

---

# **Understanding Women's Experiences Parenting in the Context of Domestic Violence**

## **Implications for Community and Court-Related Service Providers**

Peter G. Jaffe, Ph.D.

Claire V. Crooks, Ph.D.

authors commissioned by



Copyright © 2005 Violence Against Women Online Resources

February, 2005

## Table of Contents

Summary .....	2
Introduction .....	2
Themes Underlying Challenges of Parenting in the Context of Woman Abuse .....	4
Women's parenting may be affected by the experience of violence .....	4
Professionals struggle to differentiate conflict from violence .....	5
Abused women often face continuing risks from their partner after separation .....	6
Many children are negatively affected by exposure to domestic violence .....	7
Domestic violence is highly relevant to the determination of child custody .....	8
The significance of domestic violence is often overlooked by family courts, lawyers, and court-related services .....	8
Abused women often experience difficulty accessing appropriate legal and mental health counseling services for themselves and their children .....	9
Recommendations for Community and Court Services Providers .....	10
Train for ongoing risk assessment and management .....	10
Train service providers about children's exposure to domestic violence, and how to discuss these concerns with mothers .....	11
Prioritize the need for safety in intervention planning .....	11
Assess domestic violence in custody proceedings .....	11
Provide specific training for court personnel .....	12
Conclusions .....	12
References .....	13

## Summary

Although there is an increasing recognition in the social service and justice systems that domestic violence has a pervasive, negative impact on victims, the understanding of this impact is typically not extended to women's functioning as parents. This paper identifies and discusses seven central themes that highlight the intersection between woman abuse and parenting. Specific implications and recommendations for community and court service providers are offered.

## Introduction

Domestic violence is now clearly recognized as criminal behavior, but is often minimized within the context of parenting. This impact is pervasive in nature and has both direct and indirect effects on women and children. Living with violence terrorizes children and presents a formidable barrier to women's resources and confidence to meet their children's needs. The dynamic of interpersonal violence contradicts the fundamental principles of mutual respect, trust, equality and cooperation required for effective co-parenting. At a time when society and the justice system are increasingly recognizing the important role of fathers and encouraging more active involvement compared to previous generations, domestic violence perpetrators require an exception to this thinking. This article identifies central themes in the research that underline the challenges that abused women face as mothers. In addition, the implications for providing effective service to these women in the

community and the justice system are discussed. At the outset of this article, the authors wish to acknowledge that men may also be victims of domestic violence. However, women statistically remain the primary victims in heterosexual relationships. Women are more likely than men to be physically injured, spend time recuperating from abuse-related injuries, report fear of their partner's violence, and report feeling depressed as a result of the violence they experience. Given that the preponderance of victims of domestic violence is women, this article focuses on the intersection between domestic violence and parenting for mothers. In addition, violence also exists in a range of non-traditional relationships; however, these issues are beyond the scope of this paper. There is clearly a need for research that specifically addresses violence and custody disputes in same sex relationships and other family constellations.

The identification of domestic violence and understanding the impact on a woman is difficult in and of itself. When her parenting role and the well-being of her children are being considered, these issues are even more complex. Although services often compartmentalize women's experiences of victimization and their role as parents, these are inextricably intertwined facets of their lives. Being a victim of violence affects the ability to parent. Being a parent affects the decisions faced with respect to being abused. Regardless of whether or not women decide to leave an abusive relationship at a particular point in time, they often identify that their understanding of the best interests of their children has been a major factor in making these decisions (Hilton, 1992). Concerns that mothers have for their children in these circumstances range from basic survival (e.g., shelter and food) to concerns about the intervention of child protective services to the perceived emotional harm suffered by children who do not have contact with a father figure. In many cases, women may inadvertently place themselves at risk by maintaining contact with a dangerous ex-partner in order to facilitate father-child contact, believing that "any father is better than no father."

Many women who experience violence in their intimate relationships have contact with a wide variety of front-line health care and social service providers. Not all women disclose intimate partner violence, and not all service providers know how to ask about abuse. A number of initiatives have recently evolved to implement universal screening for woman abuse in medical, mental health, addiction counseling and social services (Ebell, 2004; Little, 2000). While asking about abuse is an important step, there is a major gap in training on intervention strategies that include comprehensive risk assessment, referral to specialized services, and risk management. This gap becomes even wider when professionals consider the impact of domestic violence on parenting and children's well-being.

There is a similar disjunction between professionals asking and knowing what to do with the information in the court setting. In the worst-case scenarios, "what to do" may vary from blaming the victim for not protecting the children, to suspecting that the victim is making false allegations as a tactic to gain the upper hand in financial and custody settlement proceedings. A less extreme, but all too common response, is to believe the disclosure, but fail to see the relevance to the court proceedings. Recognizing the relevance of domestic violence in child custody proceedings requires a significant paradigm shift away from prevailing notions of the increasing role of fathers, preference for joint custody and shared parenting plans, emphasis on mediation and conflict resolution, and the saliency of the "friendly parent" construct. In particular, the friendly parent construct is widely adopted by judges, family law attorneys, mediators, and evaluators to reward the parent who is

most likely to promote contact and a positive relationship with children to the other parent. In domestic violence cases, an abuse victim who attempts to limit contact to an abuser may be deemed hostile and unfriendly, and punished for her protestations and vigilance.

