



International Comparison of Family Court Professionals' Perceptions of Parental Alienation and Child Sexual Abuse Allegations

Deborah Goldfarb¹ · Sidnei Priolo-Filho² · Janelle Sampana³ ·
Donna Shestowsky⁴ · Samara Wolpe⁵ · Lucia C. A. Williams⁶ · Gail S. Goodman⁴

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Abstract

In contested child custody cases, controversy exists as to family court professionals' attitudes regarding parental alienation (PA). Prior research shows that U.S. family court professionals are more likely to believe a case involves PA when a mother claims the father is abusing their child than when a father makes the same allegation. Critics of PA believe that statutorily recognizing PA could encourage professionals to further discredit reports of maltreatment, particularly reports by mothers, as alienation. Comparing family court professionals' views in Brazil (where PA is statutorily recognized) and the United States (where PA is not statutorily recognized) permits study of the possible relations between formal recognition of PA and case recommendations. Brazilian and U.S. family court professionals ($N = 365$) read three scenarios varying in the inclusion or exclusion of allegations of parental hostility or allegations of child maltreatment. For each scenario, the alienating parent's gender was experimentally varied between subjects. Participants rated the likelihood of each case involving PA and the appropriateness of three potential case recommendations. Analyses revealed significant differences between Brazilian and U.S. professionals: In the scenarios involving allegations of parental hostility and sexual abuse, Brazilian (relative to U.S. professionals) rated parents as more alienating but endorsed referring cases of maltreatment to child protective services at a lower rate. Participants also differed in their case recommendations depending on the gender of the alienating parent. Implications for laws, family court professionals' evaluations, and children's rights to protection in family court matters are discussed.

Keywords Sexual abuse · Custody · Parental alienation · Family court

✉ Deborah Goldfarb
deborah.goldfarb@fiu.edu

Parental alienation (PA) has drawn considerable controversy since its origination as a psychological concept (Meier 2009). In child custody disputes, PA often arises out of concern that one parent (the alienator) is fomenting false allegations that the other parent (the alienated) is maltreating the children. Yet, in child custody disputes, legitimate concerns about child maltreatment may also arise. A resulting challenge is how to protect children's rights to safety in these typically heated and complex cases.

Advocates of PA argue that it is a practical approach for identifying why children in custodial proceedings may express negative emotions towards one parent but not the other (Kelly and Johnston 2001). Opponents posit that there is simply not enough empirical support for PA to recognize it in family court decisions (Bruch 2001). Yet PA is considered by some experts as a form of child abuse in and of itself (Kelly and Johnston 2001).

Of particular importance for the present paper is that many PA opponents posit that gender biases persist from Gardner's initial formulation of the phenomenon (Bruch 2001). For example, Gardner originally argued that women are the sole perpetrators of alienation (Gardner 1992a; Gardner 1992b). Opponents of PA are thus concerned that these biases against women perpetuate in PA cases today, even when the case facts do not substantiate inter-parental hostility (Meier 2009; Meier and Dickson 2017). This gender bias may be exacerbated when it interacts with the belief that parents falsely allege child abuse to gain custody of their children (Schudson 2008). These underlying assumptions have led to considerable concern regarding child custody cases that involve allegations of PA and allegations of child sexual abuse (Kuehnle and Kirkpatrick 2005; O'Donohue et al. 2016a, b; Schudson 2008). Specifically, that parental reports (particularly reports made by mothers) of the other parent maltreating the children not only will be ignored but also will result in removing custodial rights from the parent alleging maltreatment (Meier 2009).

Research supports this concern: family court professionals appear to make different decisions as to PA and child abuse, favoring fathers over mothers (Meier and Dickson 2017; Priolo-Filho et al. 2019). Skepticism about the veracity of child sexual assault allegations by female primary caretakers can be pitted against the reality that such false allegations are infrequent; indeed, research suggests that only 12% of what social workers term intentionally false allegations of maltreatment are made by primary caretakers (who are predominately mothers) (Trocme and Bala 2005).

In the face of ongoing debates over PA, Brazil statutorily recognized PA in 2010 as a factor in custody decisions, including as a basis for changing custody to the non-alienating parent and as a modality of psychological or emotional maltreatment (Presidency of the Republic Civil House Law No. 12 318, 2010). Given that laws influence decisions by court professionals (Abramson 1972; Fallon and Meltzer 1991; McGowan et al. 2007; Scalia 1989), there is reason to believe that statutory recognition may affect recommendations in cases where PA is alleged. The United States ("U.S.") has not statutorily recognized PA as a basis for custody determinations; instead, in some states, consideration of PA is discretionary. Rather than directly recognizing PA, as is the case in Brazil, US courts can indirectly consider claims of alienation when weighing factors to make custody decisions. For instance, some courts, via case law, consider PA as a form of inter-parental hostility or a sign that the alienating parent is unlikely to encourage a relationship between the child and the alienated parent (Child Welfare Information Gateway 2016). The statutory differences between Brazil and the United

States create an opportunity to analyze whether the formal enactment of a PA statute relates to case recommendations.

Prior studies have analyzed the effects of parental gender and underlying nature of the allegations on family court professionals' decisions in the United States (Berg 2011; Meier and Dickson 2017; Priolo-Filho et al. 2019). To our knowledge, however, past scientific research has not examined whether family court professionals' decisions vary depending on the country's recognition of PA as a legitimate factor in family court decisions. This study attempts to address this gap in the literature by analyzing whether family court professionals' attitudes and case recommendations depend upon: (1) how the country within which they work legally recognizes PA; (2) the alienating parent's gender; and (3) PA allegation type (including the presence of allegations of child sexual assault), and professionals' case recommendations.

Recognition of Parental Alienation and Parental Alienation Syndrome

In developing the concept of Parental Alienation Syndrome (PAS), Richard Gardner asserted, among other things, that “vengeful mothers” attempt to gain custody by alienating the children from their fathers (Meier 2009). Gardner claimed that mothers use false claims of child abuse to encourage rejection of the other parent (Gardner 1992a, 2002; Meier 2009). Given his belief in women's tendency to falsely allege child abuse, Gardner suggested that fathers be granted custody of the children when mothers claim abuse. Gardner (2002) later acknowledged that both mothers and fathers could alienate children but based in part on his earlier writings, concerns about gender biases in interpretation of PAS claims persist.

