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# **Malicious Referrals, Custody Disputes and Police Involvement in the Canadian Child Welfare System: Data Tables from the 2008 Canadian Incidence Study of Reported Child Abuse and Neglect**



**Malicious Referrals, Custody Disputes and Police  
Involvement in the Canadian Child Welfare System: Data  
Tables from the 2008 Canadian Incidence Study of Reported  
Child Abuse and Neglect**

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**Presented to:**

Family, Children and Youth Section  
Department of Justice Canada

*The views expressed in this report are those of the author  
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*Aussi disponible en français*

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# Malicious Referrals, Custody Disputes and Police Involvement in the Canadian Child Welfare System: Data Tables from the 2008 Canadian Incidence Study of Reported Child Abuse and Neglect

Barbara Fallon, Rachael Lefebvre, Meghan Seto, and Melissa Van Wert

## Introduction

This report presents information about malicious referrals to child welfare agencies in Canada using data from the 2008 Canadian Incidence Study of Reported Child Abuse and Neglect (CIS-2008). The CIS-2008 is the third national study to examine the incidence of reported child abuse and neglect in Canada (Trocmé et al., 2010b). The primary objective of the CIS-2008 was to provide reliable estimates of the scope and characteristics of child abuse and neglect investigated by child welfare organizations in Canada in 2008 (Trocmé et al., 2010a).

The published literature examining the incidence and prevalence of false allegations in child welfare investigations is limited. Much of the research was conducted in the 1990's and focuses primarily on false allegations of sexual abuse in the context of custody/access disputes (Corwin, Berliner, Goodman, & Goodwin, 1987; Coulborn, 1991; Elterman & Ehrenberg, 1991; Faller & DeVoe, 1995; Green, 1991; Theoenes & Tjaden, 1990; Wakefield & Underwager, 1990). In the Canadian Incidence Study of Reported Child Abuse and Neglect 1998 (CIS-1998), four percent of the investigations were judged to have been triggered by intentionally false

allegations of child abuse or neglect (Trocmé & Bala, 2005). Approximately 2% of reports from custodial parents were classified as intentionally false (Trocmé & Bala, 2005). Twenty-five percent of reports from anonymous sources and 15% of reports from noncustodial parents were classified as intentionally false reports (Trocmé & Bala, 2005).

## Methodology

The CIS-2008 used a multi-stage sampling design to select a representative sample of 112 child welfare agencies in Canada and then to select a sample of cases within these agencies. Information was collected directly from child protection workers on a representative sample of 15,980 child protection investigations conducted during a three month sampling period in the fall of 2008. These child protection investigations involved children age zero to 15 years old. There is provincial/territorial variation in the ages served by child welfare authorities. The lowest common age range for child welfare services across Canada is zero to 15 years old, and therefore we use this range when presenting results. Every table in this analysis, with the exception of Table 7 (*Youth Criminal*

*Justice Act* involvement)<sup>1</sup>, includes investigations involving children age zero to 15. The data collected for the CIS-2008 were weighted in order to derive national annual incidence estimates, first by applying a composite regionalization weight and then by applying an annualization weight.

Due to changes in investigation mandates and practices over the last 10 years, the CIS-2008 differed from previous cycles in that it tracked both risk-only investigations and maltreatment investigations. Risk-only investigations were those in which a specific incident of maltreatment was not suspected or alleged to have occurred, but rather a constellation of factors lead to concerns that a child may be maltreated in the future (e.g., caregiver with a substance abuse issue). Certain information is unavailable for risk-only investigations, and therefore the present analysis only includes risk-only investigations in Table 5 (child custody dispute) and Table 7 (*Youth Criminal Justice Act* involvement). Information about malicious referrals was not collected for risk-only investigations.

<sup>1</sup> *Youth Criminal Justice Act* is applicable to youth age 12 to 17 in Canada. Because the CIS-2008 does not have nation-wide information about young people age 16 and older, only young people age 12 to 15 are examined in Table 7.