Although some abuse victims attempt to limit father-child contact, many indicate that they want their children to have relationships with their fathers, in spite of the history of abuse. Some women recognize the risks, but value father-child relationships if they can be managed safely (Arean & Davis, in press; Tubbs & Williams, in press). Other mothers may be motivated by guilty feelings of having instigated the separation in the family. A third group may lack awareness or insight about the ongoing level of risk, and inaccurately assess safety (Campbell, Sharps, & Glass, 2001). Contrary to concerns by some fathers and lawyers that women use manufactured allegations of domestic violence to keep fathers from their children, our experience as custody assessors is that many battered women minimize abuse in order to reach a less confrontational, timely, and affordable settlement (Jaffe, Crooks, & Poisson, 2003).

## **Themes Underlying Challenges of Parenting in the Context of Woman Abuse**

We have identified seven themes that we see as central in understanding the dynamics of domestic violence and parenting. Furthermore, we would argue that it is essential for service providers to understand these dynamics in order to provide appropriate services to women who are victims of domestic violence. The seven themes include: 1) Women's parenting may be affected by the experience of violence; 2) Professionals struggle to differentiate conflict from violence; 3) Abused women often face continuing risks from their partner after separation; 4) Children are negatively affected by exposure to domestic violence; 5) Domestic violence is highly relevant to the determination of child custody; 6) The significance of domestic violence is often overlooked by family courts, lawyers, and court-related services; and, 7) Abused women often experience difficulty accessing appropriate legal and mental health for themselves and their children.

### **Women's parenting may be affected by the experience of violence**

Living with violence can affect a woman's parenting in both indirect and direct ways. Some researchers have found that abused women parent as effectively as their non-abused counterparts, in spite of the obstacles they face (Holden & Ritchie, 1991; Edleson, Mbilinyi, & Shetty, 2003). Abused women can be as nurturing as any other parents and even try to compensate for their partners' violence (Sullivan, Nguyen, Allen, Bybee & Juras, 2000). Nonetheless, the stress that women experience in a violent relationship may lead to increased physical and psychological symptoms, as well as reduced effectiveness with child management (Jaffe, Wolfe, & Wilson, 1990; Levendosky & Graham-Bermann, 2000). The effects of abuse may include higher levels of maternal depression, which has been shown to be related to severity of abuse, in that more severe violence is associated with higher levels of depression (Campbell, Kub, Belknap, & Tempin, 1997). Women who are abused may find themselves overwhelmed by attempting to survive on a day-to-day basis. At the same time they have to provide responsive, effective care to children who likely will be exhibiting their own symptoms of distress. When the children most need their primary caretaker to be available

and reassuring, she is least able to respond to these demands. Some women experience long-term health and mental consequences that will continue to affect their parenting, including higher rates of substance abuse and mental health problems. For other women, separating from their abuser results in improvements in both their and their children's adjustment (Edleson et al., 2003; Jaffe et al., 1990).

Mothers may be hampered in developing expectations of respectful behavior from their children, which contrasts with the extremely disparaging treatment exhibited by the children's father toward their mother. Likewise, seeing their mother as the target of derogation and abuse may undermine her authority as a parent. Men who abuse their partners may exhibit a range of purposefulness in their behavior, from lack of insight on the impact of their behavior to willful corruption of the mother-child relationship (Bancroft & Silverman, 2003). In some cases, mothers may engage in coercive or abusive parenting behaviors in an attempt to minimize or avoid more severe actions on the part of an abusive partner.

In our own clinical practice of completing child custody evaluations we see a vast array of mothers and fathers that may have a great deal to offer their children who present as inadequate and neglectful parents. We are constantly reminded that it is misleading to overgeneralize about parenting competence or deficiencies based on gender or history of violence alone. Although we would argue that perpetrators of domestic violence are not practicing good parenting, being a victim does not necessarily equate with good parenting. That is, there are victims of domestic violence who are poor parents, for a host of factors beyond the impact of the abuse.

## **Professionals struggle to differentiate conflict from violence**

Front-line professionals are exposed to a wide range of marital strife that may be described differently by the marital partners. Perpetrators and victims may both minimize violence as conflict. "Conflict" and "domestic violence" are often confused or used interchangeably despite critical differences between them. The confusion has come from the term "high conflict," which has been used to describe more intense and protracted disputes that require considerable court and community resources and include domestic violence cases (Johnston, 1994). The terms domestic violence, conflict, and abuse may be used interchangeably, without any clear definition or understanding of these terms. A clearer distinction needs to be made between high conflict and domestic violence cases in terms of assessment and intervention strategies (Jaffe, Lemon, & Poisson, 2003). These differing views underscore a major controversy in the family court whereby domestic violence advocates are concerned that domestic violence will be euphemized as conflict and others argue that any conflict may be interpreted as domestic violence.

In the majority of separation and divorce cases referred to as "high-conflict", domestic violence is a significant issue (Johnston, 1994). Evidence that this violence may be overlooked was found in a recent study of mediation services. Of 2,500 families entering mediation in California, approximately three-quarters of parents indicated that domestic violence had occurred during the relationship (Hirst, 2002). In the majority of cases, the mediators did not recognize domestic violence as an issue and held joint sessions contrary to the regulations that protect victims in these circumstances. The need for proper assessment and screening is highlighted by other studies that underscore the

prevalence of violence among separating couples. Indeed, in research by leaders in the field, the majority of parents referred by the family court for counseling because of failed mediation or continuing disputes over the care of their children described marital histories that included physical aggression ( Johnston & Campbell, 1988).