Given concerns regarding gender bias, the lack of empirical research supporting PAS, and the need for a more practical approach, support has moved away from PAS and towards PA (Kelly and Johnston 2001; Lorandos et al. 2013). Although the definition of PA varies throughout the scientific literature, the theory (unlike PAS) recognizes that children might avoid spending time with a parent for many different reasons (conflict within the family, normal development, abusive parenting, family violence, parental abandonment, etc.) and recommends individualized assessments (Johnston 2005). Opponents of PA, however, claim that the need for individualized PA assessments is also unsupported by empirical research (Bruch 2001). The blurred line between PA and PAS could lead to PA advocates borrowing evidence in support of their theory from studies on PAS (Meier 2009). The use of PAS research to support PA theory could then encourage family court professionals to draw similar conclusions (or invoke similar gender beliefs) for both PA and PAS.

Gender of the Alienating Parent and Child Maltreatment Allegations as Factors in PA Cases

Analysis of cases within the United States suggests gender biases may persist: Fathers in these cases were twice as likely as mothers to prevail on allegations of alienation and have custody granted in their favor (Meier and Dickson 2017). Gender differences in case outcomes emerged irrespective of whether the claims or alienation were credited or discredited. Fathers who raised claims of alienation won more than mothers.

Family court professionals may be influenced by the gender of the parent alleging alienation for numerous reasons. For instance, women are often criticized for failing to adhere to gender expectations and are discouraged from adopting “male” attributes (Bowles et al. 2007; Schafran 1985). As society expects women to be passive and quiet (Bradshaw and Hinds 1997), women who argue in support of their case during a custody dispute (e.g., claiming abuse or speaking against the opposing party) could be perceived as more alienating than males who perform the same actions.

Outside of the PA context, custody evaluators’ gendered beliefs predict their custody recommendations in cases with domestic violence allegations, with evaluators who hold more gendered attitudes giving sole or joint custody to alleged offenders (who are usually male) more than evaluators who hold less gendered views (Arizona Coalition Against Domestic Violence 2003; Saunders et al. 2016). Gender stereotypes often work against mothers by increasing the likelihood of them being perceived as vindictive women who falsely allege abuse (Adams 2006). For these reasons, when women are accused of alienation (as opposed to men), family court professionals may be more likely to perceive PA as occurring, particularly when child sexual abuse is alleged during child custody disputes.

In contrast, there are reasons to believe that family court professionals may actually be more likely to find alienation when a male parent claims child sexual abuse than when a female is the alleged perpetrator. Family court officials might not believe men as frequently due to males’ increased association with aggression and violence, including abuse, compared with females (O’Donohue et al. 2016a, b; Smit et al. 2015; Stathopoulos 2013). Males are also more likely to perpetrate child sexual abuse than females (Finkelhor 1984). Thus, males may be more likely to be perceived as offenders of child sexual abuse rather than reporters of such abuse by others, which can then lead to custody decisions that favor females.

Prior research, however, paints the opposite picture: family court professionals identified a hypothetical case as involving PA more when mothers alleged child sexual abuse than when fathers made the same allegation (Priolo-Filho et al. 2019). Further, analysis of actual U.S. family court cases reveals that when a mother alleged abuse and the father reciprocated with a claim of alienation, only 6% of child sexual abuse claims made by mothers were believed by the courts (Meier and Dickson 2017). Even where the courts believed both the claim of abuse by the mother and the alienation claim by the father, courts were more likely to side with the father claiming alienation. To paraphrase the authors of the study, claims of alienation made by fathers always prevail over claims of child sexual abuse made by mothers (Meier and Dickson 2017).

None of the American family court professionals in these prior studies worked in a jurisdiction where PA was statutorily recognized as a basis for custody decisions, as it has in Brazil. Statutorily recognizing PA as a reason for changing custody away from the accusing parent may discourage separated parents from reporting suspected maltreatment. Thus, empirical research is needed on cases where PA is a possibility and that compare family court evaluators’ decisions in jurisdictions where PA is clearly recognized by statute to those where it is not.

The Present Study

This study attempts to address a gap in the literature regarding the effect of formal legal recognition of PA, the gender of the alienating parent, and the type of PA allegation

(including the presence of child sexual abuse allegations or parental hostility claims) on family court professionals' hypothetical case decisions. We asked 365 family court professionals in Brazil and the United States to complete an online survey that gauged their prior experiences in family court generally and their experiences with PA (Priolo-Filho et al. 2019). As the definition of PA varies across jurisdictions and researchers, to ensure consistency in the definition utilized by participants, we defined PA for the purposes of this study. Specifically, we defined it as the systematic disparagement (to speak damagingly of, criticize in a derogatory manner, treat or represent as lacking in value or importance) of one parent by the other parent with the intent to cause the child to feel unfriendly, hostile, or indifferent towards the other parent.

All participants read three different hypothetical cases involving PA. They then rated the likelihood that PA had occurred in that case and the suitability of three case recommendations: (1) change of custody; (2) referral to Child Protective Services (CPS); and (3) reunification with the non-alienating parent. The scenarios varied as to the presence or the absence of either hostility by one parent against the other or of child abuse allegations. The three scenarios involved allegations of Child Sexual Abuse (the alienating parent accuses the other parent of sexually abusing their child but there are no other overt hostile actions by the parent); Hostility (one parent allegedly engages in active disparagement of the other parent but there are no allegations of maltreatment); and No Hostility/No Child Sexual Abuse (one parent is accused of PA by the other parent but there are no overt allegations of hostility by that parent or allegations of maltreatment; instead, the parent alleging alienation has rarely spent time with the children). Order of the scenario type varied within subjects. Gender of the alienating parent (male vs. female) was varied between subjects to test the main effect of gender and the interaction of gender and nature of the PA allegation on case recommendations.

