

Domestic Violence

AND PARENTING PLANS

ASSOCIATION OF FAMILY AND CONCILIATION COURTS APRIL 4, 2018

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Goals

Overview of Domestic Violence and Coercive Control

The reality of Battered Parent, Batterer, Children

Mitigating the impact of DV

Crafting Parenting Plans

What is Domestic Violence?

- An incident or pattern of incidents of controlling, coercive, threatening, degrading and violent behaviour, including sexual violence, by a partner or ex-partner

It can include:
Coercive control
Psychological and/or emotional
Physical
Sexual
Financial
Emotional
Harassment
Stalking
Digital and online abuse

Conflicting Perspectives

Family Violence Perspective (it's caused)

- Mutual, incidental, high conflict
- Pathological or substance abuse

Current Perspective (it's a choice)

- Power and control
- Ongoing, tactical

Objective of Domestic Violence

...The use of these types of abuse by an abuser in an intimate relationship is to **establish and maintain power and control** over the other person.

The National Women's Health Information Center (2006)

Towards a More Inclusive Paradigm

We measure harm by the injury suffered

- Serious injury is domestic violence because we can see it
- Non-serious injury or no injury are normalized
- Time to reframe the issue to include:
 - The continuous nature of the battering experience rather than discrete acts or incidents

Coercive Control

- Control-Invisible in Plain Sight, BUT...
- Abusers use the interplay between coercive and controlling tactics.
 - Coercion: entails the use of force or threats to compel or dispel a particular response-pain, injury, fear or death; effect is immediate
 - Control: comprised of structural forms of deprivation, exploitation, and command that compel obedience, indirectly by limiting options and deprivation of supports needed to exercise independent judgment

Eight Domains of Control

- Personal activities/appearance
- Support/social life/family
- Household
- Work/economic/resources
- Health
- Intimate relationship
- Legal
- Immigration



Example

- Demand=Physical appearance
- Threat=Infidelity, humiliation, violence
- Compliance=Maintaining acceptable weight
- Surveillance=monitoring food and exercise
- Enforcement=Comparison
- Response=Apology or retaliation
- Resistance and Compliance –**BOTH increase as control increases**

For Example...

Tom “accidentally” shows up for his visit while Joey is at the mall with his mother

Tom brings a birthday card to the visit for Joey to sign and give his mother, Nancy when he returns home. The front of the card is a photo from the perspective of someone obviously about to go down the steep slope of a roller coaster with a pre-printed greeting inside that says “No telling what surprises you’re in for on your birthday.”

Tom brings a birthday gift for Joey. It is a remote control boat

Joey again asks his mother for the name of the place where she works

Civil Domestic Violence Statute (O.R.C. 3113.31)

One or more of the following acts:

- Attempt to cause or recklessly cause bodily injury
- Placing another, by threat of force, in fear of imminent serious physical harm or act of stalking or aggravated trespass
- Committing an act with respect to a child that would result in the child being an abused child as defined in RC 2151.031
- Committing a sexually oriented offense

These actions are directed toward family or household members (spouse, ex-spouse, person living as spouse or formerly lived as spouse, parent or child, step-parents or step-children, other person who lives or lived in the household)

Domestic Violence: Criminal Definition (O.R.C. 2919.25)

Elements for an action to be an offense:

- Knowingly causing or attempting to cause harm
- Recklessly causing harm
- Threats of imminent physical harm

These actions are directed toward family or household members (spouse, ex-spouse, parent or child, boyfriends or girlfriends, step-parents or step-children, ex-boyfriends and ex-girlfriends)

Parenting Decisions are Complex With or Without a CPO or Criminal DV

VIOLENCE IN THE HOME IS OFTEN RAISED IN PARENTING DISPUTES

Abuser's First Argument

IF THERE WAS ABUSE, BATTERED VICTIM WOULD HAVE LEFT SOONER

Why Battered Parent Stays

- Fear
- Feelings of helplessness
- The children
- Belief in traditional sex roles
- Low self – esteem
- Religion
- Abused as a child
- Economic Dependence....

