak dat dit werk en dat beide die stemme hoorbaar is.)*

Start recording: Remember to press record again before you start the interview. Once again, state the date and place, your name and the respondent’s details “interview with the accused”.

*Begin opname: Onthou om die opnemings knoppie te druk voordat jy die onderhoud begin.*

*Weereens, bevestig die datum en plek, jou naam en die deelnemer se besonderhered*

*“onderhoud met die beskuldigde”.*

Make sure that you position the recorder so that your voices are still audible, even if you are looking down at the paper. Write down as much of the answers as possible in the spaces provided.

*Maak seker jy plaas die opnemer sodat die stemme hoorbaar is, al kyk jy na die papier. Skryf soveel neer van die antwoorde in die spasies wat voorsien word.*

## INTERVIEW GUIDE/ONDERHOUDS GIDS

1. How often do you see false child sexual abuse in divorce and custody proceeding cases in your practice? (Probe: How many cases would you say you see a month?)

*Hoe gereeld sien jy false kinder seksuele mishandeling in egskedings en bewarings  
verrigting sake in jou praktyk? (Ondersoek: Hoeveel sake sal jy se sien jy 'n maand?)*

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2. How do you deal with a child sexual abuse case during divorce and custody proceedings when the case is referred to your practice? (Probe: Do you deal with the sexual abuse and the divorce case separately?)

*Hoe hanteer jy 'n kinder seksuele mishandelings saak tydens 'n egskediding en bewarings  
verrigtinge as 'n saak na jou praktyk verwys word? (Ondersoek: Deel jy met die seksuele  
mishandeling en die egseiding saak apart?)*

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3. What factors do you believe contribute to parents making false child sexual abuse allegations? (Probe: Can you list a few contributing factors?)

*Watter faktore glo jy het bygedra tot ouers wat false kinder seksuele mishandeling  
bewerings maak? (Ondersoek: Kan jy 'n paar bydraende faktore lys?)*

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4. Do you believe that the parents making the false allegation might suffer from a mental illness? (Probe: What mental illness?)

*Glo jy dat ouers wat false bewerings maak sukkel met geestes gesondheids probleme?  
(Ondersoek: Watse geestes gesondheids probleme?)*

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5. Do you feel that the parents that make these false allegations mostly believe that there child was really sexually abused? (Probe: Can some parents have malicious intent?)

*Is jy van gedagte dat ouers wat false bewerings maak glo dat hulle kinders werklik seksueel mishandel was? (Ondersoek: Kan van die ouers kwaadwillige bedoelinge koester?)*

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6. Do you feel that friends, grandparents, new partners or attorneys can influence a parent to such a point where they make the false allegation? (Probe: Or any other individuals?)

*Is jy van gevoel dat vriende, grootouers, nuwe vriende of prokureurs ouers kan beïnvloed tot so 'n punt waar hulle 'n false bewering sal maak? (Ondersoek: Of enige ander individue?)*

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How do you experience the parent that make the false allegation during intervention? (Probe: Do you see any similar characteristics in these parents?)

*Hoe ervaar jy die ouer wat false bewerings maak in die intervensie? (Ondersoek: Sien jy enige soortgelyke eienskappe in hierdie ouers?)*

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7. How do you experience the parent that is being falsely accused of sexual abuse during intervention? (Probe: Can you list a few contributing factors?)

*Hoe ervaar jy die ouers wat fals aangekla word van seksuele mishandeling deur die intervensie? (Ondersoek: Kan jy 'n paar bydraende faktore lys?)*

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8. Do you feel that our justice system can effectively deal with false child sexual abuse allegations in divorce and custody proceedings? (Probe: If not, what should change?)

*Voel jy ons regstelsel kan effektiewelik deel met false kinder seksuele mishandeling bewerings in egskeidings en bewarings verrigtinge? (Ondersoek: As nie, wat moet verander?)*

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9. What do you think can be done to prevent false child sexual abuse allegations in divorce and custody proceedings? (Probe: Can you think of any preventative measures?)

*Wat dink jy kan gedoen word om fals kinder seksuele mishandeling bewerings in egskeiding en bewarings verrigtinge te kan voorkom? (Ondersoek: Kan jy aan enige voorkomende maatreels dink?)*

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#### CONCLUSION/GEVOLGTREKKING

We have come to the end of the particular things I wanted to ask you about. But before we close: are there any other issues or problems that you feel we have not discussed that you would like to talk about.

*Ons het tot die einde gekom van sekere dinge wat ek jou wou vra. Maar voordat ons eindig: is daar ander aspekte of problem wat jy voel ons nie bespreek het nie, waaroor jy graag sal wil praat.*

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Is it okay to contact you again for further information and/or clarification of the issue at hand?

*Is dit okay om jou weer te kontak as ons verdere inligting benodig/of om sekere aspekte te verduidelik?*

YES/JA \_\_\_\_\_ NO/NEE \_\_\_\_\_

PLEASE THANK THE PARTICIPANT AT THE END OF THE INTERVIEW.

*ASSEBLIEF BEDANK DIE DEELNEMER AAN DIE EINDE VAN DIE ONDERHOUD.*

OBSERVATIONS/OBSERVASIES

After the interview, write up your notes and observations:

*Na die onderhoud, skryf notas en observasies:*

Interview process/Onderhouds proses:

- What was the dynamics of this interview? Was it an easy or a difficult interview?

Why?

*Wat was die dinamika van die onderhoud? Was dit 'n maklike of moeilike onderhoud? Hoekom?*

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- Was there anything else that should be take into account in the analysis?

*Is daar enige iets anders wat inaggeneem moet word tydens die analiese?*

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- Thinking about the focus of the study, what were the main themes/issues that emerged for you during the interview?

*As jy dink aan die fokus van die studie, wat was die hoof temas/aspekte wat na vore gekom het tydens die onderhoud?*

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- Was there any other information volunteered by the respondent which tells us something about this social problem?

*Was daar enige ander informasie wat die deelnemer vrywillig gedeel het oor die sosiale probleem?*

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Name of interviewer/*Naam van onderhoudsvoerder*: \_\_\_\_\_

Signature/*Handtekening*: \_\_\_\_\_

Date/*Datum*: \_\_\_\_\_

## **Appendix F1**

### **Example of permission letter for gate keepers to source mental health care professionals.**

Dr Robinson is registered for a PhD in the Department of Social Work at the University of Cape Town, under supervision of Dr Johannes John-Langba. The research title - An explorative study of false allegations of child sexual abuse in divorce and custody proceedings. The aim of this study is to explore the problem of false allegations of child sexual abuse in divorce and custody proceedings to create an understanding to professionals and the judicial system to act with knowledge and understanding when confronted with this social problem in practice and in court.

The inclusion criteria for this sample will be set to social workers and psychologists registered with Therapist.Directory and Divorce.Directory that specialise in the field of divorce, custody proceedings, and sexual abuse matters.

This permission letter serves that permission was obtained from the governing body of Therapist.Directory/ Divorce.Directory that the researcher can access the data basis to create a list of participants for the purpose of this study.

Name and Surname: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix F2

### Permission letter for gate keepers Therapist. Directory and Divorce. Directory.

#### Permission letter for gate keepers Psychotherapy.co.za

Dr Robinson is registered for a PhD in the Department of Social Work at the University of Cape Town, under supervision of Dr Johannes John-Langba. The research title - An explorative study of false allegations of child sexual abuse in divorce and custody proceedings. The aim of this study is to explore the problem of false allegations of child sexual abuse in divorce and custody proceedings to create an understanding to professionals and the judicial system to act with knowledge and understanding when confronted with this social problem in practice and in court.

The inclusion criteria for this sample will be set to social workers and psychologists registered with Psychotherapy.co.za that specialise in the field of divorce, custody proceedings, and sexual abuse matters.

This permission letter serves that permission was obtained from the governing body Psychotherapy.co.za that the researcher can access the data basis to create a list of participants for the purpose of this study.

Name and Surname: Dave van der Want

Date: 10 June 2015

“I very much doubt that there is an ethical or legal issue at stake here - all practitioners have voluntarily placed their details online with the express purpose of being found and the database is publicly available. If you had used the HPCSA register which is also publically available you would not need anyone's permission to source a sample from there.”

## Appendix G1

### Example of permission letter for gate keepers to source falsely accused parents and the accusing parents.

Dr Robinson is registered for a PhD in the Department of Social Work at the University of Cape Town, under supervision of Dr Johannes John-Langba. The research title - An explorative study of false allegations of child sexual abuse in divorce and custody proceedings. The aim of this study is to explore the problem of false allegations of child sexual abuse in divorce and custody proceedings to create an understanding to professionals and the judicial system to act with knowledge and understanding when confronted with this social problem in practice and in court.

The specific sample that the researcher is looking for is men and women that are divorced and have children where the man or woman have accused "*accusing parent*" / or have been accused of sexual abuse of their children "*alleged abusive parent*" and where it has proven to be false.

The researcher is aware of the following organisation and individuals that consult with these individuals and are confronted with these social problems. They include, Fathers-4-Justice and Healthy Relationships. This permission letter serves that permission was obtained from Fathers-4-Justice, and Healthy Relationships that they will discuss the research with any individual at their organisation that fits the criteria of being an *alleged abusive parent or accusing parent* that will be willing to share their story for research purposes and meet for an interview.

Name and Surname: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix G2

### Permission letter received from the gate keeper – Fathers-4-Justice.

#### Permission letter for gate keepers Fathers-4-Justice, the Family Advocate's Office, and the Teddy Bear Clinic

Dr Robinson is registered for a PhD in the Department of Social Work at the University of Cape Town, under supervision of Dr Johannes John-Langba. The research title - An explorative study of false allegations of child sexual abuse in divorce and custody proceedings. The aim of this study is to explore the problem of false allegations of child sexual abuse in divorce and custody proceedings to create an understanding to professionals and the judicial system to act with knowledge and understanding when confronted with this social problem in practice and in court.

The specific sample that the researcher is looking for is men and women that are divorced and have children where the man or woman have accused "*accusing parent*" or have been accused of sexual abuse of their children "*alleged abusive parent*" and where it has proven to be false.

The researcher is aware of the following organisation and individuals that consult with these individuals and are confronted with these social problems. They include, Fathers-4-Justice, the Family Advocate's Office, and the Teddy Bear Clinic. This permission letter serves that permission was obtained from Fathers-4-Justice, the Family Advocate's Office, and the Teddy Bear Clinic that they will discuss the research with any individual at their organisation that fits the criteria of being an *alleged abusive parent or accusing parent* that will be willing to share their story for research purposes and meet for an interview.

Name and Surname: DR STEVEN PRETORIUS

Date: 15/11/2014

www.fathers-4-justice.co.za

www.f4j.co.za

info@f4j.co.za.

## Appendix G3

### Permission letter received from the gate keeper – Healthy Relationships.

#### Permission letter for gate keepers Fathers-4-Justice, Gesonde Seks, and the Teddy Bear Clinic

Dr Robinson is registered for a PhD in the Department of Social Work at the University of Cape Town, under supervision of Dr Johannes John-Langba. The research title - An explorative study of false allegations of child sexual abuse in divorce and custody proceedings. The aim of this study is to explore the problem of false allegations of child sexual abuse in divorce and custody proceedings to create an understanding to professionals and the judicial system to act with knowledge and understanding when confronted with this social problem in practice and in court.

The specific sample that the researcher is looking for is men and women that are divorced and have children where the man or woman have accused "*accusing parent*"/or have been accused of sexual abuse of their children "*alleged abusive parent*" and where it has proven to be false.

The researcher is aware of the following organisation and individuals that consult with these individuals and are confronted with these social problems. They include, Fathers-4-Justice, Gesonde seks, and the Teddy Bear Clinic. This permission letter serves that permission was obtained from Fathers-4-Justice, Gesonde seks, and the Teddy Bear Clinic that they will discuss the research with any individual at their organisation that fits the criteria of being an *alleged abusive parent or accusing parent* that will be willing to share their story for research purposes and meet for an interview.

Name and Surname: Timothy Kieswetter

Date: 10 June 2015

Public site "Gesonde Seks" no need for permission.

## **Appendix H1**

### **Example of transcript of the interviews facilitated with a key informants.**

Interviewer: Do you think that false child sexual abuse allegations occur in divorce and custody proceedings and have you had – to deal with such cases?

Participant: JA no, fairly regularly.

Interviewer: How often would you say?

Participant: It is hard to say because it is not but I can tell you that on a yearly basis probably about 5 such cases, if I can think about an average, where there was an allegation of that or uhm, or or half an alleged half a story you know, suspects it uhm you know so a lot you realise that it is actually the parents attempt to discredit the other parent.

Interviewer: How do you deal with a false child sexual abuse case in divorce and custody proceedings when the case is referred to you do you deal with uhm with it separately?

Participant: Firstly I will assess the child and establish if there are any signs on the child uhm id uhm signs of alleged sexual abuse, if I find that there is truly nothing then I would just again asses the child to be completely sure, if I get an idea that there is a problem with the child in terms of possible sexual abuse then I will immediately refer them to a forensic psychologist and then it gets handled separately, but I first handle the child myself, I try first because we in any case asses the child as part of our investigation for parental rights and responsibilities cases so I uhm will first asses there, because you don't want to expose a child to a full forensic investigation because that on its own is a very traumatising for a child, so one needs to be very sure that there is a need for this child to go for an assessment with someone else, but one needs to be careful not to overlook this, you know, so it is a very hard position to be in, but I think the safer option is to first do the assessment yourself as the professional in the case that needs to be responsible for the case in the end, because at the end

of the day you needs to send this to the forensic investigator and that forensic investigator needs to send all the information back to you because you cannot complete the case before you have gotten that information back.

Interviewer: What factors do you believe contribute to parents making the false child sexual abuse allegations?

Participant: Parent that does not have the ability to uhm that has disintegrated to resolve it in a sense full matter, psychiatric problems in parents, physiological problems that the parents might have uhm, influential third parties uhm, like grandfathers and grandmothers mostly grandmothers I have to say unfortunately that says to the mother shjoe I have heard that these men molest their children a lot of the time and maybe he molested the child so a lot of the time it comes from 3<sup>rd</sup> parties so I really think it is that inability to deal with the divorce the uhm emotional time a person finds himself in one person in a divorce will be in a different place that the other person that is more readily able to move on uhm and sometimes that parent that is not ready to move on will start acting emotionally in a wrong way so you see the allegation of sexual abuse is part of a lot of other things that are happening you know like for instance keeping the child away from them making their name bad, calling his work you know and making telling telling them of how bad he is and what he has done and try to really do damage to him on all levels uhm that's the one way of doing it, and the other is to accuse him of sexual abuse.

Interviewer: Do you believe that the parents making the false allegations might suffer from a mental illness?

Participant: Not necessarily everyone, but I do think there is a percentage of them.

Interviewer: What would you say what kind of metal illnesses?

Participant: Uhm you know, ja jis this is very hard to say, jissie, I don't know if I would really be able to say because it is such a broad spectrum, but uhm, you get anything, it can be

anything, it is actually a very hard question to answer, there is not really anything specific that I can say or point out.

Interviewer: Do you feel that the parents that make these allegations mostly believe that the child was really sexually abused, do they believe themselves?

Participant: I think they do believe themselves yes, I think there is a very big percentage of them that try to believe themselves and then get very angry when you tell them in the end that it is not true you know mostly the ones with the psychiatric problems they are truly convinced of that you know so uhm ja, but there are parents that one is able to talk to over time and tell them that is not like that and they will accept it you know there is also a percentage of them but the overall mass handles it with aggression when the results come and it says that there are no signs and we cannot find any grounds for this.

Interviewer: Do you feel that friends, grandparent's new partners or attorneys can influence a parent to make such allegations?