Three hypotheses were proposed. First, due to the statutory recognition of PA in Brazil, regardless of the nature of the allegations or the gender of the alienating parent, we anticipated that Brazilian professionals, more than U.S. professionals, would judge the likelihood of PA to be higher across all three scenarios (Hostility, Child Sexual Abuse, and No Hostility/No Child Sexual Abuse). Second, due to the possible influence of parental gender on family court professionals' decisions, we predicted that participants would find all three case recommendations (change in custody, referral to CPS, and reunification with the parent who claims being alienated) more appropriate when they read a scenario where the mother was the alienator compared with when the father was the alienator. Finally, based on the risk that PA recognition could chill child maltreatment reporting, we anticipated that Brazilian professionals would be less likely to support referring a case containing alleged child sexual abuse to CPS compared with U.S. professionals. To evaluate these hypotheses, we utilized a 2 (country: Brazil, US) \times 2 (alienating parent gender: female, male) \times 3 (scenario type: Hostility, Child Sexual Abuse, and No Hostility/No Child Sexual Abuse) factorial design, with country and gender as between-subjects factors and scenario type as a within-subject factor.

Method

Participants

Three hundred and sixty-five family court professionals (i.e., individuals who play a role in custody decisions, including judges, attorneys, etc.) in either Brazil or the United

States participated (Table 1). Participants from the United States included 205 professionals (131 females) ranging in age brackets from 26 to 35 years of age to over 66 years of age. The 160 Brazilian participants (134 females) ranged in age brackets from 18 to 25 years of age to over 66 years of age (see Table 1).

Participants were recruited utilizing a snowball sampling method. U.S. participants were contacted from a list of emails gathered for prior research on/regarding U.S. family court professionals' decisions (Saunders et al. 2011). Brazilian participants were recruited using court emails available on the Family and Civil Rights System website. Those with available emails were sent a standardized email inviting them to participate in the study. All participants were welcomed to invite colleagues to participate. None of the participants received financial compensation for their participation, abiding by Brazilian laws regarding scientific research participation.

Measures

Demographics A demographics measure was developed specifically for this study to gather information about participants' current profession; country where they practice; gender; age; years of experience; and number of custody evaluations, decisions, or recommendations conducted throughout their career. Age was indicated by marking one of six age categories with 1 = 18–25, 2 = 26–35, 3 = 36–45, 4 = 46–55, 5 = 56–65, and 6 = 66+. Similar to the question about age, participants indicated their approximate number of years of conducting or making custody evaluations, decisions, or recommendations professionally using one of five categories. The five categories were 1 = none, 2 = less than 1 year, 3 = 1 to 5 years, 4 = 6 to 10 years, and 5 = more than 10 years. Participants provided approximations of the number of custody evaluations, decisions, or recommendations they had conducted throughout their career by selecting

Table 1 Participant characteristics: professions

Professions	US	Brazil	Total
	<i>n</i>	<i>n</i>	<i>N</i>
Psychiatrist	4 (2%)	0 (0%)	4 (1%)
Attorney	50 (24%)	1 (< 1%)	51 (14%)
Judge	7 (3%)	8 (5%)	15 (4%)
Researcher	3 (1%)	3 (2%)	6 (2%)
Counselor	19 (9%)	4 (3%)	23 (6%)
Mediator	47 (23%)	2 (1%)	49 (13%)
Court evaluator	32 (16%)	9 (6%)	41 (11%)
Marriage family therapist	31 (15%)	3 (2%)	34 (17%)
Social worker	26 (13%)	59 (37%)	85 (23%)
Psychologist	82 (40%)	80 (50%)	162 (44%)
Professor	13 (6%)	5 (3%)	18 (5%)
Other	20 (10%)	0 (0%)	20 (5%)

Note: Participant totals are not 365 and the percentages are greater than 100 because some participants indicated multiple professions

one of five categories ranging from “0” to “Over 100.” Regarding profession, the questionnaire permitted marking more than one occupation category from a list of potential occupations (e.g., psychiatrist, attorney, judge, researcher).

Familiarity with PA and PAS One self-report question evaluated participants’ familiarity with PA and PAS. For this question, respondents indicated if they were familiar with PA and PAS by checking one of the following options: “Parental Alienation Syndrome,” “Parental Alienation,” “I am not familiar with either of these terms,” and “Don’t Know.”

Parental Alienation Scenarios In this measure, participants were asked to evaluate and provide their professional recommendations for, three hypothetical child custody cases (see Appendix A of Priolo-Filho et al. 2019). Each hypothetical case, based on prior real-world cases in the United States and Brazil and specifically designed for this study, involved a divorced couple (a male father and a female mother) in custody dispute involving allegations of PA. There were three scenario types: Hostility, Child Sexual Abuse, and No Hostility/No Child Sexual Abuse. Gender of the alienating parent was counterbalanced across scenario versions. After each scenario, five ratings were requested: Participants responded to whether the cases involved PA using a 4-point scale, with 1 = “definitely not,” 2 = “probably not,” 3 = “probably yes,” and 4 = “definitely yes.” Finally, for each scenario, a 6-point Likert scale, with 1 = “very inappropriate” to 6 = “very appropriate,” was presented for rating the appropriateness of various case recommendations, including reunification with the parent who claims being alienated, change in custody, and referral to CPS.

Procedure

The research was approved by the two universities’ Institutional Review Boards. In the email study invitation, participants received a link to an online study administered via Qualtrics. To accommodate the professionals’ busy schedules, participants could complete the study in one or multiple sessions. Consent to participate was obtained prior to the start of the survey. U.S. participants received an English version of the survey that was created by native English speakers. A Portuguese version of the survey, which was translated and checked by bilingual Brazilians, including a certified translator, was given to Brazilian participants.

Participants initially answered the demographic questions (e.g., age, profession, years of experience), indicated their familiarity with PA and PAS, and then read the three scenarios corresponding to the three scenario types with the scenarios presented in a random order. Gender of the alienating parent was randomly assigned between participants (e.g., half of the participants read a scenario where the mother was the alienator and the other half read a scenario where the father was the alienator). Each participant, however, read at least one mother scenario and at least one father scenario (Priolo-Filho et al. 2019). Participants rated whether the case involved PA and the appropriateness of different case recommendations (e.g., referral to CPS) at the end of each scenario.