Why Battered Parent Stays

- Loyalty
- Denial
- Shame
- Optimism
- Isolation
- LOVE
- HOPE
- AND ACTIVE MANIPULATION BY THE BATTERER

Leaving is a PROCESS

They leave if/when they are ready

They leave if/when it is safe to do so

Institutional responses that affirm the decision to leave are essential to the battered parent

- Community Responses
- Informed Court decisions

Case Example: Stephen Bice

Married to Kristi Bice for 22 years

Timeline as reported by the Plain Dealer March 21, 22, and 23, 2016.

- Jan 14 – 10am Kristi called Hudson Police – Threats and threatening homicide/suicide. She states he is alcoholic. Stephen was searching home for .38 caliber handgun. He then passed out. Officers responded and he was arrested for DV
- Jan 14 – TPO granted – Stephen moves into a friend's house



Case Example: Stephen Brice


- Jan 16 – Stephen's friend calls Kristi concerned that Stephen is going to come to her home after attending a gun show. Kristi decides to stay in home and her brother (PO) comes to stay with her. Additional police report filed.
- Report stated she "remains fearful...believes he is homicidal/suicidal...unpredictable and severe alcoholic...unemployed...and his life is falling apart."
- Jan 24 – Stephen drove to her residence to check the mail. Adult daughter reports that she saw him repeatedly drive by the house. Police report filed.



Case Example: Stephen Bice

- Feb 23 – Stephen plead guilty to an amended charge of Disorderly Conduct - \$250.00 fine
- Mar 17 – Stephen begins to contact Kristi again. Begs to have Protection Order lifted.
- March 18 – Stephen called Kristi 9 times in 30 minutes. She contacted police. They called him...he reports to police that he must have "butt-dialed"...officers noted "very slurred" speech and delayed responses.
- March 19 – Stephen texts his three sons and asks them to meet about their family troubles. The 3 boys go to meet with their father.....





13 High Risk Items Out of 20 Without Administering Directly to the Victim

- Has the physical violence increased in severity or frequency over the past year? (Cleveland.com)
- Does he own a gun? (Cleveland.com)
- Have you left him after living together during the past year? (Cleveland.com)
- Is he unemployed? (Cleveland.com)
- Has he ever used a weapon against you or threatened you with a lethal weapon? (Cleveland.com)
 - (If yes, was the weapon a gun? XX)
- Does he threaten to kill you? (Cleveland.com)
- Has he avoided being arrested for domestic violence? (Cleveland.com)
- Do you have a child that is not his?
 - Has he ever forced you to have sex when you did not wish to do so? (Ohio.com – Akron Beacon Journal)
- Does he ever try to choke you?
- Does he use illegal drugs? By drugs, I mean "uppers" or amphetamines, "meth", speed, angel dust, cocaine, "crack", street drugs or mixtures.
 - Is he an alcoholic or problem drinker? (Cleveland.com)
- Does he control most or all of your daily activities? For instance: does he tell you who you can be friends with, when you can see your family, how much money you can use, or when you can take the car? (If he tries, but you do not let him, check here: _____) (Cleveland.com)
- Is he violently and constantly jealous of you? (For instance, does he say "If I can't have you, no one can.") (Cleveland.com)
- Have you ever been beaten by him while you were pregnant? (If you have never been pregnant by him, check here: _____)
- Has he ever threatened or tried to commit suicide? (Cleveland.com)
- Does he threaten to harm your children?
- Do you believe he is capable of killing you? (Cleveland.com)
- Does he follow or spy on you, leave threatening notes or messages, destroy your property, or call you when you don't want him to? (Cleveland.com)
- Have you ever threatened or tried to commit suicide?