Participant: Absolutely, absolutely yes.

Interviewer: What is the profile of the parent that make the false allegations? Do you see specific characteristics in these parents in these type of parents that make the allegations?

Participant: Uhm, I think there is a very big egocentric character and that they are very tuned on their own benefits they do not see their own children's needs, they only see their own needs and what they want to achieve above any one else's needs above their children's needs and above their ex partners needs so uhm they are not able to see this so I I also sometimes see a strong form of depression with them but I think that unablensness and low self-esteem that links with the egocentric and the grandiose type of manner that they try to function on, uhm, yes I think those things are, but they are also very easily influenced a lot of the time so that is the other thing that I see a lot uhm, yes, but I think the egocentrics is almost the most important characteristic you know.

Interviewer: What would you say is the profile of the parent that is being falsely accused of sexual abuse?

Participant: Ugh it can be anything, but it is normally the person that walks away you know out of a relationship uhm and that is emotionally done with that relationship and has turned his back on that relationship and on that person uhm and that clearly says that he does not have a need to be in a relationship with that person anymore but I do not think one can really put a specific profile to a person I would the one that makes the allegation is the one that is not entirely ok.

Interviewer: Do you feel that our justice system can effectively deal with false child sexual abuse allegations in divorce and custody proceedings?

Participant: I think our justice systems struggles with that and I don't think they are really geared for that, I think there is a very big shortage to proper training and people like social workers, psychologist uhm lawyers that have been trained to know how to deal with this and to know what the proper procedures are to follow uhm I think our justice system sometimes makes a big deal out of nothing and expose the children to systems that are sometimes not needed you know they listen to parents allegations without looking if it is actual facts, you can't just run with these things, you need to investigate it properly but in the best interest of the child and ensure that the child gets protected so that the child does not become part of this context that the parent has, but yes, I do not think that our justice system in South Africa is geared for this, I think the one problem is I work or at least I have a lot of contact with the overseas people especially the American system I go overseas a lot and work with them a bit uhm and what I really appreciate there is the team approach they have with their justice system you know where they work correctly in their system with the judge when their child court uhm where we do not have that in South Africa, our child court gets handled like a law system and you are not part of the team, you are an individual that come to state your case or

a professional that comes to state your case there is no teamwork to work together to reach a common goal to resolve a problem, and it is very different to what they have in America they work together in teams it is a very big loss for me and I think in England they also work in a systematic approach and we do not get that in South Africa.

Interviewer: What do you think can be done to prevent false child sexual abuse allegations in divorce and custody proceedings?

Participant: I think people will be people and they will do what they want to do, so I think it will always be there you know, I have to say, there has been somewhat of a decrease in this with the new children's law where I think the mothers realise they do not have such a strong position anymore and that the fathers have an equal position so I think for me there was a bit of a decrease in these types of allegations where I think these people have realised that the system has changed a bit they look differently, the child's opinion is a lot stronger so uhm so I think these peoples voices do not come through as hard as it used to it was easier to just make such allegations and people just have to accept it uhm so I think the new children's law has made it a bit harder for parents just to say what they want to say, but I do not think it will ever stop, I think the justice system must be stronger and say that if you make an allegation and it is false, that you can be held accountable for that, you know uhm so that people know that if they make such allegations there will be implications and what they are I don't think there is anything else that will stop them I also think that if they truly want to make an allegation they will do it, you know because these people lose control emotionally on all levels, they almost don't have an idea of they are doing in the end and they keep with their stories you know so it is rather serious stuff that they say so uhm I think the only way this will be stopped is with uhm a sword hanging over their heads that say if you make serious allegations you will be liable for it.

Interviewer: We have now come to an end of everything that I wanted to ask you, is there anything that you feel I did not ask that you would like to add?

Participant: No I think everything was complete questions.

Interviewer: and uhm would it be ok with you if we contact you in the future with any questions that we might have?

Participant: Yes no you are welcome, I have a... where did I put that thing now, an email from n father who was falsely accused and he now lives in Switzerland I think he moved you know because of the mother he also looked after the child the whole time, the child was in his care and then the mother came and she made the false allegation, the son was visiting her for the vacation and then she said the boy is making an allegation of sexual abuse and the courts then appointed me to investigate the case you know uhm and her motive was purely money you know she wanted money from the father, so she told him that if you give me this much money if will not go on with this case against you but the child also needs to come and live with me and then you need to give me so much money each month so you could clearly see that her motive was not out of worry for the child but because of money, their divorce was settled already and she had gotten married again but we did an investigation again in any case, but it was very bad for that father you know I think it is very bad for these fathers to be put in this humiliation because how do they protect themselves, how do you defend yourself against such an allegation so we investigated the child and there was no no uhm indication of sexual abuse in fact his relationship with his father was very strong and healthy relationship and uhm and we then said the mother we were really concerned about the mothers relationship with the child and you know the mothers care for the child so in the end the child went back to his father but the father actually lived in South Africa he comes from France, but he stayed in South Africa because he now had this child with this woman and this baby became this boy but he stayed in South Africa to accommodate the to be able to see the child

but after this case and the allegation is went back overseas and he now lives in Switzerland with the boy and he send me a email every year in the beginning of the year and then he tells me how it is going and what they are doing and how well it is going with them so this is now one of the nice stories you hear that actually ended good so ja, uhm it is sometimes nice to get that feedback from parents to see that these things sometimes also have an positive outcome for the mother it was bad because she lost her child in the end because of what she has done, but ja that was the price that she paid.

## **Appendix H2**

### **Example of a transcript of the interview facilitated with the accusing parent making the false child sexual abuse allegation.**

Interviewer: okay, how did it happen that you accused your ex-partner of sexual abuse on your child? Was there signs or symptoms?

Participant: We had an arrangement, every second weekend they would go to visit him and the weekend of her birthday she came back on the Sunday and the Wednesday after, then I saw her with her hand in her pants, then I asked her what was going on then she started to cry. Then I thought okay, I will leave it. Then we went to bath, that is when she showed me and said this is what daddy does with me. Then I was at Wonderboom Police Station, talked to a lot of people and opened a case at Garsfontein because he lived in Garsfontein. And then they took her for a medical examination immediately that Wednesday and the case was given over to Child Protection Unit at Moot police station and yes, she showed me what happened.

Interviewer: what did you noticed in your child that made you believe that the child was sexually abused through your ex-partner?

Participant: She told me and showed me what he did and her brother that goes along with on weekends, we noticed that he makes her stand naked on the bed and take photos of her and so.

Interviewer: what did you do when you noticed that your child could have been sexually abused by their father?

Participant: I immediately went to open a case

Interviewer: Did you went to see a therapist

Participant: Yes

Interviewer: What did you emotionally go through when you suspected that your child was sexually abused by your ex-partner?

Participant: Well, I am still emotional. This is still really though. You can't think that someone can do something like that to a small girl.

Interviewer: Do you feel angry?

Participant: Yes

Interviewer: Very angry?

Participant: I will kill him, if I can

Interviewer: Okay

Interviewer: Do you feel that your decision was influenced by friends, grandparents, new friend

Participant: (immediate answer, did not give change for interviewer to finish question) No

Interviewer: With whom else did you discuss the situation?

Participant: My husband

Interviewer: Your current husband?

Participant: Yes

Interviewer: What is your opinion regarding the current system in place when you are confronted by the idea that your child is sexually abused? Like the legal system, is it organised or poor?

Participant: Poor

Interviewer: Very poor?

Participant: mmm (indicating yes) definitely

Interviewer: Did you try to discuss your suspicion with your ex-partner?

Participant: No

Interviewer: How did you felt when it was decided that your child was not..(Took a moment)  
are they still busy with the case?

Participant: You know, I sit here with all the papers. We have taken her for forensic assessment, the police said we must take her for forensic assessment, then the report came back, I waited eight months for that, last year December I went to the police station that was when I saw the report for the first time, and then they said okay; they then decided to go to SSA or something then they decide if he gets accused or if the case gets thrown out of court. Then they informed me in May that he is being accused but I did not go to court. Then he got accused and then the case got thrown out by the court because as they said the forensic assessment report is not what it's apparently supposed to be and (Daughter name mentioned) has not given an affidavit at the police station herself. What do you expect from a four year old girl with a police officer? But this is her affidavit. Then I went to see the state prosecutor and then they re-opened the case again. Then she had to go again for an assessment and this broke her emotionally, she is afraid to walk out of the front door and every time she has to go for an assessment she gets nightmares. Then I stopped the process two months ago.

Interviewer: How is your relationship currently with your ex-partner that is being accused?

Participant: I had a protection order against him until now about a month ago.

Interviewer: And how is the relationship with the children?

Participant: He has none, he is (changed to was) not allowed to have any contact with the children.

And he has never, we never had settlement on the children and he does not do anything to see the children so there is no relationship at this stage.

Interviewer: We have come to an end of all the questions I had, is there anything that you feel we had not discuss that you would like to talk about?

Participant: The entire legal system for me is not right, if you read the reports were she said that she identifies the sexual abuser as her father (named father) and the stuff that is in the report what she said, I can't understand how and I think that this is being taken up lightly and even the investigating officer very nice guy from the protection unit told me that these cases takes years and what about her? You know? I don't think that the children are being protected and he walks free and what if he gets her one day when she is alone what then, I don't think our children are being protected no matter who did it to her. I just think this is wrong

### **Appendix H3**

#### **Example of a transcript of the interview facilitated with the falsely accused parent.**

Interviewer: How did you find out that you have been accused of sexually abusing your child?

Participant: Well, it came out under therapy we were referred to a family advocate for family therapy by a psychologist and uh in one of the session it was said that my ex-wife had accused me in her session. It was the first time, it happened over a long time, you know initially I ignored it as if was just you know uhm you know a thing that she said in the passing by but later she and probably because of her lawyers that suggested it she kept It full that that was the situation, but it was in one of the family advocate sessions.

Interviewer: Ok, and uhm she never discussed the situation with you?

Participant: No.

Interviewer: Did the police arrest you?

Participant: Yes.

Interviewer: Did they?

Participant: Yes. On a Friday afternoon because they do it so that you spend the weekend in jail, yes no look uh uh – Steven did Steven and I played golf the Wednesday uhm 0 look this this whole situation of sexual molestation uh came a long way, she she originally made the allegations uh during one of the sessions with the psychologist uh and after that, basically her attorney wrote letter where she prohibited access to my children ok, uh it was disqualified through a temporary court case where the psychologist gave preliminary report that said the children was not molested through me or anyone the children does not show any characteristics of a typically molested child and the visitation rights were restored, and from there things went rather smooth for a while and I always ensured there was someone with me,

either my mother or father, my sister or female friend that at that stage lived with me my children never visited me alone because my attorney said there should always be an eye witness when your children comes to visit so there always children during my visitations with the kids there was always someone with me, uh then at a stage she even had an allegation that I had molested the children even when they were not with me she had her dates a bit confused and uhm then it went well for a while because I got the visitation the visitation rights and I won the court case against her with cost and everything, then I got full visitation rights then it went well for a while and was not arrested for the molestation of the children I was arrested on an allegation that I did not even know what is the allegations name uhm let me think nicely about the name the police woman, it was a woman that came to arrest me she told me uhm it was it was a law of coaching, you you sexual coaching uh or something like that it comes down to that that she had me arrested because she thought I had exposed the children to pornography they apparently saw something on TV that was of a sexual nature so know now I cannot say if it was so or not my children was already a bit older they could handle the remote for the TV they could switch between channels and no I did not have parental control on my Mnet at that time so it is possible that while they were switching between channels that they came across where a man is kissing a woman or whatever the case was, I don't know, I was not even present uhm it gets interpreted that should I coach or groom, that is the word, sexual grooming of children that I got arrested for, uh Steven and myself played golf the Wednesday and Steven told me that he had heard through a Fathers for Justice link that there is again an allegation hanging over my head, now look it has been hanging over my head for 3 years at this stage uh uhm, but I did not know if it would realise in any case the Friday morning the police rocked up at my place, they pulled my whole house apart, they took all my computers all the media, you know, hard drives, DVD's ag man everything that you can keep record on, cameras anything, they took everything at my house they did not find

anything in the end, there was photos of me and my friend uh we both do athletics so we took photos of ourselves not of sexual or naked photos, but photos where well your muscles show for that matter if I can put it in that way, but there was no sexual material under my computer they kept my stuff for more than a year where I had to go and buy new computers to keep my business running after that they, I had to go and fetch the stuff and uh some of the stuff I did not get back and the stuff was broken, two of my cameras was broken and expensive cameras Canon uh A50 and A60 but there – in the end the allegations was not even taken further the allegation I got accused of and the allegation I got arrested on is is sexual grooming of minor children, that's the word, sexual grooming of minor children, nothing came of it, except that I had to stay in a cell for the whole day and it cost me R2500 to get me an urgent court order to be able to get out that night. The police man the male police man that I spoke to, told me that it is standard practice when your ex-wife is angry at you she will have you arrested on a Friday afternoon so that you can be in the cell uhm you know through the whole weekend because then the chance is good that you get sexually violated or that you even won't make it our alive Monday at 9, because uh and it went a bit rough the Friday I only got out at 11:00 and at that stage I was the only white person in the cell there were 14 black men in the cell with me and some of them were relatively drunk and aggressive and because I was the only white person I was relatively scared for my life, it was an uncomfortable place and I must say I was of opinion that it was not the first time that I should actually have brought you a photo, there was another incident uh where I got the idea that my ex-wife actually wanted to have my killed, I cannot prove it because how do you do that, but the policemen at brook ag Littleton police station told me look if have a man locked up on a Friday so that he gets out on the Monday morning at 9:00 to appear on whatever accusation then it is a death sentence, your ex-wife is trying to get you out of the picture. So I pretty much though that it was her ambition to get rid of me have to tell you the background about this uhm, she asked for the

divorce, I did not ask for it she asked for it but uhm, look we were together for 7 years, 3 of which we were married the first 4 years were very up and down it was not a comfortable relationship, she lived with me at my house in Waterkloof not here but every now and then she would move out and then she would move back so it was very up and down and at a stage she moved out again this is now after we got married while she was pregnant with my son we already had the little girl she moved out again and I little while after that she filed for divorce and I did not oppose, uhm, my mother I have a very religious upbringing I am not a Christian today you need to know that I am not a Christian at all I don't believe in anything I'm a scientist, not a scientologist I'm a scientist, I do things like that I don't believe in fairies and the Easter bunny and Christ and holy ghost and stuff like that I don't have a religious hair on my head although I have very little hair on my head because I swim these days, but however it is I was brought up very religiously uhm several weeks after my ex-wife filed for divorce she told me that she does not want to continue anymore that's when I decided I am going to stop now, I am going to settle the divorce, I did not stand for this up and down and I said no to her, I am not going to I am going to settle the divorce , I am going to go on with my life and you go on with yours, uhm and uh, ja it was a good divorce initially but several months after the divorce she rocked up at my parents' house on the farm and told them that she wanted to marry me again but that I refused my mother phoned me that Sunday still and said that Laura was there and said you know what the Lord brought together people may not separate and I told my mother, my mother is still a very big Christian and I told my mother well look this your uhm philosophy that what God brings together people may not separate and I have moved on a bit from that type of ideology I am in another place and I believe this relationship was in anyway not created by your God, it was an uncomfortable place I really did not feel comfortable with it and I have this feeling that I am separated from her not from my children you know we actually had a good relationship I brought her a house 1.8km from

where I live now so I went there in the evenings and took them food and played a bit with the kids and then I went home and slept in my own house so my house was in Waterkloof and her house was in Sterrewag, it was exactly 1.8km from one another it was convenient for me, my kids were close to me but I did not have to have been married to her and then she wrote me a letter and said that in her opinion a mother and her children is a packaged deal and she wrote it down on paper that letter went to the supreme court she wrote another and her children is a packaged deal and if you don't want the mother you will never be with your children that she wrote in so many words I am quoting her now she wrote "Louise remember a mother and her children is a packaged deal and if you don't want the mother you will never see your children again" ok and and then she she began this thing where she denied me access and and and then we went to see lawyers and it was a huge long drawn out litigation and then she saw that she would not win in terms of visitations rights, because the judge judge Van Royen told her very clearly that this man is separated from you not from his children fathers and children don't go through divorce, men and woman go through divorce when she saw she was going to lose and that I would have a relationship with my children, she nailed me with his sexual molestation, originally it was sexual molestation she claimed, you will see in these reports I will give it to you to take with you this is a nice summary of uh uh uhm Louise Oliviers report but Leeuhart and Berg reports are also in there, the moment that she saw uh she can't deny me visitation rights to my children or them to me she rocked up with this sexual molestation thing but that is not what I got arrested for, I got arrested for sexual grooming of children, because my children were then big enough to talk for themselves and if I had molested girl or my boy, my girl was in grade 2 at that stage she could talk then she would have been able to tell the psychologist, and then there would be typical behaviour of children who have been molested, and uh when they came with this other accusation of so called sexual grooming of children uh whatever that means I did not go

through trouble to see what is was about I was arrested and when I got out of the cell at 11:00 that night without being assaulted or something uhm after that I never saw my children again it is now 6 years later.