Results

To determine whether the statutory adoption of PA as a basis for custody decisions related to family court professionals' decisions in cases involving PA allegations, it was first necessary to analyze whether there were significant differences between Brazilians and U.S. participants' prior exposure to the concept of PA. Next, we analyzed whether the family court professionals' ratings in the hypothetical cases (specifically, whether the case involved PA and the appropriateness of case recommendations [change in custody, referral to CPS, and reunification with the allegedly alienated parent]) were predicted by the country of the participant (Brazil vs. US), the scenario type (Hostility, Child Sexual Abuse, and No Hostility/No Child Sexual Abuse), and the gender of the alienating parent (male vs. female). Country and alienating parent gender (per scenario) were between-subjects factors, and scenario type was a within-subject factor.

Preliminary Analyses on Knowledge of and Experiences with Parental Alienation and Family Court Decisions

We began by considering differences between Brazilian and U.S. participants' familiarity with the term PA. None of the U.S. and only 1 Brazilian participant declared that they were *not* familiar with PA (0.006%). Instead, the vast majority of participants from both countries reported that they were familiar with PA (203 of the U.S. participants [99.0%] and 159 [99.4%] of the Brazilians). Regarding PAS, 202 U.S. respondents said they were familiar with this term (98.5%), whereas 140 (87.5%) Brazilians reported being familiar with it, and 20 (12.5%) reported not being familiar with the term. One participant in each country reported "Don't know." Separate chi-square tests showed that participants did not significantly differ on their PA familiarity based on their country of practice ($\chi^2(1, N = 365) = 1.27, p = 0.26$).

We next analyzed whether there were any significant differences between Brazilian and American participants concerning professional background or demographic variables. A chi-square test revealed a significant difference between U.S. and Brazilian participants' gender ($\chi^2(1, N = 365) = 17.80, p < 0.001$), with Brazil having more female participants than the U.S. sample. Participants also significantly differed as to their professional experience as an attorney, with Brazil having fewer attorneys in the study ($\chi^2(1, N = 365) = 84.24, p < 0.001$). One-way ANOVAs, with country (United States vs. Brazil) as a between-subjects variable, analyzing participants' age, years of experience, and the number of cases involving PA participants had worked on showed that there were no significant differences among participants as to the number of cases involving PA on which they had worked (Brazil: $M = 4.08$, CI [3.902, 4.248]; US: $M = 3.88$, CI [3.689, 4.077]). Brazilians and U.S. participants did significantly differ in age bracket ($F(1,364) = 473.19, p < 0.001$) and number of years of experience ($F(1,364) = 35.95, p < 0.001$) with Brazilians being younger ($M = 3.03$, CI [2.866, 3.184]) and having fewer years of experience ($M = 3.55$, CI [3.376, 3.724]) than Americans (age: $M = 5.14$, CI [5.025, 5.258]; years of experience: $M = 4.34$, CI [4.153, 4.520]). Age bracket and years of experience with PA were strongly correlated ($r = .42, p = 0.01$). However, as years of experience more directly relates to our questions of interest (differences in family court professionals' case recommendations compared with age), we controlled for years of experience in the analyses below.

Ratings in Hypothetical Parental Alienation Scenarios

Given the controversy surrounding the adoption of PA as a statutory basis for changing custody, we analyzed whether country of practice and gender of the putative alienating parent related to participants' perceptions of PA involvement and views of appropriateness of case recommendations in the three PA scenarios. As all of the dependent variables (beliefs that PA is occurring in the case and support for the three case recommendations) were theoretically associated (all were indices of views regarding PA) and most were statistically correlated (Table 2), we performed multivariate analyses of variance, entering the five ratings per scenario as dependent measures. The number of years of experience in the family court was also controlled for in all analyses. Thus, *each* scenario was analyzed separately using a 2 (country: Brazil, United States) \times 2 (alienating parent gender: female, male) between-subjects multivariate analysis of covariance (MANCOVA), with participants' number of years of experience in the family courts as a covariate.

Hostility Scenario

We conducted analyses on participants' ratings for the scenario concerning hostility without any allegations of abuse—that is, where one parent claims PA, and the parent accused of PA denies performing any alienating actions. A 2 (country: Brazil, United States) \times 2 (alienating parent gender: female, male) between-subjects MANCOVA on participants' ratings of the likelihood of PA and their subsequent views of appropriateness of the case recommendations, controlling for years of experience, revealed significant multivariate main effects for country ($F(4,354) = 22.16, p < 0.001, \eta_p^2 = 0.20$) and alienating parent gender ($F(4,354) = 4.57, p = 0.001, \eta_p^2 = 0.05$). A significant Country \times Gender interaction also emerged ($F(4,354) = 3.80, p = 0.005, \eta_p^2 = 0.04$); univariate analyses revealed that the interaction was significant only as to whether reunification was an appropriate case recommendation ($F(1, 357) = 9.45, p = 0.002, \eta_p^2 = 0.03$). The main effects and interactions are detailed below.

Regarding the significant main effect of country, univariate analyses revealed that Brazilian and U.S. participants significantly differed in their endorsement of the case involving PA and in their views of appropriateness for case recommendations. Brazilian participants perceived the case as more alienating ($M = 2.77, SD = 0.57, CI [2.662, 2.884]$) than U.S. participants ($M = 2.50, SD = 0.50, CI [2.406, 2.601]$) ($F(1, 357) = 12.21, p = 0.001, \eta_p^2 = 0.03$) (Fig. 1). As for case recommendations, Brazilians endorsed the remedies of changing custody and referring the case to CPS more than U.S. participants (Brazil change of custody rating: $M = 2.84, SD = 0.09, CI [2.662, 3.021]$; U.S. change of custody rating: $M = 2.54, SD = 0.08, CI [2.384, 2.700]$, $F(1,357) = 5.77, p = 0.017, \eta_p^2 = 0.02$; Brazil CPS referral rating: $M = 2.52, SD = 0.10, CI [2.333, 2.711]$; U.S. CPS referral rating: $M = 1.70, SD = 0.08, CI [1.532, 1.864]$, $F(1,357) = 39.55, p < 0.001, \eta_p^2 = 0.10$).