For maltreatment investigations, information was collected regarding the primary form of maltreatment investigated as well as the level of substantiation for that maltreatment. Thirty-two forms of maltreatment were listed on the data collection instrument, and these were collapsed into five broad categories: physical abuse (e.g., hit with hand), sexual abuse (e.g., exploitation), neglect (e.g., educational neglect), emotional maltreatment (e.g., verbal abuse or belittling), and exposure to intimate partner violence (e.g.,

direct witness to physical violence). Workers listed the primary concern for the investigation, and could also list secondary and tertiary concerns.

For each form of maltreatment listed, workers assigned a level of substantiation. Maltreatment could be substantiated (i.e., balance of evidence indicated that the maltreatment had occurred), suspected (i.e., maltreatment could not be confirmed or ruled out), or unfounded (i.e., balance of evidence indicated that the maltreatment had not occurred).

A detailed presentation of the study methodology and variable definitions is available at [www.cwrp.ca/sites/default/files/publications/en/CIS-2008\\_StudyMethods.pdf](http://www.cwrp.ca/sites/default/files/publications/en/CIS-2008_StudyMethods.pdf). Please see Table 1 for a description of the specific variables used in this analysis.

## Results

There were an estimated 235,842 child maltreatment-related investigations conducted in Canada in 2008 (174,411 child maltreatment

**Table 1. Variable Definitions**

Variable	Definition
Investigation Type	Maltreatment-related investigations include both maltreatment investigations (i.e., an incident of maltreatment was alleged) and risk-only investigations (i.e., no specific incident of maltreatment was alleged but the concern is the risk of future maltreatment).
Maltreatment Category	Workers could identify up to three forms of investigated maltreatment from a list of 32 codes. These 32 codes were collapsed into five major maltreatment types: <b>physical abuse</b> (i.e., shake, push, grab or throw; hit with hand; punch, kick or bite; hit with object; choking, poisoning, stabbing; other physical abuse), <b>sexual abuse</b> (i.e., penetration; attempted penetration; oral sex; fondling; sex talk or images; voyeurism; exhibitionism; exploitation; other sexual abuse), <b>neglect</b> (i.e., failure to supervise, physical harm; failure to supervise, sexual harm; permitting criminal behaviour; physical neglect; medical neglect including dental; failure to provide psychiatric treatment; abandonment; educational neglect), <b>emotional maltreatment</b> (i.e., terrorizing or threat of violence; verbal abuse or belittling; isolation/confinement; inadequate nurturing or affection; exploiting or corrupting behaviour), and <b>exposure to intimate partner violence</b> (i.e., direct witness to physical violence; indirect exposure to physical violence; exposure to emotional violence; exposure to non-partner physical violence).
Substantiation	For each form of maltreatment, workers indicated the substantiation level for the investigation: unfounded (balance of evidence implied that the maltreatment did not occur); suspected (that there was not enough evidence to confirm that maltreatment had occurred, but maltreatment could not be ruled out); or substantiated (balance of evidence implied that the maltreatment occurred).
Malicious Report	Workers identified if the case was intentionally reported while knowing the allegation was unfounded. This could apply to conflictual relationships (e.g., custody dispute between parents, disagreements between relatives, disputes between neighbours).
Source of Referral	Workers were asked to identify all sources of referral that were applicable for each case. Each separate and independent contact with the child welfare agency was filled in. Therefore, more than one answer would be filled if there was more than one referral source during the investigation. Response options included: custodial parent, non-custodial parent, child (subject of referral), relative, neighbour/friend, social assistance worker, crisis service/shelter, community/recreation centre, hospital, community health nurse, community physician, community mental health professional, school, other child welfare service, day care centre, police, community agency, anonymous, other. In Quebec, information on certain referral source categories was unavailable due to differences in data collection procedures. Therefore, the tables in this report that present information on referral source use the following categories: custodial/non-custodial parent, child (subject of referral), relative, neighbour/friend, professional referral, anonymous, other.
Child Custody Dispute	Workers specified if there was an ongoing child custody/access dispute at the time of the investigation. The court application could have been made or could be pending.
Police Involvement in Child Maltreatment Investigation	Workers indicated the level of police involvement for the present child maltreatment investigation (none, investigation only, charges being considered, charges laid).
Police Involvement in Domestic Violence Investigations	Workers indicated the level of police involvement specific to a domestic violence investigation (none, investigation only, charged being considered, charges laid, unknown and N/A).
Youth Criminal Justice Act Involvement	Workers were asked to fill out if the investigated child had been charged, incarcerated or involved with alternative measures with the Youth Justice System.