Interviewer: And you never saw them again?

Participant: No, she she also in the meantime, look I must actually, I don't know how much detail you want but when we originally divorced and after that weekend that she went to my mother after she came with this story of what God brings together people cannot separate and when she gave me the letter of a mother and her children are a packaged deal and if you don't want me you will never see my children again she started disappearing with my children here in Pretoria, she for instance the house that I brought her she had had sold but the house in registered on a BKs name where of I am a member and she had sold that house to the Belgian embassy, but she, but I had to sign because I am one of the members she had forged my signature on that document and until today SARS is looking for the capital gain on that transaction because she had made a profit, she had sold that house and she bought another place without telling me where she just disappeared I then drove around in my pickup truck and searched for my kids at nursery schools and then I found them at Montessori school in Moreletapark, and uh and then when I came to the school I had not seen my children for months because I did not know where they lived, here in Pretoria, I knew where she worked but I did not know where my children were because I did not know where her new address where she never let me know where she lived, then I found them, but I drove from nursery to nursery to nursery because I know she has to drop them somewhere I knew it was somewhere here in the east and then I found them the morning, I remember I stopped my pickup truck and then I look at the children through the gates to see if I can't find my children and the next moment I heard my little girl say "there's daddy" and she came running you know and then asked where is your brother and she said no he is inside he was still very small she still wore

diapers, I went and introduced myself to the teacher at the Montessori school and, uh then she said my boy was going to eat now, and then I said let me feed him I have not seen him in three months I then sat there on the ground on a little pillow and started uhm feeding my boy, and the next moment the police rocked up the head teacher called Laura and said your ex-husband is here and then the police was there and they wanted to arrest me you can do that but there is no civil restraining order against me to say I may not be at this place and there is also no restraining order that says I may not be with my children, and then she disappeared, in Pretoria not less than 6 times she moves from house to house and not once did she let me know where she was I found her again this year, she moved once again without letting me know, 6 years after – I have now not seen my children for more than 6 years I now finally found her she now lives in Somerset Wes.

Interviewer: All the way down there.

Participant: Moved down to Cape Town all the way, uh without letting me know, she just disappeared I have seen my kids now precisely, about 3,4 months ago I hired private investigators and gave them information and said find them so that I can know where my kids are, she now lives in Somerset We. That is how it is. Uh why I decided that uh I am not going to go and search for my children, uh if this type of allegation is on your name somewhere, boy o boy look there's just one way of getting on with your life and this to cut all contact because, uhm the police, after they gave my stuff back to me a year later I wanted to open a civil case against them they told me I would probably get money for the inconvenience and damage to my cameras but They only do their work, that police woman that arrested me said sorry sir we only doing our work, there is a complaint against you and we only doing our work. We must arrest you we don't have a choice, the complaint against you is serious. You can't do a civil complaint against us because we only do our job, you can make a civil complaint against us, because we broke some of your stuff during the investigation. And then

we going to give you R20 000 for the 2 cameras that we broke, you won't get a few million because my reputation was down the jeeps and they did not only ransack my house they ransacked my neighbor house too they had Steven, Steven they stayed here as well his house was the same morning I mean here was police that rocked up a whole army with weapons and stuff, and they ransacked my house. And my neighbor's house, that morning there was not less than 20 policeman on this estate wanting my blood, the shopping center over the road was robbed with a uh with weapons , and I was demoerin, the police was supposed to catch the robbers, but they catch innocent people in their homes on Friday mornings. Anyways. I'm not cross anymore over the things, it was educational as well you know. Uhm ja like you will see this story came a long long road, it has a history, I choose actively not to see my children again, uh because it is not beneficial for them. It is not good for me because every time when I see them there a sword over my head that one or another complaint will be laid against me, and do not want that. On the other side the other thing is my daughter is traumatized especially by the tannies that do assessments with her and the Teddies Beer clinic and psychologist and the whole world want her to be with psychologist I have the feeling not to expose them to that anymore on such nonsense and that's why I stopped visiting them and that's my story.

Interviewer: Why do you think did your ex-partner make such allegations? Did she do you think she really believed it? That you did it?

Participant: No, no I don't think she know, I've got a theory about it umh like I said she she, I think she wanted to actually pretty much, she wanted to kill me, I did refer to the incident where I walked from the gym it was an afternoon five o'clock, a Colt stopped by me they say they are police but they were in civil clothing, and yes she assaulted me, I don't know if it was her doing, I should have brought the photos, they did really beat me up, it looked really bad my eye brow was open and there was blood, I'm not sure if she was behind it. I think she

was she was in the IT business and she had consulted for the police as an oracle programmer and she has contacts in the police so maybe she hired them to shake me up, but what gave me the punch she wanted to lock me up, for the weekend it is a death penalty in a South African jail, your not going to get out of there alive or you will wake up with aids on a Monday morning nine o clock, uhm that's my opinion, she wanted to get rid of me she said if she can't have me nobody will. I'm in a good relationship now, me and my wife run together we do athletics together we stay on this estate, and she is also an electronic engineer like me, we do the same work, I don't really works I got a company that's work for me, uh she works at the WNNR and we have a nice relationship at this moment, and there's children in my house, her children you know, but not my own children, so um kind or kind of I think she did. Laura believed she wanted to marry me again I don't want to and I think she was a woman that think if she can't have me nobody will, so I know I think she is struggling at this moment, I only pay alimony to my children, I am well of, but she know I have accumulated a bit of money at this stage, I've got company's, I've got three homes on this estate, and for crying out loud I don't need to work, two of them I'm letting out, and I stay in the most luxuries one, you know there is a different wife in my life, that live in luxury and with her children, and maybe she think she's been robbed, and she only think if she can't have me nobody will. And that is what she told my mom also it her way to get revenge – that revenge it is nothing else than revenge her way to get revenge is to embiter my live, and to see if she can kill me, thats my opinion I am on the receiving end of it.

Interviewer: Describe please, the personality off your ex-partner, what was her qualities and personality?

Participant: ok, uhm

Interviewer: Would you say she is she is in general on purpose?

Participant: ok, uhm.

Participant: Look she was she she's an aggressive person uhm uh, she gets cross quickly and then she throws tantrums, uhm but when I met her I thought I will be able to make a difference in her life, she did not have a good childhood and her mom and dad were divorced that time, my you will see it's in the reports, also she said to me she hated men she had no relationship with her dad, I think that way her dad dropped them. Because what happened, her father grew up in South Africa and her dad divorced her mother, they were three daughters and one small boy, they live here in Pretoria in a small one and a halve room flat, she never told me good things of her dad, the dad did just left, she did not say good stuff of her father and in the process I got the the feeling she hated men, she she doesn't like men and I thought when I met her I will make a difference in her life. uh but there a aggression in her, yes she got cross quickly, man I am not a person who likes conflict and I can't handle it, so what I did when there was conflict, uh I disappeared, that thing of a man cave I disappeared to there, I disappear because I don't really know what to do with a women that is hysterical, I have now idea, uhm she then again when she's cross and that happened a lot, she wants to fight she wants to fight it out, she says very bad stuff and it can get very personal, if I can tell you the following, Laura saw aggression as fore play to have sex, uhm for her sex was make up sex, she first gets aggressive and says bad things and then when we can have sex very emotional then we have to kiss and make up sex.. I met her on the athletics field. I asked if she wanted to move in with me, she said it was fine with her and her mother did not even, I would have thought because Luara was at that stage that, 20 years old, and I told her move in with me, I'm staying here in Waterkloofridge, five bedrooms mansion you can even let you sister move in, your brother, you whole family for that matter and her mother was not against it, her mother was just glad that she moved out, because there was not space for everybody and Thea moved to Johan later on, Johan Jonker you know anyway, and then she moved in with me and say no sex, uh because she because she insisted that she is still a virgin at that

stage she was 20 years, and I was – I'm 10 years older than her, don't want sex with somebody, she first wants to make sure and I actually respected it but later on I got the feeling that she doesn't want to have sex in any case, because she doesn't like men and and when we reach that point, that a sexual relationship started when she trusted me enough it was an uneasy one, because it was also this huge fight beforehand, she always put on a moerse fight with me, you know then we kiss and make up and then we can, I can get sex and I have a different I've got a different a a philosophy or you know a different approach to the sexual, for me the sex must be a softer thing, I don't like the aggressive sex thing, and she had a lot of aggressive sex. Again fight all these heavy emotions and for me it was unpleasant uhm and and it let me wonder about her, this aggressiveness of her never met my satisfaction, and that's why after three years of marriage she said she wanted a divorce and I said sure, please just get it over with because because it was a heavy thing for me to share a house with her, and then my mother she was at my parents for the weekend and and the Wednesday – the Sunday evening my mother phone me and she said that I must re – think and my mother had come with this whole Christian approach , and said you know what God put together had bla bla bla and I told my mom I will really think about it and Wednesday I phoned my mom I'm not going to try again. I wanted to take this opportunity to go on with my life and that is when she started with this letters that she send to my mom and she e-mail me, in which she said a mother and her children is a package if you don't want to see me then you won't ever see your children again then then the whole drama started and that drama was load with aggression you know I originally ask for a round table chat I can e-mail you my notes if you want to, and she just ignored it she was heavy aggressive, she was like, you ask me what I think about her personality she is an aggressive human being and uh at the same time she had this soft side as well, and I think she's actually a good mother and I think my children is ok

with her, she is not a bad person, but I can't handle such a aggressive person, no this not the way I work, so if I have to sum it up she is aggressive very aggressive.

Interviewer: Ok, I think you said this, but uhm but do you think your ex-partner made this accusations because of the kids? Or do you think she wanted to protect the children or did she definitely do it for revenge?

Participant: No, she definitely did it for revenge, if you read the reports you will see Louise Olivier use the word suspect, she find it susceptible that a woman that is so worried about the interest of her children her children exposed to all the psychologist evaluations and stuff you will see it there, no it was absolutely revenge. You must tell me if I talk too much.

Interviewer: No its ok, what do you think will bring a parent to believe that their child is being abused by their ex-partner?

Participant: Well, what did she see or what did she fabricate, uhm, I know at a stage that that Laurien my little daughter had a nappy rash what do you call it , vaginal infection and such stuff , she took her to a medical doctor and the medical doctor said it is normal as – girls get sometimes a vaginal infection or a nappy rash if they wear nappies it is not abnormal, it may have triggered her, uhm I think she did it on request of her attorneys, her attorney said to her if you want to lose this bastard nail him with sexual abuse, then you will loose him. But I think she had – at a stage the psychologist though that there was a possibility that Luara molested the children, uhm, oh yes here I circled it, “the undersign psychologist finds it highly suspected that Miss Botha ordered an attorney or attorneys at the time insist on having Laurein inspected. Why for example was Laurien referred to even a third legal practitioner is such a short space of time, surely it is obvious that repeating internal examinations over and over, and psychological evaluations over and over is extremely traumatic for Luarien”, ok umh so you would find it here, like I said, I circled it because I was cross with my ex-wife, but I am not cross with her anymore. But you will see, uhm there was there was the nappy

rush and vaginal infection, it could trigger it, she could have thought it can be from sexual abuse. And what Leara Hartsenberg say here, “there is a lot of conflict in the mother and child relation relationship, were you will find a mothers intension heart and on the other side, it is Luarien that receive aggressive experience through the action of the mother hands.

Laurien will say “my mother always hurt me”. And then though she will communicate that now that now thought evaluation on my daughter, the finger is being used to show her hands, hand to eat with, the vagina Laurien refer to as my “koekie”, uhm it it used to piepie with Laurien how’s that naughty hands to put anointment on, on her koekie. On a question on who’s hands is naughty, she answers that its mommies hands, mommies fingers is naughty, so if it was daddy’s hands show would have said, daddy’s naughty fingers, but now she refer to her mommies hands. That had Leara Hartsenberg think and Louise Oliver, that maybe Laura had in a form of suggestion and with evidence hurt her child, she knows she’s hurting the child Laurien was 4 – 5 years old, when the complaints were made, that that she maybe fakes the molestation, and that she says to the child that it is daddy that’s hurting you, I don’t know the question what do I think, to cause a woman to make such allegations, maybe there is a nappy rash, or a vaginal infection, the mother would like to know were the child got it from, can it be a legitimate allegation, maybe if a dad molested his child there would be vaginal scars, on the child and uhm, I think she thought about it and the attorneys maybe convinced uhm my meaning, if a child is molested by a parent then that child would be afraid of the parent , that molested her. If I molested my child then my child would really be afraid of me, and they aren’t.

Interviewer: How do you feel about the systems that are in place when there is a suspicion of sexual child abuse?

Participant: There is no systems in place, the Teddy Bear Clinic that refuse up to today to give me my innocence, uh they evaluated my child a few times and if I phone and if I ask if I

can come to see them then it was no. The family advocate was 100 % bias, the moment that a woman makes a sound of sexual abuse the father is the snake in the story, it is as simple as that. Even the law doesn't make provision for that, I am of opinion that, I read a lot about it, that if a woman makes these kind of sounds of sexual abuse allegations in divorce cases, uh then the family advocate, the psychologist and uh sometimes the judge opinions immediately, lets lets be honest the sexual abuse of a child is a really serious crime, ok, if someone only makes a suggestion of that serious crime the one on the receiving part of the suggestion, with all respect is fucked, so I was fucked, from the very first moment that, that the complaint was reported, I am using a ugly word, but this is pretty much what it is and uh, and there is no system in place that will chance that, the psychologist is doing an evaluation, but also with respect for the psychologist, it is a soft science that can't say I'm a bad farther or they have a bad mom, they can publish everything that the child says, but the choice is not made on the grounds , because if you look at this compared to what the children says about me and my ex-wife then you suppose to , uhm, place the children technically correct back with me, because there is bad things said about the mom, but the courts do not look at that, the court check if she was ok, is she able to still change nappies especially if the child if the child is still in her fragile years. Then they feel that the child must be with the mom, not with their dad. I don't have breast, I know I'm joking about it, mothers got breast, and and children in there fragile year is supposed to be with their mother. Mothers got breast. That s it , so is there any mechanism in place to protect me from the allegations, no, the only mechanism that I got is to cut off completely, I have no access to them, nothing at all, nothing because then they can't make any allegations towards me.

Interviewer: How did experience the social worker and psychologist in your case? What did they do? Where you part of the assessment?