Although domestic violence is a predominant characteristic of high conflict divorcing couples, there is a sizeable minority of high conflict cases where there is no domestic violence. These high conflict cases may involve parents whose rigid personality styles or even mental health difficulties have them trapped in prolonged litigation. Alternatively, parties in a high conflict case may have fundamental differences with respect to religious beliefs, culture, parenting philosophy, or medical care. These cases differ from more typical separation conflict by one or both parents' willingness to expend emotional and financial resources in litigation, often on a mission of revenge or validation. While most divorcing couples find reasonable stability and are able to begin moving forward in their new co-parenting role after a two to three year period, these high conflict couples remain enemies and maintain the legal conflict and emotional entanglement for many years to come.

Historically, domestic violence literature has developed in isolation of divorce literature (and vice versa), and findings from one area has not informed thinking and practice in the other. Researchers who have tried to identify risk markers associated with recidivism, dangerousness, and lethal violence in domestic relationships have consistently identified the process of separation as a critical period. These researchers have noted that domestic violence is more about one person's attempt to control and dominate his partner, rather than isolated acts of abuse. An attempt to leave a violent partner, with children, is one of the most significant factors associated with severe domestic violence and death ( Websdale, 1999). Inquests into domestic homicides and Domestic Violence Fatality Reviews have consistently pointed to the period of separation as the time of highest risk for victims of domestic violence ( Johnson & Bunge, 2001). Unfortunately, domestic violence is often minimized as being an isolated, uncharacteristic incident caused by the distress of a separation, rather than being recognized as a risk marker for severe or even lethal violence in the context of a pattern of historical abuse.

## **Abused women often face continuing risks from their partner after separation**

Most laypersons assume that domestic violence ends when an abuse victim finally leaves her partner. In reality, separation may be a signal to the perpetrator to escalate his behavior in an attempt to continue to control or punish his partner for leaving. Every year in the US as many as 1600 women are killed by their intimate partner, most often after a history of violence and an attempt to end the relationship ( Fox & Zavitz, 1999). Some analysts have pointed to the importance of providing the right services to victims, with a clear focus on keeping the perpetrator away from the victim to prevent reoffending, and in the extreme, homicides ( Dugan, Nagin, & Rosenfeld, 2003). When the victim is a mother, she is faced with the contradictory tasks of finding safety, but also providing the children for any agreed upon visits to their father. To illustrate this point, a domestic violence victim that recently provided testimony to a death review committee told one of the authors (Jaffe) that she was offered a safety plan in criminal court, but was mandated by family court to promote access to the father. The plan allowed the perpetrator to come to her residence to pick up the children.

This enforced contact via access transitions led to an attempt on her life. The need for a system that avoids these contradictory court orders has led to calls for a specialized court system, where enhanced training and collaboration may prevent these tragedies ( Sack, 2002).

In addition to the possibility of serious or life-threatening assault, ongoing abuse can be more insidious and be related to custody and visitation issues. For example, in a study of abusive men referred to a parenting group, the use of custody proceedings to control or harass a former partner was a strategy commonly identified by the men themselves ( Francis, Scott, Crooks, & Kelly, 2002). Indeed, threats to obtain custody are often used by abusers as a weapon against the abuse victim to enhance power and control post-separation. Furthermore, research has shown that batterers are more likely to apply for custody and equally likely to be granted it in comparison to non-violent fathers ( Liss & Stahly, 1993; Zorza, 1995). In addition, batterers can use access to children to gain access to their former spouses. As noted above, transitions from one parent to the other entail proximity that provide the opportunity for further abuse. Aside from the concerns raised about lethal violence, children may be exposed to ongoing threats and harassment during transitions, which undermines the fragile sense of safety that the mother and children may be developing post-separation. In one study, one-quarter of the women reported that their lives were threatened during visitation ( Leighton, 1989). Indeed, the ongoing risks to abused women and children are so high at the point of separation that supervised visitation centers have become an essential domestic violence service ( Sheeran & Hampton, 1999). Although supervised visitation centers enhance safety for most clients, they are not a guaranteed safeguard; indeed, there are documented cases of domestic homicide that have occurred at such centers.

### **Many children are negatively affected by exposure to domestic violence**

Research on children's exposure to domestic violence has consistently identified a range of negative outcomes for many of these children ( Wolfe, Crooks, Lee, McIntyre-Smith, & Jaffe, 2003). This research points to a continuum of potential consequences that vary according to a host of risk and protective factors ( Gewirtz & Edleson, 2004). Children who are exposed to domestic violence may show comparable levels of emotional and behavioral problems to children who were the direct victims of physical or sexual abuse ( Jaffe et al., 1990). In addition to emotional and behavioral problems, difficulties experienced by child witnesses can encompass a variety of trauma symptoms, including nightmares, flashbacks, hypervigilance, depression, and regression to earlier stages of development ( Graham-Bermann & Levendosky, 1998). Other identified difficulties include compromised social and academic development ( Moore, Pepler, Mae, & Michele, 1989). Peled ( 2000) has summarized these effects of witnessing both the violence and response to violence as follows: "Children of abusive men grow up terrorized, witnessing violent, rigid, and sometimes, self-destructive behaviors, and they are exposed to negative and limiting role models" (p. 26).