Participants did not significantly differ as to their views of whether the case involved alienation depending on whether the mother or the father was the alienator ($p = 0.108$) (Fig. 2). However, gender of the alienator parent significantly affected participants' endorsement of all three of the recommended outcomes. Participants who read the scenario where the mother was the alienator favored change in custody ($M = 2.84, SD =$

Table 2 Correlations among dependent variables

	1	2	3	4	5	6	7	8	9	10	11	12
1. Hostility: PA involvement	1											
2. Hostility: reunification	0.13*	1										
3. Hostility: change custody	0.34**	0.17**	1									
4. Hostility: CPS	0.19**	0.22**	0.25**	1								
5. Child Sexual Abuse: PA involvement	0.18**	0.07	0.02	0.04	1							
6. Child Sexual Abuse: reunification	0.03	0.43**	0.05	0.16**	0.25**	1						
7. Child Sexual Abuse: change custody	0.16**	0.22**	0.31**	0.21**	-0.16**	0.10	1					
8. Child Sexual Abuse: CPS	0.06	0.05*	0.11	0.25**	-0.16**	-0.15**	0.17**	1				
9. No Hostility/No Child Sexual Abuse: PA involvement	0.13*	0.08	0.06	.13*	0.15**	0.06	0.09	-0.02	1			
10. No Hostility/No Child Sexual Abuse: reunification	0.08	0.41**	0.03	0.14**	0.02	0.35**	0.19**	0.05	0.22**	1		
11. No Hostility/No Child Sexual Abuse: change custody	0.16**	0.14**	0.31**	0.26**	0.05	0.15**	0.27**	-0.02	0.41**	0.23**	1	
12. No Hostility/No Child Sexual Abuse: CPS	0.18**	0.19**	0.18**	0.65**	0.09	0.19**	0.19**	0.19**	0.34**	0.16**	0.44**	1

N = 365

* $p < 0.05$ ** $p < 0.01$

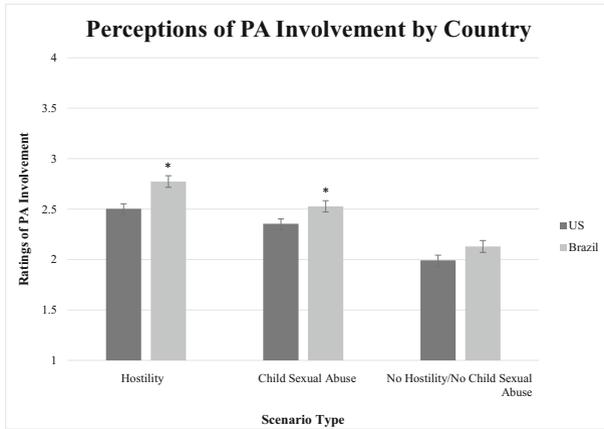


Fig. 1 U.S. vs. Brazilian participants’ perceptions of PA involvement

0.08, CI [2.668, 3.003]) significantly more than those who read the scenario where the father was the alienator ($M = 2.56$, $SD = 0.08$, $CI [2.385, 2.711]$; $F(1,357) = 5.88$, $p = 0.016$, $\eta_p^2 = 0.02$). Participants also rated a referral to CPS as more appropriate when they read that the mother was the alienator ($M = 2.25$, $SD = 1.293$, $CI [2.072, 2.423]$; $F(1,357) = 4.89$, $p = 0.028$, $\eta_p^2 = 0.01$) than when they read about the father as the alienator ($M = 1.97$, $SD = 0.08$, $CI [1.801, 2.143]$). However, those who read about the father as the alienator found reunification with the parent who claimed being alienated as more appropriate ($M = 4.07$, $SD = 0.11$, $CI [3.859, 4.273]$) than those who read about the mother as the alienator ($M = 3.71$, $SD = 0.11$, $CI [3.497, 3.922]$; $F(1,357) = 5.58$, $p = 0.019$, $\eta_p^2 = 0.02$).

There was also a significant interaction between alienating parent gender and country for endorsing reunification as an appropriate case recommendation. Because this interaction was not hypothesized, we conducted post hoc analyses, which revealed that Brazilian participants were more likely to state that reunification was appropriate when the father was the alleged alienating parent ($M = 4.89$, $SD = 0.99$, $CI [4.59, 5.19]$)

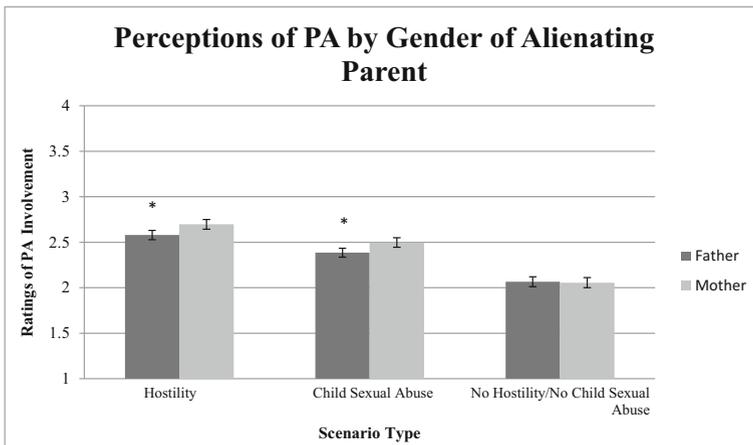


Fig. 2 Father as alienator vs. mother as alienator: perceptions of PA involvement by scenario

than when the mother was the alleged alienating parent ($M = 4.07$, $SD = 1.05$, $CI [3.74, 4.41]$; $p = 0.022$). U.S. participants, however, did not significantly differ in this recommendation depending on the gender of the alienating parent (male: $M = 3.24$, $SD = 1.65$, $CI [2.95, 3.53]$; female: $M = 3.35$, $SD = 1.50$, $CI [3.08, 3.61]$; $p = 0.287$). Further, as with the other case outcomes discussed above, professionals from Brazil ($M = 4.48$, $SD = 0.11$, $CI [4.253, 4.710]$) were more likely than those from the United States ($M = 3.29$, $SD = 0.10$, $CI [3.093, 3.494]$) to endorse reunification regardless of the gender of the alienating parent ($F(1,357) = 56.28$, $p < 0.001$, $\eta_p^2 = 0.14$).