Participant: Yes, uhm, see, uhm, I think most of the time some of the psychologist was very professional in their approach towards me, I never knew if they were bias towards me or not bias towards me, because what I did, is to be the marry old good self, before the psychologist, that let me take all kinds of test and ask the questions one to another, and I have play in therapy with the children, and uh, from the stuff I thought I felt was a waist of my time, and theirs. But they make their assumptions according to that. I feel the psychologist did well, they did what they were supposed to do. Especially Louise Olivier, she is a forensic psychologist she was very thorough and very professional and with great lengths of objectivity, and so as well the other Leara Hartsenberg, there were a lot of psychologists involve, I think a total of six at the end, and uhm Eugene Viljoen was involves and other few, you will get their names inside. I think through the bank they were all professional, but reports that was made was evasive, I mean that I would expect that a psychologist like Leara, Eugene will come to the conclusion that the children were not molested, the person that made the false complaints must be dealt with I mean I mean you cant make such radical false allegations against someone and then calmly everyone says ok the allegations were false, we cant do anything further, we bring out our reports the father is ok the mother is ok, the kids can see both, what about that woman that made all the false allegations, that had me arrested and that had my house and my neighbors house ransacked that put me through his whole process and made me sit in jail for a day what is being done about such a false allegation, nothing, nothing, she can just go and make another such allegation, if I decide to go to Somerset Wes to my children then she can maybe make another complaint there were you know, uhm, the psychologist reports, their approach is very professional, and we go through the whole battery of test and blab bla bla. The reports is going to the family advocate make a suggestion you know, it not like I expected it must be very concrete, but it's to vague, and the courts have the idea not to be interest in it. The psychology is like a soft science, you know,

they see the attorneys as one group, know, bla bla bla, its fine, let's give to the farther custody and custody to the mother, so very professional, but it boils down to nothing at the end.

Interviewer: What do you think could have been done differently in this case?

Participant: You know if I could get it my way, I would have sit down with her and my attorneys and then we talk like adults till we come to a conclusion, I don't want the children personally, I just want them to know I'm their farther and that they visit me from time to time. That's it. Uh, and that's is to be understand clearly, uhm, the fact that I fought for three years for my children visiting rights, and I say, I fought for three years for my children's visiting rights. I did not fight years for my visiting rights. I do not have visiting rights, I'm big guy, I play golf and I do athletics I play in a band, uh, I do not have time to do such things as well, I don't want my children with me, so I am a man, I don't want to raise children. I want to play golf, you know, so my fight did not go about me, my fight was for my children because they need me. They need to know there is a father, a farther has a different roll in children's life's, except to pay R15 000 per month with which their mother is supposed to buy clothes with, my role is not only financial, my role is also emotional, and intellectual there is stuff that my children can learn and I could prepare them for life, nothing has been taken from me, there is a lot taken away from them, so if I could, for the children I would sit around a table speak about it lets make a useful family plan, uh, that never happened, Laura did not want to mediate she wanted to to litigate, and her attorneys, and you must also must remember now, an attorneys job is not mediation, your job is to mediate, attorneys business is to litigate, they won't make any money if they don't have to go to court, and they have money they made R980 000 out of me, that's litigation, mediation is cheap it is a deal of R20 000 done deal. That's is something we must remember, the family law is there to make money the moment you get a person that they can see this principle of I will get this mans children away from him, then they see money, and what is it, uhm, I would have done it

differently , lets sit in a family team together, to the advance of the kids, stuff the parents, we don't even like each other, we got divorced, let's see if we can't make a plan to advance them.? That's never done. That is what I wanted to happen then I would have saved R980 000 and a lot of problems, heartache, grief and sleepless nights.

Interviewer: The question is how your relationship now with your ex-wife is and how is your relationship with your children?

Participant: There is no relationship, I have not seen them in six years, all three of them, I, I pay alimony every month, I pay R15 000 for the two children and all the medical cost, and school and such stuff, she's got the right to if the medical uh she know there will always be money for medical access, you know there is cost that the medical aid doesn't pay, she never do that, she doesn't want anything, you see she doesn't want me to know where they are, she did the disappearance act on me, the whole time, so she again disappear to Somerset west, was one of that moves, the moment she sends me a medical bill I will know where they are, so in this process she actually does not put the children's best interest first, or herself, because she must pay the medical bills, and excess payments, I am supposed to pay for the excess medical payments. So my relationship with my ex-wife and children is totally financial, I pay R15 000 in an account, that's it, that's the relationship, I saw them six years ago. I'm going to do athletics tournament in Stellenbosch, I'm thinking of visiting them, but I wont to tell her beforehand, then she will only disappear again, so it has to be a surprise,

Interviewer: How did you feel during the whole process, were you helpless, where you cross?

Participant: I was very cross, jis you must have heard me swear, joe, at a stage when she wanted to see my attorney or not really an attorney, it was a person from FAMSA, family something, Christine Walker, she phoned me one day said uhm my attorneys is with her attorneys and noticed that Laura is going to make a new complaint on me towards child abuse, and, and I had a bad day, I can't remember what happened, but then I got in my bakkie

with a bat, I wanted to kill her, uhm, I was on my way to the highway, then I realized I don't know where she staying, and and I know I I did not want to do that, I'm telling you I wanted to kill her, like Oscar killed Reeva, but I won't shoot her I wanted to beat her to death, with a stick or with my bat, that's how cross I was, I I did not do it otherwise I would have been in jail, but I was cross, and maybe it was the hopelessness, I mean what can I do to uh, you you hear all the things about you, you don't see the children, if I find them they just disappear again, then she moves to another house and then I start looking for them again, and then the moment I find them, and I want to visit them according to my rights the she makes a complaint, so I got tired of it, I feel dejected without hope, when Christine Walker phoned me that afternoon, I told her Christine now now I've had enough. I was cross, I I thought uhm, if I saw her that afternoon, I would have beaten her with my bat, but I didn't the court would have gone soft on me, because I was really cross, so, that's how I felt, I was powerless, cross, and uhm, you know at a stage I felt I was going nowhere, not with this law, family law doesn't help you. Steven and I opened ""Fathers for Justice we got a lot of other dads in the same situation and that made me feel better, you know, fathers for justice was not a support group, but actually it's been the character of a support group, suddenly fathers over South Africa want to apply at Fathers for Justice and every father had the same heartbreaking story, and everybody was arrested for sexual abuse, and not only that there are some of the wife's that would make a complaint if you only talked to them in a weird way, if my wife knew, I was in my bakkie on the way with a bat to her she would have gotten a restraint order against me, and she would have laid an assault charge against me, jis, you must hear what ex-wife's do to their husbands, it is bad news, so all of a sudden there is 300, 400 men over South Africa that started to correspond with us, and we got together at a club in Silver lakes clubhouse, we start with my ex did this and my ex did that, and I was arrested this Friday and I was you know, I heard there was a warrant for my arrest too, because I did this or that, all of

the sudden I realize I am not alone in this predicament, and it made me feel better, because in the beginning I thought it was only me, I've got this wife that fights with me, when we got married she she threw a Russle Hobs kettle at me, and shes still busy throwing me with all kinds of stuff from different areas, so it let me feel better, but I was powerless, there is nothing that a man can do, there is no remedy jip, yes I was cross.

Interviewer: Ok, that was the only questions that I needed to ask, but do you think there is something else that we did not say now?

Participant: Ag you know the one thing that I can tell you, uhm, I don't know why these women do it to themselves, uhm, my new wife, we are not married yet, but we have been living together for six years now, Shionette she is also a single mom, her ex-husband lives in George, but they have a fairly good relationship, she lets her little boy fly to George now and then to visit his dad, however, the daily looking after the kids is difficult, I know that I just stay around the corner from the club, and I can see that Shionette is going through grade one and two, she's going to school again, and and all the worries are hers, she must drive the child around she must prepare food she must see that he did his homework, there is a lot of stress, my ex-wife has two children, and and you know my daughter is getting to her teenage years, and that is a tough time, and then she will go through an adolescence stage, and the hormones will kick in, and then she is also a divorce child, and she's going through all these traumas, so she most probably has few crisis's in life, and I am sitting high and dry here, I mean look at me, I am sitting here, what day is today? Wednesday, Thursday I'm sitting on a Thursday afternoon and whara whara with a psychologist. I do not work, I'm sitting at home, I'm playing golf whenever I want, I'm doing athletics I'm playing in a band, uh my wine cellar is a gym area, there are sixteen guitars in my house, I've got a royal time, I don't need to raise children, and I see Shionette suffering to get to everything, that the children are asking for. That is when I think my ex-wife is in Summerset west I looked on Google, it is a

small house somewhere in a suburbia place, and there she has to raise two children, why do they do it to themselves? I mean jissie, do you have children?

Interviewer: No.

Participant: I mean it is a lot of work, to raise children is really a hard job to do, I want to tell you mommies must think clearly about daddy's, I was ready to contribute to the children's raising up, to their day to day upbringing, in a way I'm glad that I don't need to do that, I'm settled now and I am very self-centered, I can do what I want, I've got a free life, children is binding and take a lot of time, energy and emotion from you, I see it every day with Shionette look the child is not mine, uh I can see the child is struggling with schoolwork, and so on, she's stressing, I do not stress, it not my problem, in fact, if my children are struggling with their homework I'm not stressing about it as well, it's also not my problem, so my only responsibility over my kids are money, and I've got a lot of it so even that is not a problem, but to have a day to day responsibility towards children is really hard work, so mommies must think clearly before they put daddy's through all the trouble, because it going better with me as what it would have with the children here if I had to raise my children, I've got more than my own life, so it's the only thing that I wanted to say, it's that retrospect in the six years that I did not see my children, as when I litigated for three years, in the three years that I litigated I went through emotions of crossness, furiousness, and I laid awake at night to think what to do next, what is going to happen, and now I've got nothing of it, no stress nothing. I'm like an eighteen year old child, I'm going to the tracks I'm going to run a bit, I'm going to do the 800m, I am 54 years old, and I'm doing masters athletics, I mean it is fun, I'm doing all the fun stuff, while my ex-wife is wondering if the children passed their exams, or if she's going to go on holiday, or whatever, I've got now worries, that's luxury to say the least.

Interviewer: Thanks. Thanks for your time.

## Appendix I

### Example of professional report writing for the purpose of court proceedings.

██████ Matter

Pertaining to allege sexual abuse of minor children-

██████████ (13) & ████████ (10)

[Confidential Report]

Prepared by Dr Tanya Robinson

*B.A. (SW) (US) (Cum Laude), M.S.D. (UP) (Cum Laude), N.E.C. (UNISA), A.H.S. (UNISA),*

*D.Phil. (US), Ph.D. (NWU) (Pr.0154326) Registered as student for Ph.D. studies (UCT)*

(Referred to within this document as “the writer”)

Information as relevant 22 May 2015



**Dr Tanya Marie Robinson**

## **ABBREVIATED CURRICULUM VITAE OF DR. TANYA M ROBINSON**

Dr Tanya. Marie. Robinson *B.A. (SW) (US) (Cum Laude), M.S.D. (UP) (Cum Laude), N.E.C. (UNISA), A.H.S. (UNISA), D.Phil. (US), Ph.D. (NWU) (Pr.0154326)* Registered as student for *Ph.D. studies (UCT)*

**Full Name and Surname as on Certificates:** Dr Tanya Marie Robinson (Pr.0154326)

**Title:** Doctor

**Academic Qualifications:** *B.A. (SW) (Stell) (Cum Laude), M.S.D. (UP) (Cum Laude), N.E.C. (UNISA), A.H.S. (UNISA), D.Phil. (Stell), Ph.D. (NWU) (Pr.0154326)* Registered as student for *Ph.D. studies (UCT)*

### **Career Path**

Dr Robinson graduated *Cum Laude* from Stellenbosch University in 2002 and entered into private practice at the Sandton Reproductive Health Centre. Her main aim was to focus on the sexual health of young children who were sexually victimised and were confronted with the termination of pregnancy. Dr Robinson did intensive qualitative research in assisting young female children with their socio-psycho-social environment pre-and-post trauma. Dr Robinson developed an intense passion for helping children in difficult circumstances and entered into a master's programme in Play Therapy at the University of Pretoria.

Dr Robinson developed expert skills in working with children and in qualitative research. She facilitated her first field work in qualitative research on young girls confronted with trauma and how to effectively deal with this trauma. Dr Robinson published an academic dissertation based on empirical qualitative data on the experiences of young female children in difficult emotional and psychological circumstances. Her private practice focussed specifically on

young girl children who were confronted with traumatic events in their lives. The clinical work within her practice became more forensic in nature as she had to report these crimes to the police and she thus became more involved in the legal processes that these young girls were confronted with due to their victimisation.

As Dr Robinson's interest in helping children grew, she started assisting child learners within the school environment, helping them understand their rights as set out in the Children's Act. Child education became her passion. She decided to become a qualified teacher in order to equip herself with the necessary skills to educate learners on a life orientation level as to their mental health and their rights within society. Dr Robinson's passion remains with the child and the protection and empowerment of the child.

Dr Robinson's practice grew to a point where decisions on speciality needed to be made as she could not deal sufficiently with her case load. She specialised in the sexual health of children and couples and became an expert witness in various cases involving sexual crimes. This motivated her to study towards her doctorate as she wanted to increase her expertise in this field. As Dr Robinson's practice moved more into seeing children as regards sexual matters, which were often rooted in various family dynamics, she was confronted with various divorce cases which required her to focus her attention on obtaining more knowledge on divorce and the Children's Act. Dr Robinson furthered her knowledge in a qualitative research study focussed on the best interests of the child. All the above resulted in her becoming an expert in the field of assessing children and their mental health.

Dr Robinson developed a passion in qualitative research and published academic articles based on her qualitative research, focussed on the best interests of the child. Dr Robinson is an

alumna of various academic facilities due to her intense passion for research and the field work necessary in order to deliver a well-developed research study. She is an alumna of the University of Stellenbosch, University of Pretoria, University of South Africa and the North-West University and is currently a student at the University of Cape Town.

Dr Robinson has been asked to deliver papers on various aspects relating to the best interests of children. She has also been a guest lecturer at various tertiary facilities on the subject matter she knows best, children and conducting research.

Dr Robinson has received intensive academic training on tertiary level in research methodology, quantitative research, qualitative research, triangulation of research, the development of strategies on how to collect, analyse and present data and to conduct fieldwork to gather the data effectively and ethically. Dr Robinson has held four academic studies which stand as evidence of her excellent research skills.

Dr Robinson entered private practice on a fulltime basis in 2002. Since the start of her practice, she has handled the case files of 13 400 cases. The majority of the case files relate to psychotherapy with children and determining the best interests of the child in court-related matters.

**Title Description:** Psychiatric Forensic Social Worker

**Definition of Title Description:** Psychiatric social workers, also referred to as *clinical social workers* or *mental social workers*, help individuals with mental or emotional disorders deal with social problems. Psychiatric social workers perform most of their work in hospitals, clinics

and other health care centres. They help mentally or emotionally disturbed individuals adapt to outside environments and help them develop their social skills. Psychiatric social workers provide mental health services for the prevention, diagnosis and treatment of mental, behavioural and emotional disorders in individuals, families and groups. Their goal is to enhance and maintain their patients' physical, psychological and social function (HealthCommunities, 2014). The use of the word "clinical", with its medical overtones, contributes to such aspirations. Although clinical social work can encompass a range of roles, including care management, the emphasis is predominantly on the clinical social worker acting as a therapist or counsellor (Oxford Dictionary of Social Work & Social Care, 2013).