Danger Assessment Weighted Scoring

Kristi Brice's Danger Assessment Weighted Scoring

30

Dr. Campbell identifies a score of 18 or more as Extreme Danger

How Can This Help Us?

Awareness of Factors

Actual Screening :

- Divorce Filing
- CPO Filing
- Testimony from Screener
- During GAL Process
- Modification of Parenting Case
- Family Evaluation Process

Abuser's Next Argument

THE CHILDREN ARE NOT EFFECTED BY ABUSE IN THE HOME

How Many of You Believe...?

- All children are harmed and/or at risk by exposure to domestic violence?
- Non-offending parent who stays with an abuser is not providing adequate safety for children
- Childhood exposure to domestic violence is a form of child maltreatment/child abuse
- Child protective intervention is needed

How are children exposed to domestic violence?

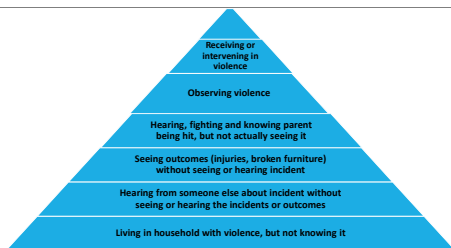
Visual: as an “eyewitness”

Audio: hearing the violence

Tool of Perpetrator: used in event

Aftermath: the impact of violence

Continuum of Witnessing Violence





WITNESS?

What Children Know

Studies indicate children are exposed:
100% in same or adjacent room with violence showed higher anxiety and distress than children who had not witnessed or been adjacent to violence (Hughes, 1988)
81.3% of 1,799 incidents had children present (Leighton, 1989)
21% of children reported witnessing despite contrary report by one or both parents (O'Brien et al., 1994)

Examples of effects from exposure to DV

Emotional development
Behavioral development
Cognitive and Attitudinal development
Social development
Physical development

Variability in a child's response

Level of violence: frequency, severity and chronicity
The degree to which the child is exposed
Other stressors unrelated to the DV
The harm it produces
The unique coping skills each child brings to the situation
Other protective factors

Protective Factors

- Victim Protective Factors
- Perpetrator Protective Factors
- Child Protective Factors
- Community Protective Factors

Child Protective Factors

- Age and developmental stage
- Positive relationships with non-offending adult, siblings and other family members
- Protective actions during the violence
- Help seeking behavior
- Instructions from victim about what to do during violent incident
- Ability to carry out own safety plan

What Do We See?

WHAT SHOULD WE SEE AND HOW TO FIGURE IT OUT

Working Definition of Domestic Violence

- Pattern of learned behavior
- Often escalates in frequency and severity
- Neither impulsive nor out of control
- Used to intimidate, humiliate and make the other person feel powerless
- Physical abuse is the most visible

Demeanor of the Abuser

- Attempts to present as the true victim
- Angers easily
- Claims the other parent is stupid or inflexible
- Appears vulnerable or attempts to engender empathy with the court
- Unwilling to understand the other parent's perspective
- Attempts to create alliances with third parties
- Patronizes the other parent, attorney or court
- Minimizes, blames the other for or excuses inappropriate behavior

...Frequently charming

EVEN THE CHILDREN ARE MANIPULATED SOMETIMES

Batterer Behaviors

Entitlement-I do it because I can

- Physical, Sexual, Economic, Privilege

Psychological

- Verbal, Humiliation, Crazy-making

Use of Allies

- Kids, Family, Friends

Minimize, Deny, Lie

- Externalize, Blame

Batterer Behaviors

I make the rules

You will follow the rules

I can change the rules at any time

I don't have to tell you why

You cannot tell anyone about my rules

You will suffer for disobedience

Demeanor of the Battered Parent

- Has difficulty in presenting evidence from fear or cognitive impairments resulting from abuse
- Demonstrates inappropriate affect resulting from fear, depression, PTSD or other responses to abuse
- Appears extremely anxious and unfocused
- Appears numb, unaffected or disinterested
- Acts aggressive or angry when testifying
- Shows signs of distress when listening to abuser's testimony