Child Sexual Abuse Scenario

The next set of analyses pertained to the Child Sexual Abuse scenario. In this case, a parent asserts that the other parent has sexually abused their child and the accused parent claims the maltreatment allegations are acts of PA. A 2 (country: Brazil, US) \times 2 (alienating parent gender: female, male) between-subjects MANCOVA on participants' ratings of PA and their subsequent views of appropriateness of case recommendations, controlling for years of experience, revealed significant multivariate main effects for country ($F(4,356) = 15.02$, $p < 0.001$, $\eta_p^2 = 0.14$) and gender of alienating parent ($F(4,356) = 3.48$, $p = 0.008$, $\eta_p^2 = 0.04$). The interaction was not significant.

Univariate analyses revealed that, compared with U.S. participants ($M = 2.36$, $SD = 0.64$, $CI [2.260, 2.451]$), Brazilian participants ($M = 2.52$, $SD = 0.09$, $CI [2.417, 2.637]$) rated the scenario as more likely to involve acts of alienation ($F(1,359) = 5.16$, $p = 0.024$, $\eta_p^2 = 0.01$) (Fig. 1). U.S. and Brazilian participants also differed as to their views of all three case recommendations ($F_s(1,359) \geq 5.93$, $p_s \leq 0.015$, $\eta_p^2_s \geq 0.02$) (Fig. 3). Specifically, Brazilians viewed a change in custody as more appropriate ($M = 3.15$, $SD = 0.10$, $CI [2.939, 3.356]$) than did U.S. participants ($M = 2.63$, $SD = 0.09$, $CI [2.449, 2.811]$). Brazilian participants also endorsed reunification with the parent who claimed to be alienated ($M = 3.98$, $SD = 0.11$, $CI [3.766, 4.202]$) more than did U.S. participants ($M = 3.02$, $SD = 0.09$, $CI [2.834, 3.213]$). In addition, U.S. participants rated a referral

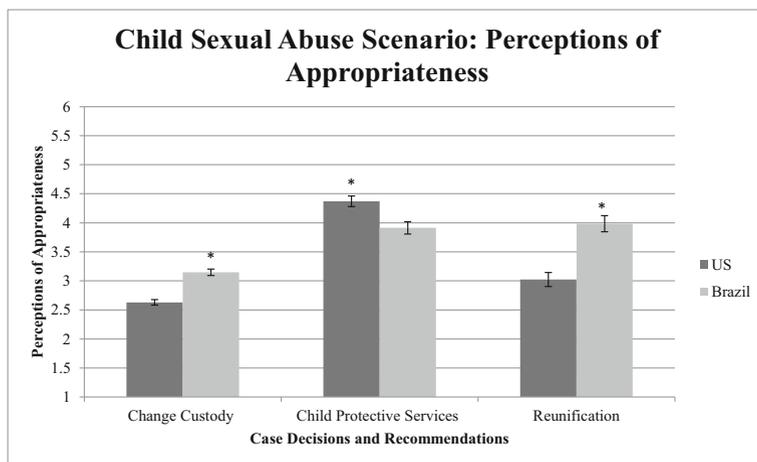


Fig. 3 U.S. vs. Brazil perceptions of appropriateness of case decisions and recommendations for the Child Sexual Abuse scenario

to CPS as more appropriate compared with Brazilian participants (US: $M = 4.37$, $SD = 0.12$, $CI [4.135, 4.609]$; Brazil: $M = 3.91$, $SD = 0.14$, $CI [3.640, 4.186]$). Although Brazilians generally believed that this scenario reflected PA and supported changing custody and instituting reunification services, Brazilian professionals were less supportive of referring this case to CPS than U.S. professionals.

As to the gender of the alienating parent, univariate analyses showed that participants who read the scenario where the father was the alienator found a change in custody more appropriate ($M = 3.12$, $SD = 0.09$, $CI [2.934, 3.308]$) than when the mother was the alienator ($M = 2.66$, $SD = 0.10$, $CI [2.462, 2.851]$) ($F(1,359) = 11.45$, $p = 0.001$, $\eta_p^2 = 0.03$) (Fig. 2). No other significant differences emerged as to either case recommendations or perceptions that the case involved alienation ($ps > 0.120$) (Fig. 4).

No Hostility/No Child Sexual Abuse Scenario

In the final hypothetical, No Hostility/No Child Sexual Abuse, the primary parent alleges PA, but without any overt hostility from either parent. One parent has primary custody, and the other parent spends almost no time with the children. This scenario establishes a sort of a baseline, as there are no overt allegations of any negative acts by the other parent.

A 2 (country: Brazil, United States) \times 2 (alienating parent gender: female, male) between-subjects MANCOVA on participants' ratings of PA and their subsequent views of the appropriateness of case recommendations, controlling for years of experience, revealed significant multivariate main effects for country ($F(4,355) = 18.23$, $p < 0.001$, $\eta_p^2 = 0.17$) and alienating parent gender ($F(4,355) = 2.77$, $p = 0.027$, $\eta_p^2 = 0.03$). The interaction was not significant ($p = 0.319$).

Univariate analyses showed that although Brazilian and U.S. participants did not significantly differ as to their ratings of whether the case was alienating, there was a trend towards Brazilians rating the scenario as more alienating than U.S. professionals (Brazil: $M = 2.13$, $SD = 0.06$, $CI [2.013, 2.246]$; US: $M = 1.99$, $SD = 0.05$, $CI [1.891, 2.095]$) ($F(1,358) = 2.87$, $p = 0.091$, $\eta_p^2 = 0.008$) (Fig. 1). Further, Brazilians and U.S.