Forensic Social Work is the application of social work to questions and issues relating to law and legal systems. This specialty of the social work profession goes far beyond clinics and psychiatric hospitals for criminal defendants who are being evaluated and treated on issues of competency and responsibility. A broader definition includes social work practice which is in any way related to legal issues and litigation, both criminal and civil. Child custody issues involving separation, divorce, neglect or termination of parental rights, the implications of child and spousal abuse, juvenile and adult justice services, corrections, and mandated treatment all fall under this definition. Forensic social workers may also be involved in policy and legislative development to improve social justice.

Functions of the forensic social work practitioner may include the provision of consultation, education or training to:

- Criminal justice, juvenile justice, and correctional systems;
- Law makers;
- Law enforcement personnel;
- Attorneys, law students and paralegals; and

- Members of the public.

Diagnosis, treatment, and recommendations:

- Diagnosing, assessing and treating criminal and juvenile justice populations;
- Diagnosing, treating or making recommendations about mental status, children's interests, incapacities or inability to testify;
- Serving as an expert witness;
- Screening, evaluating or treating law enforcement and other criminal justice personnel.

Other functions:

- Policy and programme development;
- Mediation, advocacy and arbitration;
- Teaching, training and supervising;
- Behavioural Science Research and Analysis (Bronwell, 1999; Barker & Branson, 1993).

### **Professional Summary**

Dr Tanya Marie Robinson is an industry leader in the field of mental health care and a well-known specialist in children's assessments and family functioning and stands as the voice of the child. For over a decade, Dr Robinson has worked with psycho-social-legal phenomena and this, together with her academic and practical experience, makes her an expert in the field of child mental health care and the best interests of the child standard. Dr Robinson has worked with various high-profile cases and stands as an expert witness in psycho-social-legal matters. Dr Robinson furthermore educates professionals, organisations, schools, teachers, adults, parents and children to understand the rights of the child as reflected in legal instruments, and

acts for them in gaining a practical and implementable understanding of the Children's Act and other relevant legislation, papers and policies.

Dr Robinson is a passionate academic and believes in a theoretical approach to assessments and therapy. She practices with a systemic psycho-therapeutic perspective. She is an erudite academic and a *Cum Laude* scholar with two doctoral degrees behind her name, and a third one in process. Dr Robinson is a keen writer and a published author of various books and is often invited by the media to give an expert opinion. She is also a philanthropist and believes in humanitarian work and community service. She is the founder and director of the volunteer projects *The Teddy Bear Foundation* that collects bears for children in need and *Mommy Mc'Feelings* that is a series of books for children on the four core feelings children experience. These projects are aimed at uplifting and empowering children and contribute to the care of their mental health.

### **Intellectual Autobiography**

Dr Robinson is a *cum laude* scholar and erudite academic. Having attained two doctoral degrees, and busy completing her third, Dr Robinson has an exceptional academic stature. She has studied intensively and is an alumna of Stellenbosch University, the University of Pretoria, UNISA and the North-West University's Potchefstroom Campus. As an academic and researcher she believes in supporting practice principles with thorough research and empirical data; hence her intense passion for research and academia. She was awarded academic colours at the University of Pretoria.

**B.A. (SW) (Cum Laude) – University of Stellenbosch**

Dr Robinson majored in Psychology, Sociology and Social Work at the University of Stellenbosch and graduated *cum laude* with a degree in Social Work.

#### **Master Socialis Deligenta (M.S.D.) (Cum Laude) – University of Pretoria**

Dr Robinson completed a structured master's programme in play and child psycho-social therapy at the University of Pretoria: Master Socialis Deligenta (MSD). This master's degree programme equips the mental health practitioner to understand the child client and to communicate in the best-known language for children, namely, play, at their own developmental level.

#### **National Education Certificate (N.E.C.) – Unisa**

Dr Robinson diversified her knowledge and obtained a postgraduate National Education Certificate (NEC) at UNISA, specialising in Grade 6 to Grade 12 teaching and specifically focusing on life orientation. She has spoken at various schools in order to educate children with regard to life orientation. Dr Robinson aims to guide and equip learners for meaningful and successful living in a rapidly changing and transforming society. She also instructs teachers and principals to help them understand the rights of the child and to obtain an understanding of the Children's Act.

#### **Advanced Human Sexual Health Certificates (A.H.S.) – Unisa**

Dr Robinson specialised in human sexuality and completed the introductory and advanced Human Sexology courses at UNISA. She also completed numerous course materials in sexually related matters, such as HIV/AIDS training, sexual abuse matters and sexually related practices at the Reproductive Health Centre in Sandton, where she volunteered for three years. She published her first book, *When Sex Turns Sour*, through Reach Publishing House.

### **Doctor in Philosophie (D.Phil.) – University of Stellenbosch**

She completed her doctoral studies (D.Phil.) in 2005 at the University of Stellenbosch under the supervision of Prof S Green and is a leader in her industry with regard to sexual health. Her research was selected to be published locally and internationally. Her research was also published in a book, *The Couple in an Unconsummated Marriage*, through VDM Publishing House in Germany.

### **Philosophiae Doctor (Ph.D.) – North-West University**

Dr Robinson completed a subsequent doctorate (Ph.D.) at the North-West University in 2010. This article-based doctorate in the field of forensic work focuses on the role of professionals in the structuring of parenting plans for divorcing families. Prof E Ryke, Dr C Wessels and Prof L Stewart of the North-West University's Potchefstroom Campus led the study.

### **Philosophiae Doctor (Ph.D.) – University of Cape Town**

Dr Robinson is currently (as of 2014) registered for her third doctorate at the University of Cape Town, concentrating on false child sexual abuse allegations in divorce and custody procedures, under the guidance of Dr J John-Langba at the Department of Social Development. This doctorate is aimed at policy and legislation revision to include this social dilemma. Dr Robinson will graduate in December 2015.

### **Book Publications**

- *DIVORCE: WHAT ABOUT THE CHILDREN?* Published by Random House Struik 2009  
ISBN 978-1-77007-768-3
- *WHEN SEX TURNS SOUR* Published by Reach Publishers 2005 ISBN 1920084061

- *THE COUPLE IN AN UNCONSUMMATED MARRIAGE* Published by VDM Verlag 2010  
ISBN 978-3-639-21896-1
- *MENTAL HEALTH AND LEGAL PROFESSIONALS STRUCTURING PARENTING PLANS* Published by Lambert Academic Press ISBN 978-3-8465-4241-5
- *THE SILENCED CHILD* by Patridge Africa 2015 ISBN 978-1-4828-0664-9
- *MOMMY MC'FEELINGS* (IN PRESS).

### **Project involvement 1998-2014**

ACVV Head Office Cape Town;

Children's Court, Cape Town;

Huis Horison, Stellenbosch;

Stellenbosch Hospital, Stellenbosch;

Kaymandi Community Project, Cape Town;

Malmesbury Prison, Malmesbury;

Jakaranda Kinderhuis, Pretoria;

Reproductive Health Care Centre, Sandton;

Health 24;

Sarie Tydskrif;

17 Magazine;

Men's Health;

Beyer Pharmaceutical Health;

Kyknet, Dagbreek;

Randburg Hoërskool Life Orientation classes, Randburg;

Beaulieu College Life Orientation Classes, Kyalami;

Witkoppen Clinic, Play therapy session with the children, Fourways;

Intercare Medical and Dental Centre, Fourways;  
Couples Clinic, Fourways; Rosebank Union Church, Rosebank;  
Umhlanga, Medical Practice, KwaZulu-Natal;  
Lesedi Children's School Project, Lanseria;  
Danville Help Projek, Danville;  
Sunshine Centre, Johannesburg;  
Reach for a dream, Johannesburg

### **Board Registration**

SACSSP: 10-22144

SAASWIPP: SWPP 2000/1375

Practice No: 0154326

### **References**

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## **STATEMENT OF COMPETENCIES**

I, Dr Tanya Marie Robinson have obtained the following qualifications *BA Psych (SW) (Stell)*, *MSD (UP)*, *NEC (UNISA)*, *AHS (UNISA)*, *DPhill (Stell)*, *PhD (NWU)*, *Reg PHD (UCT)*. I have worked as a mental health care practitioner for the last 15 years and have compiled numerous forensic and Court reports serving the best interest of children. I have done intensive academic research on the subject matter. My practice number/board registration number reads as follows: Pr.0154326

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## 1. MOTIVATION FOR COMPILING THE FOLLOWING ASSESSMENT REPORT

The writer was initially telephonically contacted on a Saturday afternoon (date not available) by Mrs [REDACTED] stating that she is concerned that her ex-husband is sexually abusing her daughters. She came across as feeling very distressed and anxious and needed assistance with the possible sexual abuse. Mrs [REDACTED] booked an intake session for herself and sessions for the two older girl children, [REDACTED] and [REDACTED]. Mr [REDACTED] was informed via e-mail and telephone contact pertaining to the intervention and he was invited to schedule his own intake session. Mr [REDACTED] showed a keen willingness to form part of the process and booked an intake session for himself.

## 2. BIOGRAPHICAL INFORMATION

### *Biological father*

Name: [REDACTED]

Id: [REDACTED]

### *Biological mother*

Name: [REDACTED]

Id: [REDACTED]

### *Minor and dependent child*

Name: [REDACTED]

Birth date: [REDACTED]

Age: 13

Minor and dependent child

Name: [REDACTED]

Birth date: [REDACTED]

Age: 10

Minor and dependent child

Name: Baby [REDACTED]

(Did not take part in the assessment process).

### **3. EVALUATOR**

Dr Tanya Robinson referred to as “the writer”

### **4. DATES OF ASSESSMENT**

The writer consulted with the following parties –

[REDACTED], the mother of the children on the 9<sup>th</sup> of April 2015 for an intake session.

[REDACTED], a minor child on the 9<sup>th</sup> of April 2015 for an intake session and again on the 14<sup>th</sup> of April 2015 for an assessment.

[REDACTED], a minor child on the 9<sup>th</sup> of April 2015 for an intake session and again on the 14<sup>th</sup> of April 2014 for an assessment.

[REDACTED], the father of the children on the 10<sup>th</sup> of April 2015 for an intake session.

The writer did not consult with the baby child and did not deem the assessment of the two year old necessary or appropriate at that time. The writer did however indicate to Mrs [REDACTED]

that if after the assessment with the two older girl children the writer felt that an assessment on the baby child would be necessary, she will be informed.

## **5. PROCEDURES AND INSTRUMENTS USED DURING THE ASSESSMENT**

Process: No formal intervention was done with any adult party.

Adult discussion meeting: An informal discussion and intake session was facilitated with Mrs [REDACTED] and respectively with Mr [REDACTED].

Child intervention and assessment: Informal semi-structured intake sessions were facilitated with the children on the 9<sup>th</sup> of April 2015 and an assessment was done with [REDACTED] and [REDACTED] on the 14<sup>th</sup> of April and psycho-therapeutic and play therapy techniques were used to gather the necessary information.

## **6. CLINICAL IMPRESSION OF THE PARENTS [REDACTED] AND [REDACTED]**

### **6.1 BIOLOGICAL MOTHER: [REDACTED]**

Mrs [REDACTED] attended the intake session and presented as being stressed and anxious. The writer had to indicate to Mrs [REDACTED] that it is not necessary to be anxious as the writer is there to help them and understand what had occurred so that the necessary recommendations could be made. Mrs [REDACTED] as was also indicated telephonically to the writer, explained that she and her husband are divorced and that Mr [REDACTED] is sexually abusing her children. Mrs [REDACTED] came across as feeling passionate about the statement and explained her versions of how the events unfolded. Within the consultation it was evident that Mrs [REDACTED] was rather anxious and distressed and presented with desperation. It seemed that she had contacted numerous professionals before and had taken the children to the Teddy Bear Clinic for assessments and medical examinations

but pointed out that it is difficult to get an appointment with them. According to Mrs [REDACTED], she is of belief that the girls have definitely been molested by the father and she has witnessed this molestation. She made reference to situations where she was present in the bed where the father will fondle the children in front of her. When the writer asked her why she did not respond and stop the molestation she indicated that she could not do so as she was paralyzed. When she elaborated on this it seemed that she believed that Mr [REDACTED] had possibly drugged her as she felt numb in her face and even tried to slap herself in the face but she could not because of the paralyses. The writer asked her if she struggles with any neurological diseases and she indicated that she does not and that she has consulted with a Chiropractor and he said that she was of normal function. Mrs [REDACTED] furthermore explained that she became desperate within the situation and that she knew that Mr [REDACTED] was molesting the girls and that she needed to catch him on camera. She elaborated on how difficult it is to buy a camera over December, especially one with night vision. She then explained that with the help of her sister and her eldest daughter they purchased a camera with night vision and started recording during the nights to catch Mr [REDACTED] on camera molesting one of the younger girls. Mrs [REDACTED] indicated that she had to involve her eldest daughter as she is good with technology similar to her father and she was able to help her with the recording and to watch the recordings. It became apparent that Mrs [REDACTED] involved the eldest daughter and collusion occurred to see if the father is molesting the other girl children. When it was posed to Mrs [REDACTED] that the eldest child was possibly a victim of sexual abuse, she indicated that the child has never mentioned this to her but it is very possible and that she might be suppressing the information or does not want to share the information with her. Mrs [REDACTED] did not appear to have any feelings of guilt, considering she included the child in this process which is clearly inappropriate and does not serve the best interest of the child.

Mrs [REDACTED] indicated with persuasion that no one else could have been the possible perpetrator and that it is definitely Mr [REDACTED]. She explained that she regularly took the girls to her sister-in-law that is a medical doctor (General Practitioner) to examine the girls to see if there was harm to their genitals. This took place over a period of years as Mrs [REDACTED] had her suspicions for an extended period of time but an opportunity has not presented itself to catch him. The writer asked Mrs [REDACTED] if she had evidence on the camera recordings and Mrs [REDACTED] explained that on the recordings there is always a time period on the tape which had been deleted. Mrs [REDACTED] explained this with overall suspicion and explained that initially she thought there was something wrong with the recordings. However during consultation the shop owner where the camera was purchased, she was assured that the camera is in working order. She then believed that Mr [REDACTED] or one of the children must be deleting the footage. A sense of paranoia was detected within the consultation and she presented with extreme distress about the knowledge of the children being sexually abused by Mr [REDACTED]. She expressed that this was the reason for her to leave the marital home as she could no longer expose the children to such inappropriate conduct and had to protect her girls.

Mrs [REDACTED] expressed that the marital relationship was very strained and abusive but struggled to communicate examples of the abuse. It seemed that the relationship was very volatile since the beginning and that she always knew that something was wrong with Mr [REDACTED] from the beginning of their marriage. Mrs [REDACTED] indicated that she thought that Mr [REDACTED] has had extramarital relationships and that she has found all sorts of things (was not specific) that shows that he might have had affairs. Mrs [REDACTED] furthermore expressed with anger that Mr [REDACTED] is the reason why their first born child died and she expressed that Mr [REDACTED] killed their child. Mrs [REDACTED] expressed that she had a miscarriage and that she blames Mr [REDACTED] for the loss of this baby. It was evident that Mrs [REDACTED] felt exceptional hatred towards Mr [REDACTED].