The effect of domestic violence cuts across all ages and stages of children's development of children. The impact of violence on very young children suggests that permanent negative changes in the child's brain and neural development can occur, such as altering the development of the central nervous system, predisposing the individual to more impulsive, reactive, and violent behavior ( Perry, 1995). Furthermore, the adverse effects of exposure to violence are not restricted to young children. In adolescence, exposure to domestic violence is associated with drug and alcohol abuse,

truancy, violent dating relationships and involvement in the juvenile justice system ( Buel, 2002). Exposure to domestic violence in childhood is also associated with significant problems in adult social adjustment ( Henning, Leitenberg, Coffey, Turner, &Bennett, 1996).

We have yet to fully understand all the factors and pathways that determine the short- and long-term consequences of exposure to violence for any individual; nonetheless, important strides have been made in examining the factors that appear to protect many children from adverse outcomes. Early indications point to the cessation of violence and the role of the non-offending parent and community support in mitigating potentially harmful affects for children ( Hughes, Graham-Bermann, &Gruber, 2001; Osofsky, 2001).

### **Domestic violence is highly relevant to the determination of child custody**

Domestic violence has an impact on victims and their children, which is not conducive to an ongoing secure and safe relationship with the batterer. The foundation for a successful shared parenting plan or regular contact - trust, communication, respect and equality - have been seriously eroded by past abusive behavior. Beyond the relationship dynamics with the victimized parent, perpetrators are poor role models for children in how to moderate emotions, control anger, and engage in healthy and nurturing relationships ( Cummings, Iannotti, &Zahn-Waxler, 1985; Bancroft &Silverman, 2002; for fuller discussion see Gewirtz &Edleson, 2004).

Domestic violence perpetrators may have an indirect impact on their children's relationship with the non-offending parent by undermining that parent. Additionally, they may be involved in alienating and blaming behaviors, which can lead to loyalty conflicts and compromise the children's ability to cope with the separation ( Bancroft &Silverman, 2002). Even if contact between the perpetrator and the children's mother is ceased, batterers may continue to expose their children to violence in subsequent intimate relationships and thereby may continue to traumatize their children ( Woffordt, Mihalic, &Menard, 1994).

Finally, many researchers have identified the overlap between domestic violence and various forms of child maltreatment. Therefore, the identification of domestic violence suggests a 30-60% probability that direct abuse of children may be occurring ( Edleson, 1999). The above factors provide an overview of the importance of domestic violence as a significant factor in child custody decision-making. We would refer interested parties to our book focusing on domestic violence and custody from both legal and clinical perspectives ( Jaffe, Lemon, &Poisson, 2003).

### **The significance of domestic violence is often overlooked by family courts, lawyers, and court-related services**

Domestic violence can be overlooked in child custody proceedings for three reasons: first, women may not raise the issue at all or conversely, raise the issue but have difficulty proving the violence; second, the experience of domestic violence can affect the way in which victimized parents present in an evaluation; and third, even when domestic violence has been raised and validated, it may be overlooked in the decision-making process.

Even though most mediation regulations require the identification of domestic violence as a mandatory screening criterion, the majority of victims of domestic violence do not raise concerns about their victimization in mediation. Even when violence is raised, the mediation process is not necessarily responsive. For example, in cases where allegations of violence are made, joint sessions between the perpetrator and the victim are held more than 40% of the time ( Hirst, 2002).

Furthermore, domestic violence is notoriously difficult to substantiate. Most abused women have difficulty proving their abuse in family court proceedings because of insufficient corroborating evidence. Since the majority of abuse victims do not contact the police, independent evidence required by the courts is often lacking ( Statistics Canada, 2001; Tjaeden & Thoennes, 2000). This evidence is increasingly critical as courts have become more skeptical about the motivation of parents raising domestic violence allegations in the context of a custody dispute.

The presentation of batterers and victims is such that their competence as parents in child custody proceedings is difficult to accurately assess. Most batterers will present with no obvious mental health problems. In comparison, many victims suffer from a variety of trauma symptoms likely related to their abuse. As a result, the court outcome may overlook the basic issues of safety of the victims and their children, and accountability for the perpetrator's behavior ( Gondolf, 2002). Furthermore, abuse survivors may present as angry, distrustful, and suspicious with all professionals related to the court proceedings. This presentation undermines their effectiveness in dealing with the court system and may result in adverse inferences drawn about their attitudes, parenting skills, and ability to promote a relationship with the other parent ( Jaffe & Geffner, 1998).

Even when the domestic violence is formally recognized, its relevance to determining child custody and visitation plans may be missed. Recent research has noted that documentation of domestic violence in a custody and visitation evaluation is not always reflected in the recommendations of the assessor ( Logan, Walker, Jordan, Horvath, & Leukefeld, 2003; Horvath, Logan, & Walker, 2003). Furthermore, even if custody is awarded to the non-offending parent in the case of domestic violence, regular visitation may still be awarded to the perpetrator, providing ongoing opportunities of harassment, threats, and abuse ( Shaffer & Bala, 2004).

### **Abused women often experience difficulty accessing appropriate legal and mental health counseling services for themselves and their children**

Abused women and children involved in child custody proceedings require a host of well-coordinated legal and social services. At a point of crisis, victims are required to navigate complex systems in order to access limited services. The existing system has been criticized for the manner in which, "multiple judges and attorneys handle different aspects of a case, information is spotty and disjointed, monitoring of perpetrators is inconsistent, and victims coming through the court system are not linked systematically to any assistance" ( Sack, 2002, p. 1). This situation may be further exacerbated by barriers related to isolation, poverty, and immigrant status ( Vascoe, Jaffer, & Irwin, 2002).