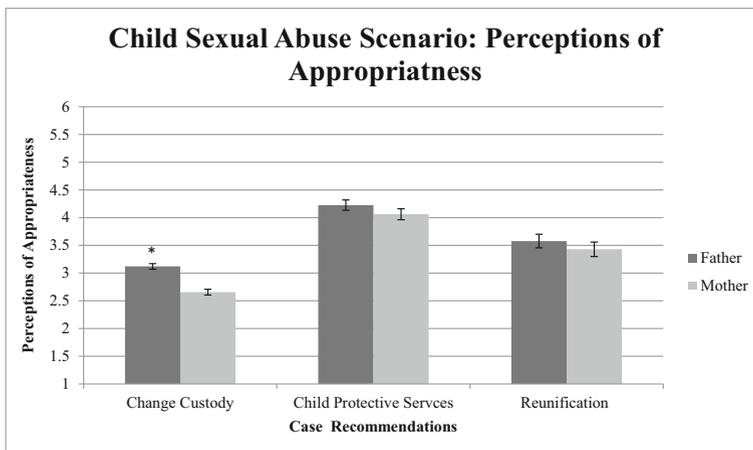


Fig. 4 Father as alienator vs. mother as alienator: case recommendation ratings for the Child Sexual Abuse scenario.

professionals were significantly different as to their ratings for all three case recommendations ($F(1,358) \geq 5.34$, $ps \leq 0.021$, $\eta_p^2s \geq 0.02$). Specifically, Brazilians endorsed all three recommendations more than U.S. participants: change in custody (Brazil: $M = 2.11$, $SD = 0.08$, $CI [1.951, 2.281]$; US: $M = 1.85$, $SD = 0.07$, $CI [1.710, 1.997]$); referral to CPS (Brazil: $M = 2.23$, $SD = 0.08$, $CI [2.067, 2.399]$; US: $M = 1.51$, $SD = 0.07$, $CI [1.366, 1.566]$); and reunification with the parent claiming that they were alienated (Brazil: $M = 5.06$, $SD = 0.12$, $CI [4.828, 5.299]$; US: $M = 4.11$, $SD = 0.11$, $CI [3.901, 4.313]$).

The gender of the alienating parent did not significantly affect ratings of how alienating the case was ($p = 0.900$) or the appropriateness of reunification as a case recommendation ($p = 0.910$) (Fig. 2). However, participants who read the hypothetical in which the father was the alienator thought that change in custody was more appropriate ($M = 2.13$, $SD = 0.08$, $CI [1.984, 2.284]$) than participants who read about the mother as the alienator ($M = 1.84$, $SD = 0.08$, $CI [1.684, 1.988]$) ($F(1,358) = 7.54$, $p = 0.006$, $\eta_p^2 = 0.02$), and also rated a referral to CPS as more appropriate ($M = 2.00$, $SD = 0.08$, $CI [1.847, 2.149]$) than when mother was the alienator ($M = 1.75$, $SD = 0.08$, $CI [1.592, 1.899]$) ($F(1,358) = 5.31$, $p = 0.022$, $\eta_p^2 = 0.02$).

Participant Gender and Professional Experience Follow-up Analyses

The significant effects of gender of the alienating parent described above may have been driven by participant gender because there were differences in gender distributions between the Brazilian and U.S. samples. Indeed, prior research has suggested gender differences in reactions to child sexual abuse cases (Bottoms et al. 2007) and in family court case recommendations (Arizona Coalition Against Domestic Violence 2003; Priolo-Filho et al. 2019). To test this potential rationale, we ran the analyses detailed above controlling for the gender of the participant. The effects of country and alienating parent gender remained significant.

Given that the preliminary analyses also revealed a significant difference among participants in their professional training as an attorney, we conducted the same analyses as above but, instead of controlling for gender, we controlled for whether the participant listed their profession as being an attorney. Once again, country and gender of the alienating parent remained significant. Thus, the results in our primary/main analyses above were not driven by differences in the distributions of gender or attorney profession across the two samples.

Discussion

The present study built on the legal distinction existing between Brazil and the United States to examine whether the formal enactment of a PA statute relates to family court professionals' ultimate case recommendations. Although causal inference regarding differences between the two countries is not possible, to our knowledge, this study is the first to provide information relevant to this issue. We found that Brazilian professionals were more likely than U.S. professionals to state that a case involved PA when parental hostility was alleged (and a trend to do so even when hostility was *not* alleged) and were generally more likely to recommend interventions. The only exception to this

pattern was that Brazilians, compared with Americans, recommended referring cases involving child sexual abuse to CPS less frequently, which is consistent with the notion that statutory recognition of PA may have a chilling effect on maltreatment reporting. It is possible that recognition of PA discredits reports of maltreatment as alienation, which decreases professionals' CPS referrals as they come to expect false allegations of abuse when handling PA cases.

We also built upon prior work empirically analyzing the existence of discrepant treatment of male and female parents in family court cases involving PA (Berg 2011; Meier and Dickson 2017; Priolo-Filho et al. 2019). As in earlier studies, we specifically manipulated the gender of the alienating parent across each of the three different types of PA allegations (Hostility, Child Sexual Abuse, and No Hostility/No Child Sexual Abuse). Family court professionals' case recommendations differed depending on the gender of the alleged alienator. Ratings of the appropriateness of specific case recommendations revealed mixed results, indicating that biases about both male and female parents may exist within family court systems but express themselves in different case recommendations.

Recognition of PA as a Basis for Custody Decisions and Case Recommendations

Using the differences in how the law recognizes PA between Brazil and the United States (with Brazil statutorily recognizing PA and the United States lacking formal statutory recognition) as a starting point, we found that Brazilian and US professionals' analyses of hypothetical cases involving PA differed. Brazilian participants were more likely than U.S. participants to find that a case involved PA across all three scenarios and were generally more likely to endorse case intervention into the status quo custodial arrangement. Thus, Brazilian professionals who function in a legal environment where PA is statutorily endorsed appear more likely than U.S. professionals to both perceive PA as occurring, even when both groups were viewing the same facts, and also increasingly endorse methods of intervention into custody arrangements (e.g., change of custody or reunification).

That said, there are other potential explanations for our findings apart from statutory differences. Brazil's adoption of PA as a statutory basis for changing custody could simply reflect the country's societal support for PA (Sunstein 1996). Because a general cultural approval of PA could underlie the country's adoption of federal PA legislation, Brazilian compared with American professionals may be more likely to recognize PA. Relatedly, although the United States has not universally adopted a statute endorsing PA as Brazil has done, some courts within the United States have recognized the concept of PA (often via case law). Therefore, some of our effects may be suppressed by comparing Brazil with the United States rather than a country that affirmatively rejects PA. To investigate whether the law might cause change in attitudes or whether attitudes might cause change in the law, future studies should analyze hypothetical case ratings both before and after the adoption of PA as a basis for custody decisions within the same jurisdiction.