Within the conversation with Mrs [REDACTED] the conversation swung between the thought of the sexual abuse and the negative relationship between her and Mr [REDACTED]. When Mrs [REDACTED] was asked what specific symptoms she saw with the children, or what the children have mentioned to indicate to her that sexual abuse has taken place she struggled to answer and deflected by saying that Mr [REDACTED] did it in front of her at times in the bed with the girls and she is sure under the covers he played with them and masturbated but this is when she was mostly in a state of paralysis (and of opinion that Mr [REDACTED] drugged her) as he has Loupes and has access to medication. As the discussion unfolded it seemed that Mrs [REDACTED] felt that the children sometimes presented with sexualised behaviour but could not indicate specifics, she did refer to some masturbation behaviour but could not explain the details. She did refer to an occasion where the baby was 'hosed' by a hosepipe in a sexual manner and that she just had enough of the situation and decided to leave. Mrs [REDACTED] also expressed that she is the most concerned about her middle daughter, [REDACTED] as she and the father had a very close bond, perhaps too close and that he would often spend time with her alone and she did not know what they were up to. She had great suspicions as to what he will get up to during the night and would then pretend to go and say his Muslim morning prayers but was molesting [REDACTED]. She expressed that between her and [REDACTED] they never slept as they always tried to make sure that nothing happened to [REDACTED] and they worked shifts to catch him. But they never caught him on camera. When the writer asked what they have observed during these sleepless nights she could not give a sufficient answer and explained that he is very sneaky. It was an intricate conversation to have with Mrs [REDACTED] as Mrs [REDACTED] jumped around in the conversation from the possible sexual abuse again to her dislike towards the father and what he has done to her and how he treated her within the marriage. Mrs [REDACTED] presented with a lot of built-up feelings towards Mr [REDACTED]. Mrs [REDACTED] did indicate that she was seeing a therapist to help her cope emotionally. Mrs [REDACTED]'s state of mind swung from presentation of paranoia, anger, anxiety,

distress, concern for the children to emotional detachment. It was evident that Mrs [REDACTED] presented with a convoluted profile of emotional experiences that she was confronted with. One aspect did however remain consistent throughout the conversation, that of the belief that Mr [REDACTED] sexually molested the children.

Mrs [REDACTED] indicated that the children would most likely struggle to talk to me as they struggle to communicate their feelings and sometimes won't talk. It was said that often one of the children will communicate through songs where a song will be playing and the lyrics will guide her as to what to do or they will write down yes or no on a piece of paper to communicate what they experience. Mrs [REDACTED] showed the writer how the one girl child wrote 'yes' on a piece of paper apparently showing that her father is hurting her.

## **6.2 BIOLOGICAL FATHER: [REDACTED]**

Mr [REDACTED] presented nervous within the consultation and arriving at the consultation totally unsure as to what the consultation was about. He seemed confused regarding the reason for consultation. The writer indicated to him, as was also indicated within a letter that was sent to Mr [REDACTED] before the consultation, that Mrs [REDACTED] was bringing the children for an assessment to explore the possibility of sexual abuse and that she suspects that he is the perpetrator. Mr [REDACTED] seemed more at ease and indicated that he was aware of her suspicions and this has been discussed before as Mrs [REDACTED] has attempted in the past to obtain a restraining order but this was unsuccessful. Mr [REDACTED] presented a bit nervous but was overall calm and collective and his thoughts were ordered and he explained from his perspective what has occurred in the last few months. Mr [REDACTED] indicated that when his wife left the marital home, she and the children moved in with her mother. He expressed that he only sees the children under Mrs [REDACTED] supervision at the grandmother's home as Mrs [REDACTED] refuses to let him see the children unsupervised. Mr [REDACTED] expressed that he is aware of the sexual abuse allegations and that this

is not a new allegation as his wife has accused him in the past of such doings. He expressed that he cannot believe that she would think this of him but explained that according to his views he feels that she has influenced the children but he tries to remain calm about the situation and just to try and remain in contact with the girls. Mr [REDACTED] indicated that the marriage was extremely volatile for numerous years and that it was filled with conflict. He indicated that they had lost a child years ago and that Mrs [REDACTED] blames him for the loss of their child. He furthermore indicated that he is rather strict in nature, especially with the girls because of their Muslim faith and that he and Mrs [REDACTED] has had numerous arguments about this as she finds him controlling and overbearing. Mr [REDACTED] feels that this dynamics where he is the disciplinarian and Mrs [REDACTED] is the children's friend and ally has created a difficult dynamic in their household as children would often choose the line least of resistance and he would then have to be the parent putting down his foot with the girls e.g. the girls would want to go out with spaghetti strap tops and he would like them to cover up a bit more; the girls would not feel that well and he would feel that they are well enough to go to school and send them to school, where the mother would just keep them at home; he would like them to go to the Muslim teachings whereas the mother started changing her ways. These are of a few examples that were mentioned. Mr [REDACTED] expressed that he and his wife started drifting apart for some time and he has asked her previously as in the Muslim faith to divorce. Mr [REDACTED] explained with respect that he does not want to bad mouth Mrs [REDACTED] but that she has presented with irrationality within their marriage and this has led to numerous arguments within their marriage. Mr [REDACTED] stated that both he and Mrs [REDACTED] have been abusive towards each other and that their relationship is irreparably damaged.

Mr [REDACTED] expressed that he is very concerned about the allegations that are made against him. He expressed that he felt he was affected very negatively as the girls do not visit him at the house. There is a strained relationship because the supervised visitation is awkward and often

he and Mrs [REDACTED] fight about something within the supervised contact and then he would leave. Mr [REDACTED] said that the situation is really becoming more and more challenging and he does not know how to explain the situation to the girls as he does not know what to say. Mr [REDACTED] expressed that no matter how difficult the circumstances he always tries to go and see the girls in the supervised visitation as he misses them and really loves them. He is very concerned about what Mrs [REDACTED] is saying and how this is affecting the girls and how to rectify the situation.

Mr [REDACTED] indicated that with the Protection order when they all went to the court, the Judge warned Mrs [REDACTED] to stop with what she is doing because the children have not been sexually abused but that she is not listening to anyone and remains with the belief that the children have been molested by him. Mr [REDACTED] expressed that he feels helpless and that he is not sure what to do and how to prove his innocence and said that he can just be who he is and try and be there for the girls. He explained that the whole process is just very stressful and makes him feel stressed and worried.

## **7. PERSONALITY PROFILE AND CLINICAL IMPRESSION**

**1<sup>ST</sup> CHILD IN THE [REDACTED] FAMILY – [REDACTED] ( [REDACTED] / [REDACTED] / [REDACTED] ) 13 YEARS OLD**

**Clinical Impression and general Observations** – Within meeting [REDACTED] it was evident that [REDACTED] was apprehensive of the process but was keen to take part in the assessment. She was open to tell her story and what she has gone through. [REDACTED] presented much older than her chronological age and it was evident that this child takes on an adult persona to try and attempt to cope with her problems. It was evident that [REDACTED] was close to her mother and that she takes on an adult responsibility pertaining to the younger children. Even though [REDACTED] is not able to take in such an adult persona it seemed on a subconscious way that the

responsibility was somehow bestowed upon her. Within the intake session as in the assessment it seemed that [REDACTED] remained within the same frame of mind – calm and collective, within an adult persona, seemed guarded but open to talk, protective of her mother but also taking in a mother-persona nearly making up in many ways for the motherly flaws that the mother presented with. Within the initial session and in the assessment it was evident that [REDACTED] was drawn into her mother's beliefs and that her mother's thoughts had made [REDACTED] doubt herself and her beliefs and that her mother's thoughts and behaviour has confused and played mind games with [REDACTED]. In general [REDACTED] presents as a child that has been hugely affected by the mother that has drawn her in as a confidant against the father and as a child that is emotionally detached and distant and that does not know how she feels. A depressive indication is highly possible in the way that [REDACTED] presents herself due to emotional turmoil that she is confronted with and have been for an extended period of time.

**Information gathered** - It was evident within the assessment that [REDACTED] was drawn in by her mother to believe that her father was not only sexually abusing her but also her sisters. [REDACTED] explained to the writer that her mother and father had fought a lot in the marriage and that her father was very strict on them as the children and also on her mother. Because of their Muslim faith and her father's strict ways they were not allowed to wear certain clothing and had to adhere to his ways that were strict and restrictive. [REDACTED] indicated that it was difficult to live with her father and that her mother is not so strict and allows them more freedom. She explained that since they have left the fathers household they are more relaxed and can wear what they want to and go out where they want to and there are not rules that they all have to be back at the house at four o'clock as what it was like in their father's house. [REDACTED] said that all the rules were very stressful and created a lot of conflict as their mother did not want to adhere to the rules.

When the family arrived at the assessment session it was evident that everyone was very tired and the mother indicated that they were very exhausted as they did not sleep much during the night. [REDACTED] explained that often their sister that is still a toddler does not want to sleep because she wants to have the television on the whole night and because of this their sleeping patterns are disrupted because they all sleep in one room at their grandmother's house. It seemed that the mother struggles with discipline and boundaries with the children. This also became apparent where it was indicated by the children that they often miss school where their mother would not take them to school when they feel a little bit sick or are not up for school that day. It seemed that the role that the mother plays with the three girls is very much a friendship role, more than a motherly role with set boundaries and rules. It seemed that the mother is overcompensating and trying to be on their level as children and is struggling to take in the motherly role at times.

Within the assessment [REDACTED] was asked to explain why she thought they had to come for an assessment and [REDACTED] explained that her mother told her that her father is sexually abusing them and that it is needed for them to say that they have been sexually abused for the courts to make a ruling. [REDACTED] expressed that her mother asked her to help her with a camera that she had bought to video her father trying to catch him on camera busy sexually abusing her sister. She explained that her mother knew that she was good with technical things and that is why her mother asked her. [REDACTED] said that her Aunt also helped her mother. She explained that her mother said that it is important that they catch him on camera to have evidence that he is a sexual abuser. [REDACTED] expressed that according to her knowledge she has never been sexually abused by her father but that her mother told her that she might just not remember when he did it or she might have been asleep. [REDACTED] said that she cannot remember anything of being sexually abused as a young child and if it happened she has no recollection of this. Within the regression exercises that were done with [REDACTED], [REDACTED]

did not present at any phase of life to have been inappropriately touched or sexually abused by her father. No evidence of sexual molestation presented itself within the assessment. It was evident that the child would not have conceptualised the concept of her father sexually abusing her or her sister if her mother had not planted the seed to formulate the concept of sexual abuse.

████████ explained how she and her mother would take shifts to sit up awake during the night to try and catch her father sexually abusing her sisters. This however never transpired and there is no indication from ██████████ that she has ever seen her father sexually abusing her sisters. ██████████ explained that on the video recordings, her mother said that there were slots deleted and that her mother is convinced that her father did it but ██████████ could not elaborate on this and indicated that she did not see footage where her father had sexually abused her sisters.

According to ██████████ the belief of sexual abuse was formulated by her mother and it is evident that ██████████ has subtly been coerced to believe that her father is a sexual predator. It became apparent that ██████████ is rather emotionally detached and does not really know how to feel and what to believe and thus chose to rather distance herself emotionally. It is evident that the happenings within her family environment has negatively impacted on ██████████'s daily functioning.

Within the assessment the following behaviour patterns, persona indication and clinical impressions were observed.

<b>Emotional expression</b>			
Joyful and happy	Distress	Angry	Fearful
	*		

It is evident that [REDACTED] is emotionally distressed and has been for an extended period of time. The main cause of such distressed feelings is the complex dynamics within her family environment. This has led her to emotionally detach and to distance herself from any emotional feelings.

**Activity and energy levels**

Hypo-active	Inter-active	Hyper-active	Unmanageable
	*		

[REDACTED] was interactive and was willing to interact and communicate with the writer and to provide answers to questions and to elaborate on her experiences.

**Boundary functioning**

Functions within set boundaries	Struggles to function within set boundaries
*	

[REDACTED] has the ability to function within set boundaries but it is evident that [REDACTED] struggles to understand the boundaries that are needed. It seems that the difference between her mother and her father's ideas on boundaries has created confusion for [REDACTED].

**Verbal expression**

Shy	Withdrawn	Spontaneous	Loud
	*		

[REDACTED] is a child that is overall withdrawn and emotionally withdrawn and detached. It seems that [REDACTED] often takes in a position of an adult role and it seems that [REDACTED] without realizing it often plays the mom-role and subconsciously does this to allow her mother "going off on her own mission". A very complicated relationship exists between [REDACTED] and her mother and this relationship is not conducive to a healthy relationship even though there is an intent to have a loving relationship.

**Anxious behaviour**

Worried and nervous	Frazzled and tense	Stressed	Care free, relaxed – no anxiety related problem
*		*	
<p>It is evident that [REDACTED] is worried and nervous and not too sure what is going on. She comes across as confused about her circumstances. She is confused as to whether she might be suppressing that she has been sexually abused by her father and that she has suppressed these memories as per what her mother has suggested.</p>			
<b>Aggressive behaviour</b>			
Aggressive and hostile	Perturbed and upset	Frustrated and indication of irritation	Passive-aggressive tendencies
			*
<p>[REDACTED] does present with passive aggressive tendencies and it seems that [REDACTED] has internalised her real emotions that have bottled up to a point of passive-aggressive feelings.</p>			
<b>Mood identification</b>			
Content	Despondent	Disheartened	Depressed
	*	*	*
<p>[REDACTED] at times does come to the fore as despondent and disheartened and it is evident that [REDACTED] does not know what has “really” happened in her life and has been influenced to believe that possible sexual incidences might have taken place that she is not aware of. This has created confusion for [REDACTED] that has left her disheartened. [REDACTED] does present with depressive indication and this may stem from [REDACTED] feeling confused for an extended period of time.</p>			
<b>Psycho-somatic symptoms</b>			

Headaches	Stomach aches	Fatigue	None
			*
No psycho-somatic symptoms came to the fore or were present within working with [REDACTED]. However with her emotional position psycho-somatic symptoms may present themselves.			
Depression indication			
Helplessness	Lack of motivation	Giving up emotionally	No depression indication
*	*	*	
Within assessing [REDACTED] it did come to the fore that depression indication may be present. [REDACTED] has emotionally detached herself to such an extent that depression may present itself. [REDACTED] did present with helplessness, at times a lack of motivation and a sense of giving up emotionally and being emotionally distant and detached.			
Identified behaviour patterns			
Defiant and rebellious	Respectful and compliant	Polite and well mannered	Rude and ill mannered
	*	*	
In general [REDACTED] is a respectful and compliant child that is polite and well-mannered but has been hurt by her circumstances. It seemed that her family dynamics and the changes that have been made in her life has negatively impacted on her emotional functioning. [REDACTED] is very young to carry the burden placed on her by her mother. The alignment with her mother to gain evidence of sexual abuse by the father figure is a very heavy burden to place on a child and highly inappropriate of the mother.			
Negative behaviour			

Bad temper	Malicious behaviour	Manipulative and deceitful behaviour	Misbehave and rebels purposefully		
<p>██████ does not present with negative behaviour, but presents with a child that has been emotionally burdened and has been emotionally placed in an emotional position that has encaged her real emotions.</p>					
<b>Positive behaviour</b>					
Openness	Keen willingness to interact	Cooperative	Caring	Considerate	Forthcoming and responsive
*	*	*			*
<p>██████ was willing to partake in the assessment and was very open to try and attempt to get the truth that everyone's lives can settle down. ██████ was forthcoming and very willing to talk about her realities and perceptions.</p>					
<b>Developed ego-strength</b>					
Low-range		Average-mid range		High-range	
		*			
<p>The ego strength is the ability of the ego (psychoanalytical concept referring to the conscious, rational part of the psyche with the following major functions, namely testing reality and controlling the impulsive demands of the ID by evoking the moral restrictions of the SUPEREGO) to adapt to or cope with conflict, stress, frustration, and anxiety and to maintain the balance of the personality.</p>					

## PSYCHO-SOCIAL, SOCIAL EMOTIONAL SCALING

### Psycho-Social and Social-Emotional Assessment

A psychosocial problem is multiple and complex transactions pertaining to the social functioning of individuals or to the social and organizational functioning of larger social systems which are affected by, among others, personality disorders or mental illnesses, inadequate role performance and life transitions involving developmental changes, crises as well as communication and relationship difficulties.

