



I22 False Allegations of Sexual Abuse and Malpractice in Child Custody: A Big Court Case in Italy

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Learning Overview: After attending this presentation, attendees will be more skilled in how to assess a malpractice scenario regarding child custody and allegations of sexual abuse.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by suggesting solutions that could prevent malpractices scenarios in child custody settings and allegations of criminal child abuse.

This presentation will take the Case of Bibbiano, a small city in the center of Italy into the Emilia Romagna region, as an icon of malpractice. Code named “Angels and Demons,” this case presented a disturbing picture of psychological violence toward children and their parents. Seventeen people, including medical doctors, social workers, and psychologists, were arrested by the Italian police. They are accused of submitting false reports regarding the family situation of children and also of having modified their drawings by adding genital attributes. Finally, they are accused of having brainwashed children with false memories of abuse.

Despite not yet being confirmed, these facts had a huge impact on the international press, causing questions about the entire Italian child custody system, allegations of sexual abuse system, and the competence of Italian psychologists, social workers, and medical doctors.

The crucial point of this presentation will be to clarify the Italian guidelines about child custody practices, about cases of allegations of sexual abuse, and the differences between them, in addition to clarifying what happened in the “Angels and Demons” case.

Italian legislation applies child custody to foster families or group homes only as a residual solution, and not as the final choice as happened in Bibbiano. Also, according to law number 172/2012 of the Italian penal code, in criminal offenses involving minors, the presence of an expert who acts as an assistant to the judge is required, but the assessment of sexual abuse always belongs to the judge him/herself. Despite what allegedly happened in Bibbiano, the expert has no legal status to decide whether a sexual abuse occurred or not.

Following what law n. 24/2017 of the Italian penal code states, the expert has to follow accredited guidelines, such as “La Carta di Noto,” the Italian national guidelines for child abuse allegations and can be neither suggestive nor manipulative during child interviews. These guidelines are totally antithetical to the presumed facts of the Bibbiano case where experts brainwashed children and used therapy to create fake abuse memories. Overall, it appears extremely important that the judge could ask the expert witness to use the standard methods for this type of case.

Next, the Juvenile Court and social services must build intervention systems, aimed at promoting residual family resources, to allow the child to live in a context that could prevent risks to his psychological development. Moreover, in cases of alleged abuse or maltreatment, law n.154/2001 has provided that the suspect should be removed from the family unit instead of removing the minor, as seems to have happened in the Bibbiano case.

It is hoped that in the future, the Juvenile Court, starting from these facts, rather than delegating to the social services will involve technical experts with specific training on the assessment of parenting skills. It is also hoped that, through this presentation, awareness of the need for specific training and specific technical skill may grow, beginning with social workers and psychological experts, up to judges themselves.

False Allegations of Sexual Abuse, Malpractice, Child Custody