Abused women often feel re-victimized by the court system's response to the violence. Rather than finding safety, protracted disputes may put the women and children at further risk ( Sinclair, 2000). Access to legal assistance is limited by poverty and may place abused women in a choice between

self-representation or an inadequate counsel hamstrung by minimal hours or lack of experience and specialization in the field ( Neilson, 2001). Some research has indicated that limited access to legal representation may be a factor in abused women remaining or returning to abusive relationships in as many as half of the cases ( Ontario Association for Interval & Transition Houses, 1996).

As well, cultural beliefs and culturally incompetent systems affect the accuracy of assessments and may result in the differential treatment of immigrant/new arrival mothers with little to no English skills and no understanding of what "domestic violence" means. Furthermore, cultural beliefs regarding parenting may influence how victims of abuse protect their children. People from other countries (especially those in midst of political/war-time strife) might view any authority as threatening. This suspicion of authority figures in general may cause these immigrants/new arrivals to fear any government-endorsed officials (such as the police or child protection workers) and to adjust their communications accordingly ( Enos, 2003). These issues are discussed in thoughtful detail in *Child Protective Services and Battered Immigrant, Refugee and Indigenous Women* by Pualani Enos (available at <http://www.apiahf.org/apidvinstitute/ResearchAndPolicy/publications.htm> [http://www.apiahf.org/apidvinstitute/ResearchAndPolicy/publications.htm]).

## **Recommendations for Community and Court Services Providers**

On the basis of the themes discussed in this paper, we offer five implications recommendations for providing appropriate services to abused women and their children in the context of community and court-related services. These implications recommendations have a wide range of targets including system, victims, perpetrators, and children. They include: 1) a need for ongoing risk assessment and management; 2) a need for service providers to be trained about children's exposure to domestic violence, and how to discuss these concerns with mothers; 3) the need for safety to be prioritized in intervention planning; 4) domestic violence needs to be assessed in custody proceedings; and, 5) court personnel require specific training.

### **Train for ongoing risk assessment and management**

Clearly, abused women have an ongoing need for safety planning before and after separation. Recognizing that not all abused women access specialized domestic violence programs, a wider range of professionals need to be trained in these areas (e.g., family doctors, addictions counselors, and mental health professionals). Furthermore, courts and court-related services need to consider a range of options in cases of domestic violence including no visitation, limited supervised visitation, supervised exchanges, and regular visitation, based on a case-by-case assessment. The role of supervised visitation or supervised exchanges may be essential to the protection of women and children from ongoing abuse. These options may counter the prevailing assumption that all children need frequent contact with both parents after separation ( Saunders, 1998).

## **Train service providers about children's exposure to domestic violence, and how to discuss these concerns with mothers**

Typically, community and court services have focused on the needs of children who are physically or sexually abused by adults. Exposure to domestic violence was assumed to be innocuous and not worthy of careful attention, let alone specialized intervention. However, the emerging research on the potential harm associated with exposure to domestic violence suggests that these children may require comprehensive assessment and intervention services. In addition to being familiar with the consequences of exposure to domestic violence, service providers would be encouraged and should receive training about discussing these issues with mothers. Providing mothers with accurate information about some of the documented negative effects of exposure to domestic violence may assist them in their decision-making. Service providers also need training on how these issues play out in court (i.e., whether the mother's raising of the issue will result in her being labeled "unfriendly" and the need for professionals to be involved in the court process).

## **Prioritize the need for safety in intervention planning**

Although abused women and their children may require a range of services, safety must be the first priority. As other researchers have noted, any interventions that simply target the aftermath of violence (such as battered women's depression and trauma symptoms) are unlikely to have a beneficial influence on mothers and their children when the batterer has not been removed from the home (Levendosky & Graham-Bermann, 2000). In situations where a mother has chosen to remain cohabiting with a batterer in the hopes that he will benefit from intervention, contact between the mother and batterer intervention program is essential. At the very least, mothers should be provided with information about the nature of the program, notified if her partner drops out of the intervention, and provided with referral information for additional services as indicated. Additional supports may also be required for the mother. To the extent that such programs are available, additional interventions addressing parenting by abusive men are indicated (e.g., Scott, Francis, Crooks, & Kelly, 2002). Many professionals are challenged by the dilemma raised by abused women who choose to remain in a violent relationship for a host of complex factors that may include financial dependency, emotional attachments, and religious beliefs. In these situations victim empowerment may be supported by access to information and resources that allow ongoing assessment of risk and potential impacts on children (Campbell et al., 2001). Specific information about safety planning for children is also available, and should be shared with mothers to assist in their decision-making process (Hardesty & Campbell, 2004).

## **Assess domestic violence in custody proceedings**

Given the prevalence of domestic violence in divorcing couples that are actively engaging courts and court-related services, the term "high-conflict" may mask serious concerns about violence and abuse. Understanding domestic violence has important implications throughout the court process, from initial intake and screening procedures to more detailed risk assessment and safety planning procedures. Particular issues such as sexual assault in the course of a marriage and severe emotional abuse of family members by harming pets may be overlooked without specific inquiries. Therefore, family courts and court-related services need to assess the nature, extent, and impact of domestic

violence on women and children in custody disputes. The American Psychological Association (APA) has published a number of guidelines in addressing domestic violence in custody and access assessments. For example, the APA stresses the importance of gathering information from collateral sources in evaluating allegations of abuse, rather than relying only on interviews or psychological testing ( American Psychological Association, 1998).