<b>Emotional Positioning of the child</b>	<b>High range</b>	<b>Mid-range</b>	<b>Low range</b>	<b>Not identified</b>
Levels of stress		*		
Levels of anxiety		*		
Levels of depressive symptomology		*		
Levels of emotional detachment	*			
Levels of sadness		*		
Levels of emotional security			*	
Levels of happiness			*	
Levels of confidence		*	←*	
Levels of self-concept, self-worth, self-image		*	←*	
Levels of emotional stability and functionality		*		
Levels of experiencing fears and worries		*		
Levels of phobic reactions				*

Levels of frustration				*
Levels of aggressive behaviour patterns				*
Levels of being passive-aggressive		*		
Levels of mood fluctuation			*	
Levels of emotional maturity		*		

### Defence mechanisms

Although part of the ego rises to consciousness, some of its activity is carried out unconsciously. In the unconscious, the ego serves as a kind of watchdog, or censor, which screens impulses from the id. The ego makes use of psychological defences to prevent socially unacceptable impulses from rising into consciousness. If it were not for these defences, or defence mechanisms, the secrets of our childhood, the primitive demands of our ids, and the censures of our superegos might disable us psychologically. Repression is considered the most basic of the defence mechanisms.

<b>Defence Mechanism</b>	<b>Definition</b>	<b>High</b>	<b>Average</b>	<b>Low</b>	<b>Not identified</b>
Repression	The ejection of anxiety-evoking ideas from awareness.				*
Regression	The return, under stress, to form a form of behaviour characteristic of an earlier stage of development.				*

Rationalization	The use of self-deceiving justifications for unacceptable behaviour.				*
Displacement	The transfer of ideas and impulses from threatening or unsuitable objects onto less threatening objects.				*
Projection	The thrusting of one's own unacceptable impulses onto others so that others are assumed to harbour them.				*
Reaction formation	Assumption of behaviour in opposition to one's genuine impulses in order to keep impulses repressed.				*
Denial	Refusal to accept the true nature of a threat.				*
Sublimation	The channelling of primitive impulses into positive, constructive efforts.				*

## **INTERACTIONAL AND BONDING SCALINGS**

### Interactional Analysis

Interactional analysis focuses on the dynamic relationship between individuals and/or groups, mutually or between them and the environment, which results in a process of reciprocal influencing. It is also important to assess the individual's communication patterns and how they interact to identify strengths and weaknesses in their interaction.

<b>Communication patterns</b>	<b>High range</b>	<b>Mid-range</b>	<b>Low range</b>	<b>Not identified</b>
Extroverted			*	
Introverted		*		
Friendly and talkative		*		
Loud and demanding				
Struggles to distinguish between positive and negative attention				*
Art of manipulation over developed			*	
Observed dishonesty and deceit within conversation				*
Tense and apprehensive within conversation		*		
Emotionally detached	*			

### Bonding

The following bonds were identified during the assessment. It is important that individuals have significant others that they can trust and rely on as they need support and guidance and need to interact with others in a functional manner as it forms an important part of their

socialization and development. Problematic bonds can cause anxiety that heightens stress levels and causes underlying distrust projections.

Developed relationship	Good	Average	Problematic	Not identified
Biological mother		*→	*	
<p>██████'s relationship with her mother is a loving however very complicated relationship. It seems that the relationship with her mother has overstepped the normal realms of a mother-daughter relationship as the mother has placed her in an adult role to partner with her beliefs that is a rather dysfunctional relationship dynamic. It is evident that the mother has planted a perception in the child's mind to create a picture of the father to be a sexual perpetrator and has gone as far as to rope the young child into a situation to try and gather evidence against the father to build a case of sexual abuse. This is a very negative relationship dynamic between a mother and a daughter.</p>				
Developed relationship	Good	Average	Problematic	Not identified
Biological father		*→	*	
<p>██████ does have a strained relationship with her father. She sees her father through her mother's eyes and this is as a possible sexual abuser. She furthermore sees him as strict and rigid. She indicated that if he is not a sexual perpetrator he is not such a bad guy. Sukainah is however rather nervous about the relationship because of being imprinted that her father is a sexual perpetrator.</p>				
Developed relationship	Good	Average	Problematic	Not identified
Sister		*→	*	
<p>██████ and ██████ has a struggling relationship but at times do get along. It seems that there is a lot of arguing in the relationship and that the relationship is tense. It is evident that sibling rivalry is present.</p>				

Developed relationship	Good	Average	Problematic	Not identified
Sister	*			
It is evident that [REDACTED] plays a rather motherly role with the toddler sister and baby the little sister.				
Developed relationship	Good	Average	Problematic	Not identified
Friends (peer group)		*		
It seems that [REDACTED] has developed friendships within the school environment but this is not on her fore ground and the troubles of her household is very much on her fore ground.				

**Summary** - [REDACTED] did have the ability to communicate and express her feelings and experiences to the contrary to what the mother has indicated. [REDACTED] explained verbally that to her recollection she has never been sexually abused by her father. Within the projection and regression exercises facilitated with [REDACTED] no indication of possible sexual abuse came to the fore. According to [REDACTED] her mother has the belief that her father sexually abused the girl children and she has asked her to assist her in catching her father on camera sexually abusing her younger sister. [REDACTED] was roped in by the mother to watch her father at night to check if he is doing anything improper and to also assist with watching the video recordings to look for possible sexual abuse. It became apparent that [REDACTED] was lured in by her mother to believe that sexual abuse has taken place and where she has possibly been a victim of sexual abuse with her father being the perpetrator. [REDACTED] has been emotionally effected by the family dynamics and her relationship with her mother is intact but rather dysfunctional where her relationship with her father is more distant due to the seed that was planted that she and her sisters are possibly being sexually abused by the father.

**Clinical Impression and general Observations** – ██████████ was initially rather reserved and quite shy and when she was asked how she feels she said awkward. It was indeed her presentation that she felt a bit nervous and awkward and she often checked if her mother was around and if her mother was in ear-shot of the conversation as it seemed that ██████████ was worried that her mother might over hear the conversation. Within the intake session ██████████ struggled to connect with the writer however answered the questions and as the session progressed and opened up more. ██████████ did at no time become despondent and answered all the questions. It seemed that she struggled with the questions but that she motivated herself to answer the questions. ██████████ performed well with the non-verbal drawings. There was at no point during the assessment that ██████████ had to use methods of written communication because she could not verbally interact.

██████████ presents with symptoms of anxiety and depression and it seemed that ██████████ presented to be apprehensive and generally fearful.

**Information gathered** – It was evident that ██████████ felt rather anxious in her mother's presence. She on various occasions checked if her mother could overhear what she was saying indicating that she was stressed that her mother would approve of what she was saying. Within the discussion and within the exercises it was clear that ██████████ struggled with various feelings and that she struggles to function effectively and feels confused. In various projection exercises it came to the fore that ██████████ blames her mother for this confusion and she sees her mother as a liar. She exclaimed on occasions that she does not understand what is wrong with her mother and why she tells lies. ██████████ expressed that her mother is saying that her father has sexually abused them and it never happened. ██████████ indicated that she overall

feels awkward about what has happened in her life and does not like to talk about it. [REDACTED] expressed verbally and in the projection exercises that she has never been sexually abused.

Within the assessment the following behaviour patterns, persona indication and clinical impressions were observed.

<b>Emotional expression</b>			
Joyful and happy	Distress	Angry	Fearful
	*		*
[REDACTED] came to the fore to be distressed and tense within the assessment. It seemed that [REDACTED] felt apprehensive and was fearful that her mother would overhear her conversation.			
<b>Activity and energy levels</b>			
Hypo-active	Inter-active	Hyper-active	Unmanageable
*			
It seemed that [REDACTED] was burdened by emotional baggage that she was carrying. She presented emotionally lethargic and hypo-active and an indication of depressive symptomology presented itself. [REDACTED] internalised her emotions and this leads to emotional deprivation and detachment.			
<b>Boundary functioning</b>			
Functions within set boundaries		Struggles to function within set boundaries	
*			
[REDACTED] has a well-developed sense of functioning within set boundaries to the point where she would most likely keep things to herself to keep others happy.			
<b>Verbal expression</b>			

Shy	Withdrawn	Spontaneous	Loud
	*		
<p>██████ was withdrawn within the assessment however did have the capability to voice what she wanted to say.</p>			
Anxious behaviour			
Worried and nervous	Frazzled and tense	Stressed	Care free, relaxed – no anxiety related problem
*	*	*	
<p>Within the assessment ██████ presented with anxious behaviour and it seemed that she was overall nervous, worried and came to the fore as frazzled and tense and rather stressed about her emotional experiences.</p>			
Aggressive behaviour			
Aggressive and hostile	Perturbed and upset	Frustrated and indication of irritation	Passive-aggressive tendencies
		*	
<p>Very limited irritation and frustration were detected however might be underlying her anxiety as she clearly is suppression her real emotions.</p>			
Mood identification			
Content	Despondent	Disheartened	Depressed
	*	*	*(indication)
<p>██████ presented to feel disheartened and at times despondent. It seemed if ██████ feels helpless and does not have the tools to change her circumstances. Because of the internalization of emotions, depressive indication came to the fore.</p>			

<b>Psycho-somatic symptoms</b>			
Headaches	Stomach aches	Fatigue	None
			*
No psycho-somatic symptoms presented itself within the assessment. However it seems that [REDACTED] is often absent from school and may present with such symptoms at home.			
<b>Depression indication</b>			
Helplessness	Lack of motivation	Giving up emotionally	No depression indication
*	*	*	
It seemed that [REDACTED] has been affected rather negatively pertaining to her family dynamics. The overall feeling that presented itself within the assessment was helplessness that was definitely developing into a diagnostic self-helplessness.			
<b>Identified behaviour patterns</b>			
Defiant and rebellious	Respectful and compliant	Polite and well mannered	Rude and ill mannered
	*	*	
Overall [REDACTED] is polite and well-mannered and respectful. However [REDACTED] has developed some dysfunctional ways in coping with stress such a taking things that does not belong to her. At the intake session, as she left the practice she took a television remote and the mother had to return the remote. The mother indicated that she has done this since a small child and that she thought that it was better however seem to be still problematic.			
<b>Negative behaviour</b>			

Bad temper	Malicious behaviour	Manipulative and deceitful behaviour	Misbehave and rebels purposefully		
Such negative behaviour patterns were not detected within the assessment.					
<b>Positive behaviour</b>					
Openness	Keen willingness to interact	Cooperative	Caring	Considerate	Forthcoming and responsive
		*			*
<p>██████ was cooperative and responsive within the assessment. She at times struggled to say what she needed to say as she felt awkward but managed to express herself effectively throughout the assessment with various play methods.</p>					
<b>Developed ego-strength</b>					
Low-range		Average-mid range		High-range	
*→		*			
<p>The ego strength is the ability of the ego (psychoanalytical concept referring to the conscious, rational part of the psyche with the following major functions, namely testing reality and controlling the impulsive demands of the ID by evoking the moral restrictions of the SUPEREGO) to adapt to or cope with conflict, stress, frustration, and anxiety and to maintain the balance of the personality.</p>					

## PSYCHO-SOCIAL, SOCIAL EMOTIONAL SCALING

### Psycho-Social and Social-Emotional Assessment

A psychosocial problem is multiple and complex transactions pertaining to the social functioning of individuals or to the social and organizational functioning of larger social systems which are affected by, among others, personality disorders or mental illnesses, inadequate role performance and life transitions involving developmental changes, crises as well as communication and relationship difficulties.

<b>Emotional Positioning of the child</b>	<b>High range</b>	<b>Mid-range</b>	<b>Low range</b>	<b>Not identified</b>
Levels of stress	*	←*		
Levels of anxiety	*	←*		
Levels of depressive symptomology		*		
Levels of emotional detachment	*			
Levels of sadness		*		
Levels of emotional security			*	
Levels of happiness			*	
Levels of confidence			*	
Levels of self-concept, self-worth, self-image		*→	*	
Levels of emotional stability and functionality		*		
Levels of experiencing fears and worries	*	←*		
Levels of phobic reactions				*
Levels of frustration			*	

Levels of aggressive behaviour patterns				*
Levels of being passive-aggressive				*
Levels of mood fluctuation			*	
Levels of emotional maturity		*		

### Defence mechanisms

Although part of the ego rises to consciousness, some of its activity is carried out unconsciously. In the unconscious, the ego serves as a kind of watchdog, or censor, which screens impulses from the id. The ego makes use of psychological defences to prevent socially unacceptable impulses from rising into consciousness. If it were not for these defences, or defence mechanisms, the secrets of our childhood, the primitive demands of our ids, and the censures of our superegos might disable us psychologically. Repression is considered the most basic of the defence mechanisms.

<b>Defence Mechanism</b>	<b>Definition</b>	<b>High</b>	<b>Average</b>	<b>Low</b>	<b>Not identified</b>
Repression	The ejection of anxiety-evoking ideas from awareness.		*		
Regression	The return, under stress, to form a form of behaviour characteristic of an earlier stage of development.		*		
Rationalization	The use of self-deceiving justifications for unacceptable behaviour.			*	

Displacement	The transfer of ideas and impulses from threatening or unsuitable objects onto less threatening objects.			*	
Projection	The thrusting of one's own unacceptable impulses onto others so that others are assumed to harbour them.				*
Reaction formation	Assumption of behaviour in opposition to one's genuine impulses in order to keep impulses repressed.		*		
Denial	Refusal to accept the true nature of a threat.			*	
Sublimation	The channelling of primitive impulses into positive, constructive efforts.				*

## **INTERACTIONAL AND BONDING SCALINGS**

### Interactional Analysis

Interactional analysis focuses on the dynamic relationship between individuals and/or groups, mutually or between them and the environment, which results in a process of reciprocal influencing. It is also important to assess the individual's communication patterns and how they interact to identify strengths and weaknesses in their interaction.

<b>Communication patterns</b>	<b>High range</b>	<b>Mid-range</b>	<b>Low range</b>	<b>Not identified</b>
Extroverted			*	
Introverted	*	←*		
Friendly and talkative		*		
Loud and demanding				*
Struggles to distinguish between positive and negative attention		*		
Art of manipulation over developed			*	
Observed dishonesty and deceit within conversation			*	
Tense and apprehensive within conversation		*		
Emotionally detached	*			

### Bonding

The following bonds were identified during the assessment. It is important that individuals have significant others that they can trust and rely on as they need support and guidance and need to interact with others in a functional manner as it forms an important part of their socialization and development. Problematic bonds can cause anxiety that heightens stress levels and causes underlying distrust projections.

<b>Developed relationship</b>	<b>Good</b>	<b>Average</b>	<b>Problematic</b>	<b>Not identified</b>
Biological mother		*→	*	

It seemed that [REDACTED] has an intact relationship with her mother however it seemed that [REDACTED] struggles to trust her mother and feels that her mother lies. She expressed that she does not understand why her mother keeps on lying about the sexual abuse as her father has never done such a thing. It seemed that the relationship with [REDACTED]'s mother is complicated and complex in nature. There was a definite anxiety due to the mother's presence at the practice and [REDACTED] kept on checking if the mother could hear what she was saying. It seemed that [REDACTED] did not want to disappoint her mother by saying that her father did not sexually abuse her and she knew that her mother wanted her to say that her father did abuse her. [REDACTED] seemed frazzled by the mother's presence at the practice. Possible conditioning and coercion has taken place to imprint a belief in the child's mind that has never happened.

Developed relationship	Good	Average	Problematic	Not identified
Biological father		*→	*	

It seemed that [REDACTED] was close to her father however with all the family complexities her relationship has deteriorated. It seemed that [REDACTED] blames her mother for this deterioration within the relationship. The supervised visitation has also not added the possibility of growth within the relationship and [REDACTED] finds it to be awkward especially when supervised by the mother as they usually fight and then her father will leave.