This study also documents the possibility that the statutory recognition of PA chills reports of maltreatment. Brazilians were less likely than their U.S. counterparts to refer a case involving child sexual abuse to CPS. Other than this specific rating, Brazilian participants endorsed all other recommendations more than those in the United States. This result speaks to the possibility that formally adopting PA into law discourages

reporting of child sexual abuse by court professionals. It could be that statutory recognition of PA normalizes allegations of child maltreatment by encouraging court officials to perceive any allegation of child abuse as an act of PA. Similarly, family court professionals may come to expect such allegations in cases involving PA, believing they are normal alienation tactics. Alternatively, it could be that this effect results from differences in how CPS functions across the two countries (e.g., Brazilian family court professionals may refer cases to CPS less often than family court professionals in America). Future research should draw on data from the courts that might compare actual rates of reporting across the two countries before and after the adoption of a PA statute, such as the one in Brazil.

The difference in CPS referrals across the two countries, with Brazilians being less likely than Americans to endorse CPS referrals, cuts against the argument that Brazilian participants were merely more likely to use the higher end of the survey scales than were the American participants. This thus makes it less likely that difference in response tendencies between the two countries explains the difference in endorsement of PA in the scenarios. Instead, there are reasons to believe that the differences in perceptions of PA and in case recommendations may be related to differences between the two countries, including the statutory adoption of PA in Brazil.

Differential Effect of Gender on Outcomes in Parental Alienation Cases

The results of this study also provide further evidence that men and women may be treated differently within family court systems when PA is alleged. Of interest, while there were no significant differences as to whether PA was ongoing in a case depending on the gender of the alienating parent, there were some significant differences in participants' rates of endorsement for case recommendations in certain PA scenarios. Specifically, as in prior studies (Priolo-Filho et al. 2019) in what might be viewed as the typical PA case (involving hostility by one parent against the other without allegations of sexual abuse), participants were more likely to endorse all forms of intervention against mothers. Participants favored changing custody and referring a case to CPS when the mother was the alleged alienator and were more likely to encourage reunification when the father was the alleged alienator. Thus, cases where women engage in "typical" forms of PA (as seen in the hostility scenario) may be seen as more alienating than men who engage in precisely the same behaviors.

We also found, irrespective of country of practice, that family court professionals were more likely to endorse a referral to CPS in the child sexual abuse case when the father claimed that sexual abuse was occurring at the mother's home than when the mother was the complaining parent. As gender was empirically manipulated here (simply changing gender-specific words or phrases), these findings hint at differential treatment of males and females in family court and may suggest bias against women.

Not all differential findings, however, were against women. Brazilian participants were less likely to endorse reunification with the father (as compared with the mother) when only inter-parental hostility, but not sexual abuse, was alleged. In other words, in this type of case, participants showed a preference for reuniting the child with the mother. This may derive from Brazilians' views that mothers are and should be the primary caregiver (Barker 2008; Borsa and Nunes 2017).

A number of factors encourage further research on and replication of these findings. First, in this study, the sexual abuse scenario did not name the alleged perpetrator of the sexual abuse, whether it was the mother or the father or one of their new significant others. Given differences in reported rates of perpetration of child sexual abuse by males and females, participants may have assumed different perpetrators, perhaps leading some participants to believe that the father was the abuser in some cases and others believing that the mother did not sexually abuse the child but, instead, failed to protect the child from her boyfriend. Second, our effect sizes in this study were small, and participants often did not endorse any intervention as appropriate, regardless of the gender of the parent. Third, our results both align (Meier and Dickson 2017; Priolo-Filho et al. 2019) and contrast with previous research suggesting a bias against males in family court cases (Kelly and Johnston 2008; O'Donohue et al. 2016a, b; Smit et al. 2015; Stathopoulos 2013). Given this split in the research and potential differences resulting from beliefs as to rates of perpetration of sexual abuse by males and females, further studies must be conducted to replicate and elucidate the mechanism underlying these findings.

Despite the small effect sizes, this study aligns with earlier work showing gender-based differences in case outcomes in family courts. Such differences based on gender should give us pause as they may have a snowball effect throughout the pendency of a case, coloring claims made during motions, hearings, and other aspects of the case, as less credible. Compounding doubts about the credibility of statements may eventually produce a family court that shows preferential treatment based on the gender of the parent. Moreover, perhaps especially when allegations of child maltreatment are accurate, children's rights to safety may be adversely affected by differences in case outcomes based on the gender of the parent who alleges maltreatment.

Conclusion

Legal scholars have expressed the concern that if countries were to recognize PA as a statutory basis for family court custody decisions, then the legal recognition will encourage bias against female parents in cases involving allegations of PA or that these laws will chill reporting of child maltreatment (Bruch 2001). This study addresses these concerns and provides preliminary evidence that the adoption of PA may decrease the reporting of child sexual abuse to CPS. Further, family court professionals in Brazil, where PA is legally recognized at the national level, found PA at a higher rate than professionals where PA is not statutorily recognized. These results signify another step towards understanding the possible impact of the law in this area on case recommendations. This study also documents potential differential decision-making in family court professionals' views of PA cases based solely on the gender of the parent, including decisions involving allegations of child maltreatment. When allegations of child maltreatment are true, our findings suggest that professionals' gender biases may adversely affect children's rights to personal safety in family court settings.

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Compliance with Ethical Standards

The research was approved by the two universities' Institutional Review Boards.

Conflict of Interest The authors declare that there are no conflicts of interest.

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Affiliations

Deborah Goldfarb¹ · Sidnei Priolo-Filho² · Janelle Sampana³ · Donna Shestowsky⁴ · Samara Wolpe⁵ · Lucia C. A. Williams⁶ · Gail S. Goodman⁴

¹ Florida International University, 11200 SW 8th Street, Miami, FL 33199, USA

² Universidade Tuiuti do Paraná, Curitiba, Brazil

³ Georgetown University, Washington, D.C., USA

⁴ University of California, Davis, Davis, USA

⁵ University of California, Santa Cruz, Santa Cruz, USA

⁶ Universidade Federal de São Carlos, São Carlos, Brazil