

PROTECTIVE PARENT SURVEY PROJECT - 2012

The following is a preliminary analysis of a national survey of protective parents involved in custody disputes. The survey was designed and analyzed by Geraldine Stahly, PhD, professor at California State University San Bernardino, and her research team. Despite the researchers' efforts to include protective fathers, only protective mothers responded to the survey. The data reflect the entire sample (n=399) from 39 states.

SUMMARY OF RESULTS

Custody dispute arose after separation/divorce:

81% of these 399 cases occurred when the primary caretaker (the mother) had primary custody. Mothers initiated litigation 58% of the time. In 94% of cases, the dispute centered on child custody and visitation.

Substance abuse by parties at separation:

Substance abuse loomed large. 63% of fathers versus 11% of mothers were reported to have a substance abuse problem. However, 96% of mothers versus 34% of fathers were currently abstinent.

Abuse and violence were the primary reasons for starting litigation:

90% of mothers reported being victims of domestic violence. Children witnessed the violence in 80% of cases. 81% of father threatened to take the children if the mother left the relationship, and violence began or escalated at time of separation in 60% of cases. 50% of fathers and 15% of mothers had a criminal history.

Child abuse:

Allegations of child abuse arose in 89% of cases (physical abuse in 71% and sexual abuse in 64% of cases).

Evidence of child abuse said to be higher than in successful criminal cases:

Medical or physical evidence of child abuse stood at 59%. 83% of cases had other corroborative evidence of child abuse. In 75% of cases, the child positively identified the father as perpetrator.

Children's symptoms:

The children had serious symptoms: sleep disorders 72%; rage 59%; regression 56%; fears/phobias 60%; pain 55%; depression 56%; dissociation 41%; sexual acting out 40%, suicide attempt 36%; constipation/diarrhea 36%; learning disability 23%; and eating disorders 24%.

Mothers were warned not to talk, or risk losing their children:

66% of mothers were advised not to mention domestic violence or child abuse.

Custody changed:

Custody was changed over the mother's objection and/or in an emergency hearing in 69% of cases after mothers brought the following issues to the court's attention: child abuse 60%; child support 51%; domestic violence 48%; violation of court order 41%; criminal conduct 27%; substance abuse 21%; move away 16%; and spousal support 10%.

Evidence of child abuse was ignored, minimized or refuted in family court:

In 78% of cases, judges ignored or minimized evidence of abuse, along with 63% of custody evaluators; 47% of attorneys for child; and 36% of mediators.

Court-ordered child custody evaluators:

67% of mothers lost parenting rights based on evaluator's recommendation.

Court-ordered mediation:

Court-connected mediation occurred in 70% of cases. 78% of mothers had to meet with the domestic violence perpetrator face-to-face. Mothers lost parenting rights in 45% of cases based on mediator recommendations.

Court-ordered attorney for child:

Attorneys for children aggressively advocated for their young clients in a scant 9% of cases.

Outcomes:

81% of mothers started with primary custody, yet only 25% had primary custody after court proceedings. At some point in the process, 56% of mothers attempting to protect their children were restricted from all contact with their children and 47% were put on supervised visitation. 41% of mothers were declared unfit parents after trying to protect their children. 25% of fathers were arrested for spousal/child abuse, but only 16% were prosecuted.

New mental health labels for mothers:

42% of mothers were labeled with the non-scientific “Parental Alienation Syndrome” (PAS). Another 33% were labeled “Alienators.”

What mothers believe are reasons for custody outcomes:

98% of mothers believed they lost custody due to discrimination for trying to protect children from violence/abuse. 77% believed there was unethical communication among court professionals, and 76% believed there was unethical communication or relationship between father and court professionals.

Due process and law violations:

89% of mothers reported being denied the ability to adequately present the case.
72% of the fathers were represented by an attorney while the mother had no attorney.
65% of hearing transcripts were denied or delayed.
69% of ex parte hearings resulted in a custody change to the abuser without the mother present at the hearing.
60% of hearings about custody were held without a court reporter present, thus precluding an appeal.
58% of mothers were prevented from seeing or having a copy of the custody evaluation.

The current situation is grim for children:

38% of fathers have full custody, even when they were identified as perpetrators of abuse;
21% of mothers are allowed no contact at all with their children and 7% of mothers are on supervised visitation.
86% of mothers believe their children are still being abused, yet believe they cannot protect their children.
59% stopped reporting abuse for fear their contact with their children will be terminated.
66% of the children continued to report abuse.

Litigation is financially devastating and unending:

27% of mothers filed for bankruptcy after spending a modal average of \$100,000 on litigation.
78% of the cases are still in progress.

Analysis:

It is clear from these data that children are being taken from their primary caregiving mothers and placed with fathers whom the children identified as abusive. The family court is not responding well to the plight of abused children. As medical research shows, these children will have far-reaching negative outcomes in adulthood. It is incumbent upon family court to prevent such outcomes by keeping children safe and nurtured.

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