### **Provide specific training for court personnel**

Family court officers, lawyers, and court-related service providers need training to enhance their skills in responding to domestic violence. Although guidelines that underscore the importance of domestic violence have been developed for most court-related services and endorsed by various professional bodies, the widespread implementation of, and adherence to these principles has not been achieved. For example, guidelines for psychologists completing child custody evaluations include the importance of assessing a history of domestic violence in determining the suitability of a parent for primary custody of children ( American Psychological Association, 1996). The gap between these guidelines and professional practice has been confirmed by recent research ( Logan, Walker, Jordan, Horvath, &Leukefeld, 2003; Horvath, Logan, &Walker, 2003).

## **Conclusions**

Although this paper has outlined numerous challenges and shortcomings in community and legal responses to abused women in their role as parents, the picture is not uniformly bleak. Indeed, there are numerous emerging solutions that challenge individual systems to respond more appropriately to women who have been abused and their needs as parents ( Jaffe, Baker, &Cunningham, 2004). There have also been legislative changes that recognize the relevance of domestic violence in child custody disputes and attempt to redress some of the concerns noted in this paper. These efforts of legislative reform have enhanced requirements for courts and court related services to make safety of abused women and their children a priority ( Jaffe, Lemon, &Poisson, 2003; National Council of Juvenile and Family Court Judges, 2002). Legislative changes are not enough and may be harmful either because they involve poorly conceptualized laws, or conversely, they have potential benefits that are unrealized due to lack of training and resources. We have identified the detrimental effects of some of the well-intended legislative changes in this area in another paper ( Jaffe, Crooks, &Wolfe, 2003).

Innovative programs for batterers, victims, and children exposed to violence are being implemented and evaluated across the United States and Canada. For example, effective model programs based on a group psycho-educational approach for children exposed to domestic violence have shown promise as a community-based strategy to deal with the aftermath of domestic violence ( Graham-Bermann, 2001). In the field of batterer intervention, there are some hopeful signs that perpetrators do change when the intervention is embedded in an overall community and court response ( Gondolf, 2002). Abused women can find meaningful support as well from knowledgeable agencies, which provide counseling for children and network with other systems and service providers ( Vascoe et al., 2002).

Training and education for judges, lawyers, mediators, custody evaluators, supervised visitation providers and child welfare workers on domestic violence is an essential component of court reform. For example, in California, custody evaluators must attend 16 hours of training specifically on domestic violence (12 hours classroom and 4 hours networking with domestic violence service providers) before being accepted by the court as a qualified evaluator ( Family Violence and Sexual Assault Institute, 2000). Parallel to improved training requirements; new assessment technology is also being advanced. For example, researchers and practitioners in the area of domestic violence are continuously developing new instruments and improving existing ones in an effort to predict future dangerousness of batterers, as well as the consequences to their victims and children ( Campbell et al., 2001).

There are Promising practices that have recently emerged in many family courts that capitalize on legislative reform, innovative programs, and collaboration amongst court and community partners ( Sack, 2002). These ongoing attempts to enhance justice and service delivery in child custody disputes need to be informed by survivors of domestic violence. Survivors should be given an essential voice in improving court and community responses to the plight of abused women and children.

In closing, safety for women who have been abused must thoughtfully consider their parenting role. Our understanding of the needs of these women must be informed by their challenges as parents. Compartmentalizing mothers' needs as adult victims and their needs as parents of children who are traumatized may match an individual agency's function, but not a victim's reality. In the words of pioneer Barbara Hart:

"Safety is not simple. Minimally, it entails being free of violence and coercion. But safety goes well beyond and includes the ability to negotiate life's daily challenges without having decisions intruded upon and contravened by a controlling partner. It includes the confidence that the battering parent will not dispute the routines of children. It is the freedom from public and private denigration from an abusive spouse. It is a cessation of stalking. It is the knowledge that disagreement with the children's father will not precipitate violent retaliation" ( Hart, 1998, p. 3).

## References

- American Psychological Association. (1996). Guidelines for child custody evaluations in divorce proceedings. *American Psychologist*, 49,677-680.
- American Psychological Association. (1998). Potential problems for psychologists working with the area of interpersonal violence.Retrieved October 1, 2004, from <http://www.apa.org/pi/pii/potential.html>
- Arean, J. C., &Davis, L. (2004, February). Lessons from the fathering after violence project.Paper presented at the Parenting with Batterers working group, San Francisco, CA.