investigations and 61,431 risk-only investigations). Information about malicious referrals was collected in an estimated 170,710 child maltreatment investigations. As previously mentioned, information about malicious referrals was not collected for risk-only investigations. As shown in Table 2, of the 170,710 child maltreatment investigations, only 9,369 investigations (6%) were the result of a malicious referral.

Table 3 outlines malicious reports of maltreatment in child maltreatment investigations by primary category of investigated maltreatment. Eleven percent (n = 1,683) of emotional maltreatment investigations were the result of a malicious referral, compared to 7% (n = 4,050) of neglect investigations, 6% of both physical abuse and sexual abuse investigations (n = 2,434 and n = 549 respectively), and only 2% of exposure to intimate partner violence (IPV) investigations (n = 653).

Malicious reports of maltreatment are documented by source of referral for child maltreatment investigations in Table 4. Twenty-

three percent of child maltreatment investigations in which the referral source remained anonymous were considered malicious referrals (n=2,119). Approximately 12% of child maltreatment investigations referred to a child protection agency by a custodial or non-custodial parent were considered malicious referrals (n=2,129). In 16% of referrals by a neighbour or friend (n=2,184) and 10% of referrals by a relative (n=1,216), the referral was considered malicious. Among the other referral source categories, malicious referrals were less likely to occur.

Table 5 displays the number of child maltreatment-related investigations (i.e., maltreatment and risk-only investigations) that noted a child custody/access dispute. Overall, 13% of maltreatment-related investigations noted a child custody/access dispute. There was little difference between maltreatment and risk-only investigations in terms of child custody/access disputes. Of the estimated 174,370 child maltreatment investigations in which information was obtained about child custody disputes, the worker noted there was a dispute in 21,686 investigations

**Table 2. Substantiation and malicious reports of maltreatment in child maltreatment investigations in Canada in 2008\***

Substantiation and Malicious Reports	#	%
Substantiated maltreatment	85,440	50
Suspected maltreatment	17,918	10
Unfounded maltreatment, non-malicious report	46,429	27
Unfounded maltreatment, malicious report	9,369	6
Unfounded maltreatment, malicious intent unknown	11,554	7
Subtotal: unfounded maltreatment	67,352	40
<b>Total</b>	<b>170,710</b>	<b>100</b>

\* Based on a sample of 11,404 child maltreatment investigations with information about malicious referrals. Percentages are column percentages.

**Table 3. Substantiation and malicious reports of maltreatment in child maltreatment investigations by primary category of investigated maltreatment in Canada in 2008\***

	Primary Maltreatment Category											
	Physical Abuse		Sexual Abuse		Neglect		Emotional Maltreatment		Exposure to IPV		Total	
	#	%	#	%	#	%	#	%	#	%	#	%
Substantiated maltreatment	17,212	40	2,607	27	28,939	47	7,423	48	29,259	72	85,440	50
Suspected maltreatment	3,593	8	1,452	15	5,529	9	2,973	19	4,371	11	17,918	10
Unfounded maltreatment, non-malicious report	17,599	40	3,563	38	16,757	27	2,533	16	5,977	15	46,429	27
Unfounded maltreatment, malicious report	2,434	6	549	6	4,050	7	1,683	11	653	2	9,369	5
Unfounded maltreatment, malicious intent unknown	2,669	6	1,313	14	6,179	10	792	5	601	1	11,554	7
<b>Total</b>	<b>43,507</b>	<b>100</b>	<b>9,484</b>	<b>100</b>	<b>61,454</b>	<b>100</b>	<b>15,404</b>	<b>100</b>	<b>40,861</b>	<b>100</b>	<b>170,710</b>	<b>100</b>

\* Based on a sample of 11,404 child maltreatment investigations with information about malicious referrals. Percentages are column percentages, and may not add to 100% because of rounding.