Developed relationship	Good	Average	Problematic	Not identified
Sister		*→	*	

[REDACTED] and [REDACTED] seem to struggle with sibling rivalry and [REDACTED] often experience that her sister will hit her but then they will be friends again. Age appropriate sibling rivalry within complex dynamics were detected.

Developed relationship	Good	Average	Problematic	Not identified

Sister	*	←*		
She has a good relationship with her younger sister. Her sister does however disturb their sleeping patterns as it seems that no boundaries are set for the youngster regarding good and appropriate sleeping patterns that affects the other children.				
<b>Developed relationship</b>	<b>Good</b>	<b>Average</b>	<b>Problematic</b>	<b>Not identified</b>
Friends (peer group)		*		
██████ has some friends at school however it seems that she struggles with friendships at times.				

**Summary -** ██████ has clearly been a victim of complicated family dynamics and has been affected negatively by the family dysfunction. ██████ gave a clear presentation verbally and within the projective exercises that she has not been sexually abused by her father. She furthermore stated on various occasions that she does not understand why her mother wants them to believe that they were sexually abused by their father and she does not understand why her mother is lying about this.

### **3<sup>RD</sup> CHILD IN THE ██████ FAMILY – BABY ██████**

No assessment was facilitated with the two year old child. This was decided based on the information obtained from the older girl children as the writer did not want to unnecessarily assess a child that has been poked and prodded by other professionals to assess the possibility of sexual abuse.

## 8. SUMMARY

Within the [REDACTED] matter the results of the assessment indicated that no evidence exists to support Mrs [REDACTED]'s suspicions and allegations that the girl children were victims of sexual abuse. [REDACTED] expressed on various occasions (verbally and through projective play/draw/write exercises) during the assessment that *she has never been sexually abused* and that her mother is making up these stories and she does not know why her mother would do this. [REDACTED] has been *conditioned* by her mother and has been lured in by her mother to take part in spying on the father and to try and catch the father sexually abusing her sisters. Within the assessment [REDACTED] had no recollection of her father sexually abusing her and with the regressive therapeutic techniques there was no indication that [REDACTED] could relate to being sexually abused in prior years. [REDACTED] stated within the assessment that "if I have been sexually abused by my father as my mother says, I must have forgotten or can't remember because I really don't remember anything that he ever sexually abused me".

With the information obtained and the assessments facilitated it is evident that no sufficient evidence exists that Mr [REDACTED] sexually abused his girl children. Mrs [REDACTED] suspicions and allegations are found to be unsubstantiated and ungrounded. This matter can be classified as a "*False Sexual Abuse Allegation*".

## 9. SUPPORTING LITERATURE

False child sexual abuse allegations are a convoluted social problem, as various factors come into play for a parent to make the allegation. Various factors may contribute to allegations, such as rewards that may be achieved when false allegations are made. These rewards may include social approval; free legal counsel; welfare payments; approbation from mental health professionals, therapists, friends, family and neighbours; revenge; and getting a judge's

attention (Lerner & Lerner, 2007; Wakefield & Underwagner, 2012). Factors that contribute to false allegations of child sexual abuse may include the accusing parent truly believing that they are seeing symptoms of sexual abuse in their children, that they might feel that they can be rewarded in the process, that they may be vindictive and angry, or a spectrum of psychopathology might influence a person's judgements (Barker & Howell, 1994; Jenkins, 2002; Trocme & Bala, 2005; Wakefield & Underwagner, 2012). Personality disorder diagnoses are also often found with the person who makes allegations that are found not to be true. Falsely accusing parents are more likely to have Histrionic Personality Disorder, Borderline Personality, and passive aggressive or paranoid traits. A greater incidence of personality disorder or factitious disorder has also been found in those who make false allegations of child sexual abuse in custody disputes, as well as a history of eating and childhood abuse (Barker & Howell, 1994; Wakefield & Underwagner, 2012).

Psychological evaluation and testimony are crucial in child sexual abuse cases, especially in custody and visitation cases. Various factors should be investigated thoroughly to give insight to the mental health care practitioner regarding the possible profile of parents that may create false allegations of child sexual abuse in divorce and custody proceedings, and to enable practitioners to better understand false allegations (Bala et al., 2007; Behnke & Connell, 2005; Kuehnle, 1998).

According to Boakes (1999) and Jenkins (2002) false complaints are easily made and carry serious consequences for the alleged abusive parent. Many of those who make false claims sincerely believe the truth of what they report, while others are opportunistic and are consciously lying for personal gain. A special type of false allegation, the False Memory Syndrome, typically arises in therapy. People report the recovery of memories of previously unknown childhood sexual abuse. The influence of practitioners' beliefs and practices in the eliciting of false memories and of false complaints cannot be overlooked. Practitioners should

be skilled to identify Munchausen Syndrome by proxy and false allegations of child sexual abuse in divorce and custody proceedings. This concept extends the syndrome to ascertain types of false allegations of sexual abuse in divorce proceedings, thus introducing a variant which involves not only the medical sphere but also the social and judicial fields as well (Barker & Howell, 1994; Dauver, Dayan & Houzel, 2003).

It has also been highlighted that in acrimonious divorce and in child custody disputes, emotions are tense and tempers flare. Buoyed by litigious attorneys, each side engages in strategic manoeuvres to gain the greatest legal advantage. Sometimes a parent, fearing a loss of control or custody over a child, crosses the ethically acceptable bounds of legal warfare (Morphonios, 2008). An unfortunate but all too frequently used tactic by mothers is to accuse the father of sexually molesting their child (Barker & Howell, 1994; Jenkins, 2002). The mere accusation is sufficient to strip the father of all his custody rights and to launch a criminal investigation. Even when no evidence is found to substantiate the allegation, family law courts typically err on the side of caution and award full custody to the mother (Morphonios, 2008; Varghese, 2004; Wexler, 1990).

According to Morphonios (2008) false child sexual abuse allegations are not necessarily the strategy of the parent but can also be a strategy carefully planned by the litigation team to win their case. The crossing of the ethical line to win a case seems to be contributing to the increase of false child sexual abuse allegations in divorce and custody proceedings, in a society where a winning position is often prioritised above an ethical stance (Morphonios, 2008).

It is imperative to explain false child sexual abuse allegations as a real problem in divorce and custody proceedings, but not to stereotype all sexual abuse that are made in divorce and custody cases as false (Paradise, Rostain & Nathanson, 1999; Penfold, 1995; Thoennes & Tjaden, 1990). Eddy (2007) explains that there are various possible explanations or theories to be

considered explaining child sexual abuse allegation made in divorce and custody proceeding. An investigator must keep an open mind in gathering evidence, and must explore all theories. In some families there has been ongoing sexual abuse and its discovery may be the reason for the divorce. It is also possible that it was not discovered until the divorce process began, because the child may not have felt safe to disclose it until the parents were separated (Eddy, 2007; Penfold, 1995). In some cases divorce-related abuse may occur, where sexual abuse occurs for the first time after the separation of the parents. The abusing parent may turn to the child for emotional or physical needs, or suppressed sexual urges may be directed to the child. Urges may no longer be controlled by the presence of the other parent. In some cases false allegations are sincere and a parent may, for instance, misunderstand or overreact to vague distress or ambiguous statements by a child (Eddy, 2007; Faller & DeVoe, 1996; Penfold, 1995; Wexler, 1990).

Eddy (2007) explains that the stress of going from one tense parent to another at the beginning or end of visitation may be misinterpreted as a response to abuse. In other cases some parents falsely report abuse in order to obtain an advantage in court, such as a change of custody or a significant reduction in the other parent's contact with the child. They may knowingly represent the child's anxious behaviours as signs of sexual abuse. There are also cases where sexual abuse actually occurred, but by some other adult or even another child. A young child may be frightened or confused and indicate that the perpetrator is their own parent instead of the actual abuser.

According to Eddy (2007) and Wexler (1990) there are many explanations to consider and there is no single explanation that is conclusive for the presence or absence of child sexual abuse by a parent. Several child behaviours are common symptoms of emotional distress, which may simply be a response to a difficult divorce, such as bed-wetting, nightmares, clinging, constipation and even redness in the genital area that is often related to normal bathing

issues (Bow et al., 2002; Cross, et al., 2012). These symptoms can be confused by parents who believe that their children are being sexually abused. Skilful professionals are needed to assess these matters as this is a complicated social problem with various aspects to consider (Bow et al., 2002; Cross, et al., 2012; Everson et al., 2012; Kuehnle & Connell, 2009).

There are various types of behaviours that could form the basis of an unfounded allegation. Misinterpretation of normal care-taking practices may occur such as washing or drying of the genital or anal area may, for example, be viewed as fondling or a father who permits his frightened child to sleep with him may be accused of sexual seduction. There may also be misconception of normal sexual behaviour in children (e.g., normal sexual exploration by preschool-aged children, including genital stimulation, may be confused with behaviours of children who have been molested) (Green, 1991; Johnson, 2005). Common psychological symptoms may be confused due to parental separation (e.g., separation anxiety, regressive behaviour, sleep disorders, and phobic symptoms). Physical signs and symptoms in the child may also be misunderstood (e.g., vaginal irritation or discharge) (Green, 1991; Johnson, 2005). Numerous conditions can lead to, or influence, an unfounded allegation of sexual abuse, including a young child's immature social and communication skills; a parent's lack of knowledge or misperceptions, for example their perceptions of borderline situations such as sleeping or bathing with the child; confusion regarding separation anxiety in young children; an overanxious child with an anxious parent; presence of other types of family violence; abuse attributed to the wrong person; the child lying, among others to seek alternate placement; psychopathology of child or parent; coaching by parent; influence on parent of media exposure about sexual abuse; hostility and mistrust between the parents; the child being exposed to pornographic material; the child witnessing adult or animal sexuality; sex play with peers; leading and coercive interviewing techniques; excessive interviewing; poor documentation; and cross-germination (Bala et al., 2007; Johnson, 2005; Penfold, 1995).

A parent with feelings of hostility or mistrust may unwittingly begin to engage in suggestive interviewing of a young child about possible abuse, perhaps based on ambiguous physical symptoms. The questioning may require a child to assess whether touching had a sexual intent, which a young child may not be able to do. Conversely, there may also be circumstances in which an error can occur, where parents misinterpret various symptoms of children post-divorce and this may lead them to believe that their child is being sexually abused when in fact they are not being abused. In cases such as the latter, the allegation was thus not made with a malicious intent (Eddy, 2007; Morphonios, 2008; Penfold, 1995).

According to literature (Dillon, 1987; Eddy, 2007; Jones, 2009; Morphonios, 2008; Penfold, 1995; Wexler, 1990) it seems that authors have various thoughts and explanations regarding allegations of child sexual abuse during divorce and custody proceedings. It can be deduced that some allegations are made with a malicious intent while others are not. It furthermore seems that there is a broad view in understanding aspects that drive child sexual abuse allegations in divorce and custody matters and that practitioners need to be objective in cases and deal with each case with the necessary expertise that the cases require, and practitioners must know that there is no place for generalisation (Paradise et al., 1999; Penfold, 1995; Thoennes & Tjaden, 1990).

## **10. RECOMMENDATIONS**

Within the [REDACTED] matter based on the children's assessments and the children's experiences, perceptions, thoughts, behaviour and projections, indicated that neither [REDACTED] nor [REDACTED] shows an indication of possible sexual abuse. Based on what has transpired in the family, where the children were conditioned by their mother to believe that they were sexually abused by their father and by witnessing their mother's behaviour and being lured into their mother's belief, the children have been negatively affected and this has impacted on their relationship

with their father. The supervised visitation, supervised by their mother and the belief that the mother has transferred the information that their father is a sexual perpetrator would scar any functional relationship. The relationship between father-children needs therapeutic assistance. It is imperative that a qualified specialist explain to the children what has occurred and for them to feel comfortable and safe with their father again as unfortunately in these cases, seeds have been planted and have subconsciously grown. The children need to slowly learn how to trust their father again and how to deal with what their mother has planted in their minds.

It is thus recommended that [REDACTED] and [REDACTED] consult with Dr Robinson to explain to them what has transpired in their family and how to love and respect both their parents again and how to build good and functional relationships with their parents. Subsequently it is recommended that the children are placed in psycho-therapy as both the children have been affected by the family dysfunction and is in need of therapy. The appointed therapist should obtain a copy of this report to familiarize him/herself with the children's circumstances and can contact Dr Robinson for assistance or input for the planned therapeutic process.

It is recommended that the father's contact is reinstated and no supervised visitation is needed as this only creates more strain on a relationship that is already strained because of external factors that the father did not have any control over.

The following phased-in-contact roster is recommended. It is phased-in as it is important that a slow transition takes place where trust can be built again and where the children feel comfortable and safe. It is not that easy for children to understand what has happened with such a complex social phenomenon and children would need time to readjust to the changes.

For a 3 month period, Mr [REDACTED] should collect the three children every Saturday morning at 09:00 and spend time with the children, and return the children again to the mother's place of residence at 15:00. In addition Mr [REDACTED] should collect the children every Wednesday

afternoon at 16:00 and take them for an early dinner e.g. Spur, Pappachinos etc. and return the children by no later than 18:00.

Dr Robinson should consult with the children after these three months to assess if the children are ready to move to the next phase of contact.

After the 3 months, for the next 3 month period, Mr [REDACTED] should collect the three children Friday afternoon at 16:00 for a sleep over and return the children to the mother's place of residence by 11:00 Saturday morning.

Dr Robinson should consult with the children after these three months to assess if the children are ready to move to the next phase of contact.

There after access will be reinstated as per the settlement agreement.

It is imperative to state that the children will go through a period of adjustment and that it is not an easy process and the children might present with adjustment symptoms. This is a natural process for children adjusting to a new contact roster post-divorce and especially in such challenging circumstances as these.

It is recommended that Mrs [REDACTED] consults with a newly appointed psychiatrist and cognitive-behavioral therapist for treatment as it is imperative that Mrs [REDACTED] address her emotional problems and predispositions. It is furthermore recommended that Mrs [REDACTED] attends a parenting course over a period of a year on a weekly basis to master the skills of improving her skills with the children e.g. boundaries, healthy child-parent relationship, fixing the dysfunctional family relations that has been created by herself.

It is recommended that Mr [REDACTED] attends a parenting course or seek counselling for a period of three months on a weekly basis to assist Mr [REDACTED] to hear the needs of the three girl children and respect their needs and wishes and enable him to set healthy boundaries that is not so

restrictive in nature. The two older girl children are growing up and is in need of a bit of freedom to restrict them to much may lead to a rebellious nature and will have the opposite effect than what any parent wishes for. It is imperative that Mr [REDACTED] has a good support system that can help him with the girls when the girls are in his care. It would be the ideal situation that his mother or another family member or a nanny can assist him when he has contact with the girls. Especially in these difficult circumstances it will assist the girls to feel more comfortable when having contact with their father, especially in the beginning phases of the contact.

It is imperative to state that this false child sexual abuse allegation that seems to have been created over an extended period of time has had a severe impact on the children and a huge impact on the children's relationship with their father. Due to Mrs [REDACTED]'s beliefs for the various reasons she believes that the children were sexually abused by the father it is imperative that the family follow the set recommendations as it serves the interest of the children.

In cases like these there is often a disbelief that the findings are factual and correct and the children are taken for more assessments and examinations and the courts are overly approached. This process is however not beneficial to the children and considered not in the best interest of the children. Both the children clearly indicated within the assessment that she "has no recollection of any sexual abuse" and the other girl child indicated that "her mother was making all of these things up and that she does not understand why her mother wants to believe and wants her to believe that her father sexually abused them as children". More than this cannot be said, these comments were not made to protect the father, but were said out of pure honesty and being transparent and the children's voices should be heard in this matter.



Compiled by Dr Tanya Marie Robinson

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