- Bancroft, L., & Silverman, J. (2002). *The batterer as a parent: Addressing the impact of domestic violence on family dynamics*. Thousand Oaks, CA: Sage.
- Buel, S. (2002). Domestic violence and juvenile crime. *Journal of the National Council of Juvenile & Family Court Judges*, 53, 1-10.
- Campbell, J. C., Kub, J., Belknap, R. A., & Tempin, T. N. (1997). Predictors of depression in battered women. *Violence Against Women*, 3, 271-293.
- Campbell, J. C., Sharps, P., & Glass, N. (2001). Risk assessment for intimate partner homicide. In G. Pinard & L. Pagani (Eds.), *Clinical assessment of dangerousness: Empirical contributions* (pp. 136-157). New York, NY: Cambridge University Press.
- Cummings, E. M., Iannotti, R. J., & Zahn-Waxler, C. (1985). Influence of conflict between adults on the emotions and aggression of young children. *Developmental Psychology*, 21, 495-507.
- Dugan, L., Nagin, D. S., & Rosenfeld, R. (2003). Do domestic violence services save lives? *National Institute of Justice Journal*, 250, 20-25.
- Ebell, M. H. (2004, May 15). Routine screening for depression, alcohol problems, and domestic violence. *American Family Physician*, 2421-2424.
- Edleson, J. L. (1999). The overlap between child maltreatment and woman battering. *Violence Against Women*, 5, 134-154.
- Edleson, J. L., Mbilinyi, L. F., & Shetty, S. (2003). *Parenting in the context of domestic violence*. San Francisco, CA: Judicial Council of California.
- Enos, V. P. (2003). *Learning from the experiences of battered immigrant, refugee and indigenous women involved with child protective services to inform a dialogue among domestic violence activities and advocates*. San Francisco, CA: Family Violence Prevention Fund.
- Family Violence & Sexual Assault Institute (2000). *Practical applications for custody evaluation: Domestic violence training*. San Diego, CA: Author.
- Fox, J. A., & Zavitz, M. W. (1999). *Homicide trends in the United States*, (NCJ 173956). Washington, DC: Bureau of Justice Statistics.
- Francis, K. J., Scott, K. L., Crooks, C. V., & Kelly, T. (2002, August). *Caring Dads: Measurement issues and initial findings*. Panel presentation at the Victimization of Child and Youth Conference, New Hampshire.
- Gewirtz, A., & Edleson, J. L. (2004). Young children's exposure to adult domestic violence: Toward a developmental risk and resilience framework for research and intervention. *Early childhood, domestic violence, and poverty: Helping young children and their families*, #6. Iowa City, IA: School of Social Work, University of Iowa.

- Gondolf, E. W. (2002). *Batterer intervention systems: Issues, outcomes, and recommendations*. Thousand Oaks, CA: Sage Publications.
- Graham-Bermann, S. A. (2001). Designing intervention evaluations for children exposed to domestic violence: Applications of research and theory. In S. Graham-Bermann & J. Edleson (Eds.), *Domestic violence in the lives of children: The future of research, intervention, and social policy* (pp. 237-268). Washington, DC: American Psychological Association.
- Graham-Bermann, S. A., & Levendosky, A. A. (1998). Traumatic stress symptoms in children of battered women. *Journal of Interpersonal Violence*, 13, 111-128.
- Hardesty, J. L., & Campbell, J. C. (2004). Safety planning for abused women and their children. In P. Jaffe, L. Baker, & A. Cunningham (Eds.), *Protecting children from domestic violence: Strategies for community intervention* (pp. 89-100). New York: Guilford Press.
- Hart, B. J. (1998). *Safety and accountability: The underpinnings of a just justice system*. Harrisburg, PA: Pennsylvania Coalition Against Domestic Violence.
- Henning, K., Leitenberg, H., Coffey, P., Turner, T., & Bennett, T. (1996). Long-term psychological and social adjustment of adults who witnessed interparental physical conflicts as children. *Journal of Interpersonal Violence*, 11, 35-51.
- Hilton, N. Z. (1992). Battered women's concerns about their children witnessing wife assault. *Journal of Interpersonal Violence*, 7, 77-86.
- Hirst, A. (2002, March). Child custody mediation and domestic violence. Paper presented at the 2002 Family Court Services Statewide Educational Institute, Long Beach, CA.
- Holden, G. W., & Ritchie, K. L. (1991). Linking extreme marital discord, child rearing, and child behavior problems: Evidence from battered women. *Child Development*, 62, 311-327.
- Horvath, L. S., Logan, T. K., & Walker, R. (2002). Child custody cases: A content analysis of evaluations in practice. *Professional Psychology: Research and Practice*, 33, 557-565.
- Hughes, H. M., Graham-Bermann, S. A., & Gruber, G. (2001). Resilience in children exposed to domestic violence. In S. Graham-Berman & J. Edleson (Eds.), *Domestic violence in the lives of children: The future of research, intervention, and social policy* (pp. 67-90). Washington, DC: American Psychological Association.
- Jaffe, P. G., & Geffner, R. (1998). Child custody disputes and domestic violence: Critical issues for mental health, social service, and legal professionals. In G. Holden, R. Geffner, & E. Jouriles (Eds.), *Children exposed to marital violence: Theory, research, and applied issues* (pp. 371-408). Washington, DC: American Psychological Association.
- Jaffe, P. G., Baker, L. L., & Cunningham, A. J. (Eds.). (2004). *Protecting children from domestic violence: Strategies for community intervention*. New York: Guilford Press.

