

## False Allegations: What the Data Really Show

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As [the previous paper](#) in this series noted, of the roughly 3.5 million children investigated as a result of reports alleging child abuse every year, more than 2.8 million of them – more than four out of five - are victims of false allegations.

But to a child saver, there is virtually no such thing as a false allegation of child abuse. False reports are labeled "unfounded" or "unsubstantiated" but child savers insist that's not the same thing as false. They offer several reasons why, in all likelihood, any parent accused of child abuse must be guilty. Such arguments are a classic example of a half-truth. They are, quite literally, half of the truth.

Of course, America's stumbling, bumbling child-saving bureaucracy is going to mislabel some real cases of abuse -- some guilty families will be let off the hook after an investigation. But that same bureaucracy repeatedly labels innocent families guilty.

This question was examined by a major federal study, commonly known as the second National Incidence Study or NIS2. This study second-guessed child protective workers, re-checking records to see if they had reached the right conclusion. **The researchers found that protective workers were at least twice as likely and perhaps as much as six times more likely to wrongly label an innocent family guilty as they were to wrongly label a guilty family innocent.**[1] Thus, not only are more than four-fifths of all allegations false, chances are that figure is an underestimate.

Yet child savers insist that false reports are not really false. These are their reasons, **and why those arguments don't wash:**

- *The claim:* The case was labeled unfounded because the worker couldn't "prove" guilt.

**Reality:** Workers don't have to prove guilt. There is no trial, no judge, no jury. A worker can label a parent guilty and place his or her name in a state central register based entirely on her own suspicions.

The real problem is the reverse: innocent people whose cases have been wrongly "substantiated." In about two-thirds of the states, workers need only believe, in

their own minds that a "preponderance of the evidence" points to maltreatment. In other words, they need believe only that it is slightly more likely than not that maltreatment occurred to declare the case "substantiated."

In only three states is the standard higher. In the rest, the standard is even lower: Typically, in these states, a worker can label a case "substantiated" if she thinks she has "credible evidence" of maltreatment, even if there is more evidence of innocence.[2]

In a case brought by a member of the NCCPR Board of Directors, the United States Court of Appeals for the Second Circuit ruled in 1994 that "the 'some credible evidence' standard results in many individuals being placed [in the Central Register] who do not belong there." [3] It is grossly misleading for child savers to label such cases as "confirmed" or "substantiated."

- *The claim:* parents are guilty but the law doesn't define what they did as child abuse.

**Reality:** State laws are so broad that virtually anything a parent does or does not do can be labeled abuse or neglect, if a worker sees fit. Indeed, as the previous paper explains, the largest single category of "substantiated" maltreatment is "neglect," a category filled with cases in which parents have been accused of maltreatment because they are poor.

- *The claim:* The investigator had so many cases that she couldn't investigate long enough to uncover abuse or she was not trained well enough to detect it.

**Reality:** The same worker may miss evidence showing that a parent is innocent for the same reasons.

- *The claim:* The parents are guilty but the system has no help to offer, so the case was labeled unfounded.

**Reality:** On the other hand, often the system will provide help for any kind of family problem only if the family is accused of child abuse. Therefore, workers sometimes deliberately mislabel innocent

**parents guilty in order to get them “help” with other problems.**

In addition, most states lump together cases in which there has been actual maltreatment with cases where the worker thinks something just might happen in the future. These so-called "at risk" cases may make up half or more of all allegations that are "substantiated." And finally, the enormous pressure on workers has to be considered. If they label a case false and harm comes to a child, they face loss of their jobs, the enmity of the press and the public, and perhaps even criminal charges. If they wrongly label parents

guilty, even if that leads to needless foster care placement and all the harm that can cause for a child, the worker suffers no penalty. So workers practice "defensive social work" and wrongly accuse innocent parents.

For all of these reasons it is clear that of the 3.5 million children alleged to be victims of child abuse every year, a minimum of four-fifths are victims of allegations that are false -- not "unfounded," not "unsubstantiated" -- just plain false.

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1. *Study Findings: Study of National Incidence and Prevalence of Child Abuse and Neglect: 1988* (Washington: U.S. Dept. of Health and Human Services, National Center on Child Abuse and Neglect, 1988), Chapter 6, Page 5.
  2. U.S. Dept. of Health and Human Services, Administration on Children, Youth and Families, [Child Maltreatment 2013](#), Table C-1, p.119.
  3. *Valmonte v. Bane*, 18 F.3d 992 (2nd Cir. 1994).
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