

**Question on Notice**  
**No. 160**  
**Asked on 22 April 2004**

MR C FOLEY, asked the Minister for Child Safety (MR REYNOLDS) -

**QUESTION:**

With reference to child custody orders which are within his portfolio and more a matter for the Family Law Court, there are many instances where contact with a child is denied to one parent, usually the non-resident parent, because of false allegations of abuse made by the resident parent with the aim of alienating the non-resident parent and denying them contact with their child and in many instances these allegations are not reported to the Department of Child Safety -

Will he allow Child Safety Department officers to investigate claims of false allegations of abuse with the aim of proving innocence to enable contact to continue and allow a relationship to develop with both parents?

**ANSWER:**

I thank the Member for his question and interest in child safety.

It is often assumed that allegations of child abuse and neglect made in the Family Court during proceedings for residence or contact are more likely to be false because the parents are in conflict with each other. Research conducted by the Family Violence and Family Court Research Program of Monash University<sup>1</sup> found that child abuse allegations made in the Family Court were no more frequently false than abuse allegations made in other circumstances. The study found that 9% of cases were assessed as involving false allegations, which was the same as for all child abuse notifications. A further study by Hume in 1997<sup>2</sup>, undertaken in the Adelaide Registry of the Family Court in respect to false allegations of sexual abuse, had the same result.

All allegations of child abuse made in the course of Family Court proceedings are required under the Commonwealth *Family Law Act 1975* to be reported to the relevant state or territory child welfare authority. If the Honourable Member is aware of cases where the requirements of the Family Law Act have not been complied with he should raise this with the Commonwealth Attorney-General as a matter of urgency.

Once a report from the Family Court is received by the Department of Child Safety, departmental officers assess the information in the report in the same way as other notifications. At times, the information does not indicate a level of risk that would require an investigation and assessment under the *Child Protection Act 1999*. If the information does indicate that the child or children may be in need of protection, an investigation and assessment is conducted. The purpose of an investigation and assessment is not to determine the veracity of the person making the allegation but to assess whether the child is in need of protection and, if so, the appropriate response to the child's needs.

The Child Protection Act provides for intervention by the department if it is reasonably suspected that a child or young person is in need of protection and provides authority to officers of the department and the police to take action to investigate concerns. This includes authority to investigate the matter, to speak to the persons involved, to provide guidance and advice to the child or young person, if required and appropriate, and to work towards achieving the best possible outcome for him or her. The child's best interests are the guiding principle for the department at all stages throughout the

resolution of these matters. For those reasons, the investigative process is focussed on the child's needs.

Notes:

<sup>1</sup> Brown, Thea, Frederico, Margarita, Hewitt, Lesley, Sheehan, Rosemary, *The Management of Child Abuse Allegations in Custody and Access Disputes Before the Family Court of Australia*; The Family Violence and Family Court Research Program, Monash University, Clayton and the Australian Catholic University, Canberra; 1998; page 80.

<sup>2</sup> Hume, Marie, 1997, *Child Sexual Abuse Allegations and the Family Court*, Masters Thesis, Humanities and Social Sciences, University of South Australia, Adelaide