- Jaffe, P. G., Crooks, C. V., &Poisson, S. E. (2003). Common misconceptions and addressing domestic violence in child custody disputes. *Juvenile and Family Court Journal*, 54, 57-67.
- Jaffe, P. G., Crooks, C. V., &Wolfe, D. A. (2003). Legal and policy responses to children exposed to domestic violence: The need to evaluate intended and unintended consequences. *Clinical Child and Family Psychology Review*, 6, 205-213.
- Jaffe, P. G., Lemon, N. K. D., &Poisson, S. E. (2003). *Child custody disputes and domestic violence: A call for safety and accountability*. Thousand Oaks, CA: Sage Publications.
- Jaffe, P. G., Wolfe, D. A., &Wilson, S. K. (1990). *Children of battered women*. Newbury Park, CA: Sage Publications, Inc.
- Johnson, H., &Bunge, V. P. (2001). Prevalence and consequences of spousal assault in Canada. *Canadian Journal of Criminology*, 43, 27-45.
- Johnston, J. R. (1994). High-conflict divorce. *Future of Children*, 4, 165-182.
- Johnston, J. R., &Campbell, L. E. G. (1988). *Impasses of divorce: The dynamics and resolution of family conflict*. New York, NY: The Free Press.
- Leighton, B. (1989). *Spousal abuse in metropolitan Toronto: Research report on the response of the criminal justice system*. Ottawa, ON: Solicitor General Canada.
- Levendosky, A. A., &Graham-Bermann, S. A. (2000). Behavioral observations of parenting in battered women. *Journal of Family Psychology*, 14, 80-94.
- Liss, M. B., &Stahly, G. B. (1993). Domestic violence and child custody. In M. Hansen &M. Harway (Eds.), *Battering and family therapy: A feminist perspective*(pp. 175-187). Thousand Oaks, CA: Sage.
- Little, K. J. (2000). Identifying, empowering, and assisting adult victims of abuse. *Postgraduate Medicine*, 108(2), 135-141.
- Logan, T., Walker, R., Jordan, C., Horvath, L., &Leukefeld, C. (2002). Child custody evaluations and domestic violence: Case comparisons. *Violence and Victims*, 17, 719-742.
- Moore, T. E., Pepler, D., Mae, R., &Michele, K. (1989). Effects of family violence on children: New directions for research and intervention. In B. Pressman &G. Cameron (Eds.), *Intervening with assaulted women: Current theory, research, and practice*(pp. 75-91). Hillsdale, NJ: Lawrence Erlbaum Associates, Inc.
- National Council of Juvenile and Family Court Judges (2002). *Family violence legislative update*. Reno, NV: Author.
- Neilson, L. (2001) *Spousal abuse, children and the legal system*. Fredericton, NB: Muriel McQueen Fergusson Centre for Family Violence Research, University of New Brunswick.

- Ontario Association of Interval and Transition Houses (1996). *Locked in, left out*. Toronto, ON: Author.
- Osofsky, J. (2001). The impact of violence on children. *Future of Children*, 9(3), 33-49.
- Peled, E. (2000). Parenting by men who abuse women: Issues and dilemmas. *British Journal of Social Work*, 30, 25-36.
- Perry, B. D. (1995). Incubated in terror: Neurodevelopmental factors in the cycle of violence. In J. D. Osofsky (Ed.), *Children, youth and violence: Searching for solutions*. New York, NY: Guilford Press.
- Sack, E. (2002). *Creating a domestic violence court: Guidelines and best practices*. San Francisco, CA: Family Violence Prevention Fund.
- Saunders, D. (1998). *Child custody and visitation decisions in domestic violence cases: Legal trends, research findings, and recommendations*. Harrisburg, PA: National Resource Center on Domestic Violence.
- Scott, K. L. Francis, K. J., Crooks, C. V., & Kelly, T. (2002). *Caring dads: Helping fathers value their children*. London, ON: Changing Ways.
- Shaffer, M., & Bala, N. (2004). The role of family courts in domestic violence: The Canadian experience. In L. Baker, P. Jaffe, & A. Cunningham (Eds.), *Ending domestic violence in the lives of children and parents: Promising practices for safety, healing, and prevention* (pp. 171-187). New York: Guilford Press.
- Sheeran, M., & Hampton, S. (1999). Supervised visitation in cases of domestic violence. *Juvenile and Family Court Journal*, 50, 13-25.
- Sinclair, D. (2000). *In the center of the storm: Fifty-two women speak out*. Retrieved October 1, 2004, from [www.durhamresponsetowomanabuse.com](http://www.durhamresponsetowomanabuse.com)
- Statistics Canada (2001). *Family violence in Canada: A statistical profile 2001*. Ottawa: Minister of Industry.
- Sullivan, C. M., Nguyen, H., Allen, N., Bybee, D., & Juras, J. (2000). Beyond searching for deficits: Evidence that physically and emotionally abused women are nurturing parents. *Journal of Emotional Abuse*, 2(1), 51-71.
- Tjaden, P., & Thoennes, N. (2000). *Full report of the prevalence of incidence and consequences of violence against women: Findings from a National Violence Against Women Survey*. Washington, DC: U.S. Department of Justice, Office of Justice Programs.
- Vascoe, C., Jaffer, F., & Irwin, L. (2002). *Abuse through child custody and access: A critical site of women's work*. Vancouver, BC: British Columbia Health Research Foundation.

- Websdale, N. (1999). *Understanding domestic homicide*. Boston, MA: University Press.
- Woffordt, S., Mihalic, D. E., & Menard, S. (1994). Continuities in marital violence. *Journal of Family Violence*, 9, 195-225.
- Wolfe, D. A., Crooks, C. V., Lee, V., McIntyre-Smith, A., & Jaffe, P. G. (2003). The effects of children's exposure to domestic violence: A meta-analysis and critique. *Clinical Child and Family Psychology Review*, 6, 171-187.
- Zorza, J. (1995). How abused women can use the law to help protect their children. In E. Peled, P. Jaffe, & J. Edleson (Eds.), *Ending the cycle of violence: Community responses to children of battered women* (pp. 147-169). Thousand Oaks, CA: Sage Publications.