

SPECIAL REPORT

What is the Cost of False Allegations of Domestic Violence?



P.O. Box 1221
Rockville, MD 20849
www.saveservices.org

SAVE: STOP ABUSIVE AND VIOLENT ENVIRONMENTS

Consider this scenario:

You and your spouse are having marital problems and one night you get into an argument. Your spouse gets angry and calls the police. The police arrive with a restraining order. You are forced you to vacate the house and refrain from any contact with your partner for two weeks.

You feel devastated, since there had been no physical violence. At the hearing, the judge asks, “Can you prove that your spouse was not fearful during the argument?” How would you demonstrate your innocence?

As this example illustrates, a false claim can be difficult, if not impossible to refute. It stigmatizes and humiliates the person, and may require the expenditure of substantial sums of money to clear his or her good name. The accused may lose a security clearance and employment. Found innocent of the charges, a record of the incident may still remain on the books, harming reputation and career.

False claims also harm the true victims of violence:

Judge Rucker Smith of Georgia was assaulted by his ex-girlfriend. Even though she had instigated the incident and he did not retaliate, he was charged with battery. A jury later acquitted Smith of all charges.

The judge subsequently opined, “For someone to falsely accuse another out of anger and vengeance silences the voices of the many real victims.”¹

False allegations are seen under both civil and criminal law. Under civil law, 2–3 million restraining orders for partner abuse are issued each year, of which the majority are false, trivial, or unnecessary.² Under criminal law, about one million persons are arrested each year for intimate partner violence.³ But only 33% of such arrests result in a conviction,⁴ revealing that hundreds of thousands of persons are wrongfully incarcerated each year.

Persons who make baseless accusations are seldom subject to legal sanctions. Casey Gwinn, a San Diego prosecutor and national authority on domestic violence, admits, “If we prosecuted everybody for perjury that gets on a witness stand and changes their story, everybody would go to jail.”⁵

The SAVE report, “Incentives to Make False Allegations of Domestic Violence,” documents how temporary restraining orders, usually issued without evidence of violence, become the primary vehicle for the transfer of monetary and other assets.⁶ A second SAVE report, “How False Allegations Harm Families and Children,” documents how a nexus of broad legal definitions, financial incentives, and child custody practices trigger a cascade of events resulting in the separation of the parties and eventual divorce.⁷

This Special Report estimates the societal and other costs resulting from false accusations of domestic violence.

Societal Cost of False Allegations

One of the most important consequences of an allegation of domestic violence is the termination of the intimate partner relationship and award of child custody to the accusing parent. So how many children are affected by a false allegation of partner abuse, and what is the financial impact on society?

These calculations answer that question:

1. Each year more than one million American children experience the divorce of their parents.⁸
2. About one-fourth of divorces involve an allegation of intimate partner violence.⁹
3. In about 70% of cases, the allegation is deemed to be unnecessary or false.^{10,11}
4. Each year, about 175,000 children are involved in a divorce with a false allegation of domestic violence.*
5. In all but two states, divorce judges are required to consider allegations or findings of intimate partner violence in the award of child custody.¹² Many of these children grow up in single-parent households with little or no contact with the other parent, placing them at far higher risk of poverty, child abuse, and a broad range of social pathologies.¹³
6. The annual taxpayer costs for federal poverty programs arising from family fragmentation and fatherlessness are conservatively estimated at \$100 billion¹⁴ to \$112 billion.¹⁵
7. By conservative estimates, the U.S. taxpayer pays \$20 billion[†] annually to support single-parent families that have been harmed by a false allegation of domestic violence.

It should be noted that the \$20 billion is based on conservative assumptions. For example, many children have parents who never marry. There is no data available on the rate of allegations of domestic violence or the percentage of false allegations among such couples. This analysis does not account for the additional societal costs arising from such cases.

* $1,000,000 \text{ children} \times 0.25 \text{ DV allegation rate} \times 0.70 \text{ rate of false allegations} = 175,000 \text{ children}$.

It is recognized that allegations of domestic violence may be more common in divorces involving children. However, no data is available on this point. Therefore we make the assumption that the rate of false allegations is the same in divorces with and without children.

† $\$112 \text{ billion} \times 0.25 \text{ DV allegation rate} \times 0.70 \text{ false allegation rate} = \19.6 billion .

Additionally, the taxpayer burden arising from VAWA-supported immigration fraud has been estimated at \$170 million a year.¹⁶

Other Costs

There are other major costs associated with false allegations:

1. Direct personal costs of divorce and lost productivity:
 - a. The direct costs of divorce and lost productivity have been estimated to be \$14,364 per couple.¹⁷
 - b. In 2000 there were 957,200 divorces in the United States.¹⁸
 - c. Assuming one-quarter of the divorces involves an allegation of domestic violence and 70% of these accusations are false, then 167,510 divorces are associated with a false abuse claim.[‡]
 - d. The direct personal costs of divorce and lost productivity for these divorces are estimated at \$2.4 billion annually.[§]
2. The legal costs of defending oneself from a false allegation have been estimated at a half billion dollars a year.¹⁹

These two categories account for nearly \$3 billion annually.

Human Cost of False Allegations

False accusations can harm children in other ways. The case of Emily Hindle illustrates the dynamics of these cases:²⁰

Karl Hindle and Sheila Fuith had a baby girl while they were living in England. Born in early 2002, Emily was diagnosed with lazy eye (amblyopia), which required that she wear an eye patch several hours each day to protect her eyesight.

Less than a year after Emily's birth, Fuith decided to return to the United States. In order to bolster her custody claim, she accused Hindle of domestic violence. With no evidence or due process, the U.S. State Department granted a visa and authorized Emily's removal.

Back in the United States, Fuith terminated Emily's eye patch therapy. Fuith then attempted to place her with a family that included a convicted pedophile.

[‡] 957,200 x .25 x .70 = 167,510

[§] 167,510 x \$14,364 = \$2,406,113,600

When the father learned of these developments, he resorted to every available channel to reinstitute his daughter's therapy and have her returned to his care.

Fuith moved from state to state, continuing to accuse Hindle of stalking, harassment, and domestic violence. But police investigations and court findings repeatedly found Hindle innocent of the allegations.

As of 2008, Hindle had not seen his daughter for two years. Emily is now blind in one eye. "Emily has paid a terrible price and continues to do so—as do we all," laments the distraught dad.²¹

To date, no one has calculated the financial costs associated with cases like this.

False Allegations: A National Crisis

Our nation's legal system was founded on a series of protections, enumerated in the Bill of Rights, that assure due process for any citizen accused of an offense. But in the past 20 years, those protections have been whittled away in the name of "holding batterers accountable" and "assuring the safety of victims." It is no surprise, then, that false allegations have become commonplace.

This Special Report makes three key findings:

1. Each year, about 175,000 children are involved in a divorce with a false allegation of domestic violence.
2. These claims are the central reason for \$20 billion in public costs and taxpayer burden associated with fragmented families.
3. Additional costs for direct personal costs of divorce and lost productivity and legal defense costs amount to an additional \$3 billion annually.

False allegations represent a personal, family, financial, and legal crisis in our society. Legal reforms must be instituted so the real victims of violence can get the help they need, so persons are no longer falsely accused, families are safeguarded, and our children protected.

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