# Number of investigations

(12%). Of the estimated 61,387 risk-only investigations in which information was obtained about child custody disputes, the worker noted there was a dispute in 7,532 investigations (12%).

Table 6 outlines malicious reports of maltreatment in child maltreatment investigations among cases involving a child custody/access dispute. A malicious referral was made in 10% (n=2,160) of investigations involving a child custody/access dispute. Of these 2,160 child maltreatment investigations involving a child custody/access dispute and a malicious referral, 1,422 or 65% of these investigations were referred by a custodial or non-custodial parent (cannot distinguish between custodial and non-custodial parents in the national sample).

Table 7 shows *Youth Criminal Justice Act* (YCJA) involvement noted in child maltreatment-related investigations (i.e., maltreatment and risk-only investigations) involving youth age 12 to 15 years old. Overall, 6% of all maltreatment-related investigations for 12 to 15 year old youth confirmed YCJA involvement. Risk investigations were almost equally as likely to confirm YCJA involvement (7%, or n = 1,013) when compared to maltreatment investigations (6%, or n = 2,594).

Table 8 examines the level of police involvement in child maltreatment investigations and the presence of child custody/access disputes. Most maltreatment investigations did not have any police involvement (86% overall). There was little difference in police involvement between investigations that did and did not

note a child custody/access dispute.

Table 9 examines police involvement among investigations in which exposure to IPV was listed as a primary, secondary, or tertiary concern (excluding investigations involving exposure to non-partner physical violence). This refers to police involvement in an adult domestic violence investigation. Charges were laid in 36% and considered in 4% of the 50,304 investigations. There was a police investigation only in an additional 25% of these investigations. Approximately one-third of these investigations did not have any police involvement (34%, or n = 16,950).

Similarly, Table 10 examines police involvement among investigations in which exposure to IPV was listed as a primary, secondary, or tertiary concern (excluding investigations

**Table 4. Substantiation and malicious reports of maltreatment in child maltreatment investigations by source of referral in Canada in 2008\***

	Source of Referral															
	Custodial/ Non-custodial Parent†		Child (Subject of Referral)		Relative		Neighbour/ Friend		Professional Referral		Anonymous		Other		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Substantiated maltreatment	7,682	44	1,074	41	6,123	50	4,324	33	64,869	55	2,019	22	3,148	57	85,440	50
Suspected maltreatment	1,972	11	407	15	1,438	12	1,287	10	11,868	10	948	10	884	16	17,918	10
Unfounded maltreatment, non-malicious report	3,479	20	817	31	2,284	19	3,202	24	35,463	30	1,444	16	887	16	46,429	27
Unfounded maltreatment, malicious report	2,129	12	–	–	1,216	10	2,184	16	1,634	1	2,119	23	294	5	9,369	5
Unfounded maltreatment, malicious intent unknown	2,182	13	244	9	1,253	10	2,286	17	3,205	3	2,550	28	321	6	11,554	7
<b>Total</b>	<b>17,444</b>	<b>100</b>	<b>2,638</b>	<b>100</b>	<b>12,314</b>	<b>100</b>	<b>13,283</b>	<b>100</b>	<b>117,039</b>	<b>100</b>	<b>9,080</b>	<b>100</b>	<b>5,534</b>	<b>100</b>	<b>170,710</b>	<b>100</b>

\* Based on a sample of 11,404 child maltreatment investigations with information about malicious referrals. Rows are not additive because an investigation could have had more than one referral source. Percentages are column percentages, and may not add to 100% because of rounding.

# Number of investigations

† Custodial and non-custodial parent categories could not be separated as this information was unavailable in Quebec.