...May have mental health or substance abuse issues

Survivor Behaviors

- Resistance/Violence
- Anger/Hostility
- Exhaustion
- Silence
- Surrender
- Escape
- Depression
- Substance abuse
- Alignment/protection

Understanding Battered Parent in Context of Parenting

Survivor's behavior may seem counter intuitive

- Staying/returning
- Physical discipline

Partner abuse is viewed apart from parenting

- **Battering is a parenting choice**

Inappropriate expectations by batterer of child's development stage

Understanding Victim Behavior in the Context of Court

- 36% of victims report DV to police
- Primary reasons victims do report to police:
 - To stop the violence and for protection
- Without police report or medical attention:
 - Little or NO documentary evidence

Understanding Batterer vis-à-vis Battered Parent

- Undermines victim's parenting
- Creates problems for victim's parenting by injuries, stress, isolation and economic vulnerability due to abusive tactics
- Aggravates pre-existing drug/ alcohol/mental health conditions due to abusive tactics

Understanding Batterer in the Context of Parenting

- DV perpetrators
 - Often see their children as objects to own
 - To punish the other parent
 - Seem rigid and authoritarian in their parenting styles
 - Are so focused on their partners that they neglect the needs of children
- They are more likely to physically abuse their children
 - 4 times more likely in some studies

Understanding Batterer in the Context of Parenting

- Exposing children to on-going DV/conflict
- Using the children to control the victim
- Continuously undermining of the victim
- Creating chaos for family by repeated court motions
- Creating role models that perpetuate violence and abusive control in future generations
- Emotionally abusing children and adult victim

What does the Research Show?

- Domestic violence is often not detected in disputed child custody cases
- Screening for physical violence alone is insufficient to detect coercive controlling abuse
- Practitioners who do not use systemic methods such as lethality, dangerousness and risk assessments tend to under-detect IPV between custody disputing parents
- Even when IPV is detected, cases often proceed without accommodations for safety or power differentials-mediation is an example

Why is Domestic Violence Relevant in Parenting Disputes?

- Abuse does not end with separation
- Overlap between DV and child abuse
- Children's exposure to an inappropriate role model
- Undermining of non-offending parent
- Perpetual litigation as a form of on-going control
- Extreme cases-homicide/suicide and abductions

Faced with Parenting Decisions

MANAGING ALL OF THE VARIABLES

Questions to Answer

- Where on the continuum from isolated abuse to significant violence and coercive control?
- Has responsibility been taken for abuse?
- Is there on-going treatment?
- Does child have Protective Factors?
- Is child at risk presently?
- Has child been traumatized?

Differentiate Domestic Abuse

- No abuse
- Abuse in the past, acknowledged
- Isolated / Situational violence or threats, acknowledged
- Reactive or Resistive, acknowledged
- On-going and History of Abuse or threats maybe with Coercive Control
- Significant History of Abuse with Coercive Control, maybe with attacks directly on children

Understanding the Batterer

- When can a perpetrator be a GOOD PARENT?**
- When the batterer admits the abuse and makes the attempt to change
 - When the batterer has a desire to improve parenting skills and attempts to take role as parent seriously
 - When the batterer can be redirected to focus on the needs of children rather than on controlling the victim

Protective Factors within a Family

- Strong cultural identity
- Access to health care
- Stable housing
- Economic stability
- Social support
- Affiliation with a supportive community
- For the child: self-regulation and problem solving skills, successful experience in school, affection from extended family members, close positive relationship

Parenting Dispute Dilemmas

Accurately assessing the perpetrator, victim and children

IMPACT of Domestic violence on children (no visible/measurable impact possible)

Children aligned with victim/primary caregiver (alienation allegations?)

Children aligned with batterer (child's wishes vs. best interest)

Role of extended family (helpful or harmful?)

