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October 17, 2005

FAMILY COURT REFORM COALITION (FCRC)

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**Shocking New PBS Domestic Violence Documentary
Explores How Many Family Courts Are Failing to
Protect Children From Their Abusers**

The **Family Court Reform Coalition (FCRC)**, a national organization comprised of many of the nation's leading experts in the fields of child custody, child abuse, law, psychology, and domestic violence, would like to encourage the public to watch a groundbreaking new PBS documentary called ***Breaking the Silence: Children's Stories***, which explores a national crisis in the family courts in which children are not being protected from their abusers in custody cases involving domestic violence.

This powerful new PBS documentary, airing on PBS stations across the country in October and November, tells the stories of children who are now speaking out about the horror of having been placed in the custody of the parent they have named as their sexual abuser. The film reveals a national scandal hidden in the family courts for the last 20 years — how domestic batterers are sexually and physically abusing their children and then using the family court system to win custody of the children to continue harming their families after the abused partner escapes the violent relationship.

This shocking phenomenon is occurring in the context of domestic violence. Parents who leave abusive partners are often met with retaliatory suits for child custody by the batterer in family court. Recent studies show batterers are 4 to 9 times more likely to molest their children than non-violent parents. Over the last two decades, it has been reported that hundreds of children across the country have been placed in the custody of the parent they disclosed sexually abused them.

How could this happen? Little known among the general public is the fact that for nearly 20 years, a controversial theory called "parental alienation syndrome" (PAS) has been used by batterers as a courtroom tactic to silence abused children by attempting to discredit their disclosures of abuse.

This discredited theory is not recognized as valid by the American Psychological Association, is not accepted as a psychiatric diagnosis, and has been rejected by the mainstream psychological community. Yet, PAS continues to be routinely used by domestic batterers and their attorneys nationwide, causing the child's disclosure of abuse to be ignored. Application of this illegitimate syndrome, as documented in the film, has resulted in children being removed from loving, safe, fit parents and placed in the custody of their molester.

"Parental alienation syndrome is junk science — there is no research or empirical data to support this unproven theory. No studies have ever been conducted to test or

confirm the validity of PAS theory," says Paul Fink, M.D., a Past President of the American Psychiatric Association, and Advisory Member of the FCRC.

FCRC Member, Eli Newberger, M.D., a Harvard Medical School Assistant Professor of Pediatrics and international child abuse expert adds that "When abused children's custody is awarded to the perpetrators of abuse, there's a tragically familiar pattern: a frightened child who may change or recant the abuse story because of perpetrator coercion and interviewer skepticism; and a traumatized protective parent, typically a victim of domestic violence, whose valiant efforts to protect a child are misinterpreted as programming the child or manipulating the court. Judges and other court officials need to understand that abuse is all about control, and that such unscientific formulations as 'parental alienation syndrome' do not explain away injury and traumatic stress symptoms. This misunderstanding has fueled the backlash against abuse victims."

"False mental health labels applied to protective parents can compromise the judicial process, and can cause courts to do what is most dangerous to abused children – that is, they can cut the children completely off from the parent that believes them and wants to protect them from the abuse they report," asserts Coalition Member, Amy Neustein, Ph.D., co-author with FCRC member Michael Leshner, Esq., of the 2005 book *From Madness to Mutiny: Why Mothers Are Running from the Family Courts—and What Can Be Done about It*.

Coalition member, Evan Stark, Ph.D., a national domestic violence and child abuse expert and Professor at Rutgers University, adds, "The tactical use of PAS theory in family court cases is greatly endangering children, by causing their disclosures of abuse to be discounted. While false abuse allegations do occur in contested custody cases, the research indicates that they are uncommon. The largest study to date on the topic, by Thoennes & Tjaden of the Association of Family and Conciliation Courts, comprising 9,000 families with custody disputes, indicated that less than 2 percent of the cases had allegations of sexual abuse – hardly an epidemic."

Dr. Starke continues, "Although many family courts assume most abuse allegations arising in the divorce context are false, according to a cross section of studies on false allegations in custody cases, the rate of false allegations in a custody context was found to be quite low, between 1 percent to 7.6 percent, with well over 50% of the sex abuse allegations being 'founded' or substantiated, with the rest being inconclusive for various reasons."

Dr. Starke adds, "Further, while people assume if a child has been molested, there will be physical evidence, studies show that even in cases with proven penetration, up to 95% of true cases of sexual abuse will have no physical evidence, because children heal very quickly and incest usually involves abuse unlikely to cause genital injury or leave a physical trace, such as fondling. Therefore, true abuse cases are often labeled 'unsubstantiated' – however, unsubstantiated is not necessarily the same as false."

The Honorable Sol Gothard, a recently retired judge in the Louisiana 5th Circuit Court of Appeals, former Chief Judge of the Louisiana Jefferson Parrish Juvenile Court, and FCRC member, states that "The research indicates that at least 50% of contested custody cases involve a history of domestic violence... These obsessed batterers are using the family court system and the children as pawns to punish the spouse for

leaving the abusive relationship – they seek to devastate the abused partner by taking the kids away."

Judge Gothard further states, "Many batterers are successfully manipulating and deceiving some judges and court professionals with a false demeanor in court. Abusers are skilled liars – they often present very well in court, and can be very charming, articulate, and persuasive, thus giving the false impression they are the more credible parent, while battered parents, due to the trauma of abuse, often present poorly in court, by being emotional or fearful. Some judges and court professionals who are unfamiliar with abuser tactics fall victim to the batterer's charm, and unwittingly are placing the children in danger by granting sole custody to the perpetrator of abuse."

This important PBS documentary will be aired on KCET in the Los Angeles area on Saturday, November 5th, 2005 at 10:30 pm, and in October and November on PBS stations across the country (check local listings). Please contact the FCRC for more information or to learn when the PBS film will be aired in your state at: (626) 808-7048 or via e-mail at: <info@familycourtrc.org>.

Free film screenings of the documentary will be shown on Monday, October 17th at 7:00 pm at the Feminist Majority Foundation Offices, 433 S. Beverly Drive, Beverly Hills, CA 91212 and on Wednesday, October 26th at 7:00 pm at California State University, Los Angeles, 5151 State University Drive, Los Angeles, CA 90032 (Cross Cultural Center, King Hall, Lower Level B, Room D-140 – for directions: please go to: <<http://www.calstatela.edu/misc/trans/>>).

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