– Estimates of less than 100 investigations are not shown, but are included in the total.



involving exposure to non-partner physical violence). Again, this refers to police involvement in an adult domestic violence investigation. Custody/access disputes are examined within these investigations.

Police charges were laid in 37% of investigations (n = 15,607) with no child custody/access dispute noted, and in 28% of investigations (n = 2,049) with a custody/access dispute noted.

Table 11 displays police involvement in child maltreatment investigations, specifically examining investigations in which physical abuse was the only investigated and substantiated form of maltreatment, and the perpetrator

**Table 5. Child maltreatment-related investigations involving families who are also involved in child custody disputes in Canada in 2008\***

Child Custody Dispute	Type of Investigation					
	Maltreatment		Risk		Total	
	#	%	#	%	#	%
No	149,077	86	52,372	85	201,449	85
Yes	21,686	12	7,532	12	29,218	13
Unknown	3,607	2	1,483	2	5,090	2
<b>Total</b>	<b>174,370</b>	<b>100</b>	<b>61,387</b>	<b>100</b>	<b>235,757</b>	<b>100</b>

\* Based on a sample of 15,969 child maltreatment-related investigations (i.e., maltreatment and risk-only) with information about child custody disputes. Percentages are column percentages, and may not add to 100% because of rounding.

# Number of investigations

**Table 6. Substantiation and malicious reports of maltreatment in child maltreatment investigations by cases involving a child custody dispute in Canada in 2008\***

	Child Custody Dispute							
	No		Yes		Unknown		Total	
	#	%	#	%	#	%	#	%
Substantiated maltreatment	73,552	50	10,293	49	1,574	44	85,419	50
Suspected maltreatment	15,051	10	2,387	11	476	13	17,914	10
Unfounded maltreatment, non-malicious report	41,794	29	3,748	18	889	25	46,431	27
Unfounded maltreatment, malicious report	7,036	5	2,160	10	158	4	9,354	5
Unfounded maltreatment, malicious intent unknown	8,458	6	2,621	12	475	13	11,554	7
<b>Total</b>	<b>145,891</b>	<b>100%</b>	<b>21,209</b>	<b>100%</b>	<b>3,572</b>	<b>100%</b>	<b>170,672</b>	<b>100%</b>

\* Based on a sample of 11,400 child maltreatment investigations with information about malicious referrals and child custody disputes. Percentages are column percentages, and may not add to 100% because of rounding.

# Number of investigations

**Table 7. Youth Criminal Justice Act involvement in investigations involving 12 to 15 year old children in Canada in 2008\***

YCJA Involvement	Type of Investigation					
	Maltreatment		Risk		Total	
	#	%	#	%	#	%
No	38,645	87	11,939	83	50,584	86
Suspected	734	2	218	2	952	2
Confirmed	2,594	6	1,013	7	3,607	6
Unknown	2,209	5	1,288	9	3,497	6
<b>Total</b>	<b>44,182</b>	<b>100</b>	<b>14,458</b>	<b>100</b>	<b>58,640</b>	<b>100</b>

\* Based on a sample of 3,908 child maltreatment-related investigations involving 12 to 15 year olds with information about Youth Criminal Justice Act involvement. Percentages are column percentages, and may not add to 100% because of rounding.

# Number of investigations

**Table 8. Police involvement in child maltreatment investigation by child custody dispute in Canada in 2008\***

Police Involvement	Child Custody Dispute							
	No		Yes		Unknown		Total	
	#	%	#	%	#	%	#	%
None	129,871	87	17,789	82	2,986	83	150,646	86
Police investigation only	12,995	9	3,059	14	415	12	16,505	9
Police charges considered	2,311	2	339	2	115	3	2,765	2
Police charges laid	3,900	3	499	2	–	–	4,454	3
<b>Total</b>	<b>149,077</b>	<b>100</b>	<b>21,686</b>	<b>100</b>	<b>3,607</b>	<b>100</b>	<b>174,370</b>	<b>100</b>

\* Based on a sample of 11,803 child maltreatment investigations with information about child custody disputes. Percentages are column percentages, and may not add to 100% because of rounding.