Shared Parenting : Plan with Flexibility

SHARED DECISION MAKING

No significant history of violence, abuse or threats

Cooperation and Communication

Remorse if there has been violence or threats

Parents put child's need first

Generally not appropriate for parents with coercive control history or mentally ill and substance abusers

Parallel Parenting : Clear Boundaries

DIVIDED DECISION-MAKING POSSIBLY DIFFERENT ISSUES ASSIGNED TO EACH PARENT

Isolated incidents of violence, no coercive control

No current violence

Offending parent took responsibility

Incompatible child rearing styles

Appropriate where each parent has a positive contribution to make but direct contact with other parent creates acrimony

Not appropriate for infants and very young children or special needs children or one parent poses a threat to child or on going threat of violence to other parent

Supervised Exchanges : Explicit Orders

DECISION MAKING AUTHORITY TO PARENT ABLE TO PROVIDE NON-VIOLENT HOME

Conflict instigated violence, Separation instigated violence, Victims with residual trauma

Child has no fear

Chronically conflicted couples

Problematic behavior of either parent and or child at transition

Not appropriate for any case with on-going violence or concerns of safety of child

Supervised Parenting : Safety Provisions

DECISION MAKING AND TIME TO PARENT MORE ABLE TO PROVIDE NON-VIOLENT HOME

History of and on-going violence, abuse, or threats, possibly with coercive control

Current substance abuse or acute mental illness of non-residential parent

Risk to child for physical or sexual abuse or abduction threat

Child traumatized, but wants contact

Not appropriate is child is in distress and there is lack of benefit in contact, if there is inadequate supervision, if supervised parent has met explicit conditions for less restrictive access, or if residential parent wants supervision despite unfounded abuse allegations after full assessment

Suspended Contact : Explicit Goals

DECISION MAKING AND PARENTING TIME TO PARENT ABLE TO PROVIDE NON-VIOLENT HOME

Access suspended per Court order due to high risk parent

Severe current substance abusers and acutely mentally ill without treatment

Specific goals and behavioral criteria to be met before Supervised Access

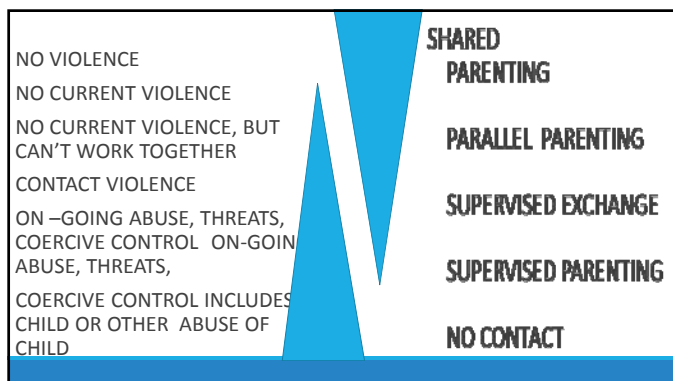
Child caused distress and or orders disobeyed at Supervised Contact

Very high lethality indication, previous abuse or abduction of child

Conviction for serious assault or attempted homicide or homicide of family member

Child completely estranged due to past trauma

Not appropriate for unjustified refusal of residential parent to make child available or other non-compliance



Tools for Battered Parent and Counsel

Assessing Risk for Lethal Domestic Violence

- Danger Assessment
 - Jacquelyn C. Campbell, PhD, RN, FAAN
 - www.dangerassessment.org
- Maryland Lethality Assessment Project
 - David Sargent, Maryland Network Against Domestic Violence
 - www.mnadv.org
- Others For Your Consideration:
 - DVSI-R – Kirk Williams (Domestic Violence Screening Instrument – Revised)
 - DV- Mosaic – Gavin DeBecker
 - ODARA – Z. Hilton (Ontario Domestic Assault Risk Assessment)

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FOR USE OF SEVERAL OF THE SLIDES
