



False Allegations in Separation and Divorce Disputes

An International Review

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Abstract

Background

One of the most disturbing phenomena in high-intensity divorce disputes is the use of false allegations as part of the legal and emotional struggle between spouses. These allegations can include false claims of marital violence, neglect, abuse, and child abuse. It is especially important to deal with this phenomenon in order to protect the best interests of the minor and protect him or her from significant negative psychological effects and damage to the relationship with the accused parent, prevent situations of miscarriage of justice and unjustified punishment of the accused party, protect real victims, reduce the burden on the professionals dealing with this phenomenon, and reduce the misuse of the judicial system. The Ministry of Welfare and Social Affairs asked the Myers-JDC-Brookdale Institute to conduct a comprehensive international review to serve as a basis for the development of policies and services to prevent this phenomenon and to deal with it in the best possible way.

Goal

The overall purpose of this review is to provide information about the phenomenon of false allegations in divorce disputes from Western countries and in Israel and how these countries are dealing with it. The topics addressed in the review are the definition of the phenomenon, the scope of the phenomenon, characteristics and factors found to be related to the phenomenon, the short-term and long-term effects of the phenomenon on family members including minors and, policies and methods of intervention to deal with the phenomenon and prevent it.

Methodology

An international review of academic, professional, and gray literature from a variety of disciplines was conducted. Data was collected between June 2024 and November 2024. In addition, in order to expand and corroborate the knowledge collected, in January 2025-February 2025, seven semi-structured interviews were conducted with researchers from the United States, Canada, and Australia who specialize in the study of divorce disputes, domestic violence, child abuse, and child investigations.

Main Findings

The findings of the survey raised several key issues:

- **False allegations in divorce disputes are a combination of two phenomena that are known for their severe effects on children:** high-intensity divorce disputes and manipulation by one parent that harms the child's relationship with the other parent.
- **It is difficult to find an unequivocal definition of the phrase "false allegations ", and there are two main typologies:**
 - The allegations are categorized according to their level of substantiation: substantiated; suspected; unsubstantiated.
 - The allegations are categorized according to the intent: (1) False allegations made in good faith – resulting from a misunderstanding, faulty memory or misinterpretation of events; (2) Intentional false allegations – made with the intention of harming the other parent or gaining an advantage in the legal process.
- **Clarification of the allegations in the courts:** Family courts face the challenge of balancing the need to protect real victims with the need to identify false allegations. The gap in the standard of evidence required to prove allegations of abuse and neglect between criminal and civil proceedings is a major challenge, and the lower evidentiary threshold and the flexibility in presenting evidence in the family courts open the door to the use of false allegations in order to gain an advantage in the legal process in general, and in custody disputes in particular.
- **The scope of the phenomenon of false allegations in separation and divorce disputes:** It is difficult to estimate the extent of the phenomenon of false allegations due to the lack of a uniform definition, the difficulty in proving malicious intent, and many research limitations. According to some studies, the most common estimates range from 6%-12% of the total allegations in divorce disputes, with other studies estimating up to 50%.
- **The identity of the accusing parent:** The literature points to two main axes: gender (mothers vs. fathers) and custodian (custodial vs. non-custodial parent). Due to the paucity of studies, it is impossible to determine unequivocally who is more likely to be blamed in divorce disputes.
- **Children may also be accused of making false allegations** due to pressure from the parent, fear of the abusive parent, or misinterpretation of events.
- **Possible characteristics and causes of the phenomenon identified include** lack of consent over custody, psychopathology of the accusing parent, desire for revenge on the spouse, parental alienation, misinterpretation of behavior due to the conflict, history of domestic violence, and the young age of the children involved.

- **Effects of false allegations on the accused parent and the relationship with his or her child:** False allegations have negative effects on the accused parent, in the emotional, economic-occupational and social aspects. The relationship between the parent and child may also be severely and irreversibly damaged, starting with physical separation due to legal restrictions, and continuing with damage to the child's trust in the short term and changes in attachment patterns, affecting the child's ability to create relationships of trust in the future and his/her self-concept in the long term.
- **Policy for Handling False allegations:** Policy focuses first on reducing false allegations and then on reducing the phenomenon of classifying true allegations as false.

Recommendations

It is recommended to develop a comprehensive, uniform, and knowledge-based policy for dealing with the phenomenon of false allegations in divorce disputes. In addition, it is advisable to develop dedicated training for professionals, to provide emotional support to victims of false allegations, and to conduct additional studies on the phenomenon of false allegations in Israel in order to understand the scope of the phenomenon and the issues that are unique to Israel.