– Estimates of less than 100 investigations are not shown, but are included in the total.

# Number of investigations

**Table 9. Police involvement in adult domestic violence investigation where exposure to intimate partner violence was a primary, secondary, or tertiary form of investigated maltreatment in Canada in 2008\***

Police Involvement	#	%
None	16,950	34
Investigation only	12,629	25
Charges being considered	2,094	4
Charges laid	18,010	36
Unknown	621	1
<b>Total</b>	<b>50,304</b>	<b>100</b>

\* Based on a sample of 3,372 child maltreatment investigations where exposure to intimate partner violence was a primary, secondary, or tertiary form of investigated maltreatment. Percentages are column percentages.

\* Analysis does not include investigations for exposure to non-partner physical violence.

# Number of investigations

**Table 10. Police involvement in adult domestic violence investigation by child custody dispute in Canada in 2008\***

Police Involvement	Child Custody Dispute							
	No		Yes		Unknown		Total	
	#	%	#	%	#	%	#	%
None	13,685	33	3,018	41	236	28	16,939	34
Police investigation only	10,774	26	1,744	24	111	13	12,629	25
Police charges considered	1,583	4	405	5	106	13	2,094	4
Police charges laid	15,607	37	2,049	28	355	42	18,011	36
Unknown	393	1	191	3	–	–	622	1
<b>Total</b>	<b>42,042</b>	<b>100</b>	<b>7,407</b>	<b>100</b>	<b>846</b>	<b>100</b>	<b>50,295</b>	<b>100</b>

\* Based on a sample of 3,371 child maltreatment investigations where exposure to intimate partner violence was a primary, secondary, or tertiary form of investigated maltreatment with information about child custody disputes. Percentages are column percentages, and may not add to 100% because of rounding.

\* Analysis does not include investigations for exposure to non-partner physical violence.

– Estimates of less than 100 investigations are not shown, but are included in the total.

**Table 11. Police involvement in maltreatment investigation where physical abuse was the only investigated and substantiated form of maltreatment and the perpetrator was a caregiver in Canada in 2008\***

Police Involvement	#	%
None	5,591	71%
Investigation only	1,426	18%
Charges being considered	320	4%
Charges laid	567	7%
<b>Total</b>	<b>7,903</b>	<b>100%</b>

\* Based on a sample of 531 child maltreatment investigations where physical abuse was the only investigated and substantiated form of maltreatment and the perpetrator was a caregiver. Percentages are column percentages.

# Number of investigations

was a caregiver. In 71% of these investigations (n = 5,591), there was no police involvement. Eighteen percent of these investigations noted a police investigation only, 4% noted that charges were being considered, and 7% noted that charges were laid.

## Limitations

The CIS collects information directly from child welfare workers at the point when they complete their initial investigation of a report of possible child abuse or neglect, or risk of future maltreatment. Therefore, the scope of the study is limited to the type of information available to them at that point. The study is based on the assessments provided by the investigating child welfare workers and could not be independently verified. The CIS does not include information about unreported maltreatment nor about cases that were investigated only by the police. Also, reports that were made to child welfare authorities but were screened out (not opened for investigation) were not included. Similarly, reports on cases currently open at the time of case selection were not included. The study did not track longer-term service events that occurred beyond the initial investigation.

Three limitations to the estimation method used to derive annual estimates should also be noted. The

agency size correction uses child population as a proxy for agency size; this does not account for variations in per capita investigation rates across agencies in the same strata. The annualization weight corrects for seasonal fluctuation in the volume of investigations, but it does not correct for seasonal variations in types of investigations conducted. Finally, the annualization weight includes cases that were investigated more than once in the year as a result of the case being re-opened following a first investigation completed earlier in the same year. Accordingly, the weighted annual estimates represent the child maltreatment-related investigations, rather than investigated children.

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