Domestic Violence and Custody Disputes
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What do you see?
Agenda

What is domestic violence?
How is domestic violence different from domestic battery?
What to expect from victims and offenders
Impact on children
Steps to promote accountability and safety
What is Domestic Violence

“We define domestic violence as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner…”

(Department of Justice)

What is Domestic Violence

“…Domestic violence can be physical, sexual, emotional or psychological actions or threats of actions that influence another person…”

(Department of Justice)
What *Didn’t* you see?

“Domestic violence is physical abuse.”

Why not?

It is much more than physical violence.
What is Domestic Violence

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What is Domestic Violence

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(Department of Justice)
Have you ever been frightened?

Were you frightened because someone was hitting you?

Domestic violence versus Domestic Battery

Domestic battery is an act.

A domestic battery occurred at a certain place in time.

Something *clearly identifiable* occurred

May only be *clearly identifiable* if you were there to experience it (a/k/a you and I might never know…)
Is there proof?

- Sometimes the police were called
- Sometimes they made an arrest
- Sometimes the person who was arrested was the victim of domestic violence (even though they were the perpetrator of the battery)
- Sometimes the charges were prosecuted
- Sometimes they were dropped/pleaded out/etc.

What is Domestic Violence

- Physical or sexual abuse (domestic battery)
- Emotional abuse (undermining one's self worth)
- Psychological abuse (crazy making, intimidation)
- Economic abuse (making one financially dependent)
A mild winter day...

A blizzard
Domestic battery is to domestic violence like a snowstorm is to winter.

NOT One Size fits All
(Kelly and Johnston, 2008 FCR)

- Situational Couples Violence
- Separation Instigated Violence
- Violent Resistance
- Coercive Controlling Violence*
Actual Physical Violence

Physical violence is a serious escalation of an already existing problem in cases of coercive controlling violence. It occurs when other, less lethal efforts at control are no longer effective.

What can you expect when you meet these people: Primary Perpetrators of DV

Nice
Charming
Well spoken
Educated
“good” parenting (i.e. involved parents, no reports of child abuse, etc.)
What can you expect when you meet these people: Primary Victims of DV

- Suspicious
- Defensive (to the point of seeming hostile)
- Emotional wrecks
- Medicated for depression or anxiety
- Self medicated

What can you expect when you meet these people: Children of DV

- Defending the perpetrator
- Blaming the victim
- Aligned with the perpetrator
What do they tell you?

During my initial meeting with Joey I was struck by the litany of abuse he claimed to have received at the hands of his mother. The allegations included physical (i.e. choking, slapping, hitting) as well as verbal (i.e. swearing) abuse. He claimed the abuse had been ongoing since he was one month old. It would, of course, be impossible for him to have recalled anything that occurred to him at that pre-verbal age. I inquired as to how he knew this to which he replied his father had told him. During the interview Joey relayed a detailed account of alleged physical abuse (being slapped four times in succession on his right cheek) that he claims occurred more than five years earlier (in preschool). He claims to have relayed this alleged abuse to teachers in first, second and third grades but maintain none believed him. Joey could not recall the most recent time he had been hit by his mother but attributed the lack of abuse, in part, to his grandmother being present during his most recent visit with his mother in Georgia.

While telling me of the alleged abuse, Joey also made reference to the efforts he and his father continue to undertake to raise money for his legal defense. He told me they have used social media and are currently engaged in bake sales (he did not want his mother to know about these) in order to raise $15,000.00 for attorneys fees. I asked what these fees would be used for to which he replied the attorneys would make his mother stop fighting with he and his father.

Caveat for alienation…

The younger children generally speaking are not as visibly alienated as the older children.

A victim of domestic violence can be engaging in alienating behaviors. These should be understood in context but must be addressed.
Question: “Has there been any abuse in your marriage?”
Answer: “No.”

“I was a whack, ‘this is my house, the coffee maker goes right there...’

“He wanted the house clean, he did want the house clean, that was George. (He) came around to (change expectations).” - from the sister

“George very much so likes money to be accounted for, that was another little point of contention.” - from the sister
What do they tell you?

“I got really upset and I hit with a baseball bat our deck outside.”

“I just reared back and hit the door and the whole glass popped out of it.”

“I physically stopped her by putting my arms around her…I was holding her in a hug. I was like, ‘Sue, what’s happening?’…She said, ‘leave me alone’, I said “no”.

“I just felt because that’s their father, you know, (cries), I guess I was trying to protect him in a way as well. To think he didn’t mean it, when he would yell, say nasty things, just because he was mad. Just trying to say ‘it will be better, it will be ok.’ I know the kids need a father. It’s important to have a male role model, to have that bond. I’m very close with my father. It’s very important for the kids to have that same bond.”

“Just preventing me from leaving a room. Not hurting me, not where I was hurt. Just grabbing me, restraining me from moving. IDK if that would be considered physical because I wasn’t hurt.”

“This was the first time I ever did this, I turned around and punched a hole in the wall behind me. No where near her… I said, ‘this is bullshit, we need to talk.’”
False Allegations

Don’t women lie to get an upper hand?

False allegations or false denials?

False allegations undoubtedly occur but…there are also false denials of actual violence to consider.

Victims of domestic violence also tend to minimize or deny the violence that has occurred.

It is risky to conclude there is no DV when this is alleged…safer and more responsible to refer to whether or not objective data exists for which to corroborate the allegations.
Why does it matter?

- Nearly 1/3 of American Women report being physically or sexually abused by a husband or boyfriend at some point in their lives.
- Child abuse occurs in 30% to 60% of family violence cases that involve families with children.
- Women are less likely to be victims of violent crime overall, but are 5 to 8 times more likely than men to be victims of intimate partner violence.
- Violence by an intimate partner accounts for 21% of violent crime experienced by women and about 2% of violent crime experienced by men.
- A child’s exposure to their father abusing their mother is the strongest risk factor for transmitting family violence.
- 40% of teenage girls age 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend.

Why does it matter?

Domestic violence is about CONTROL

The VIOLENCE is a significant but relatively infrequent occurrence.

Contested custody litigation and the prospect of “winning” is one way for the offender to punish and maintain control over the victim.
Social Learning (Patterson)

- Aggression in children is linked to coercive family interactions that are characterized by:
  - Coercive interactions between children and parents
  - Poor parental monitoring

Social Cognitive Theory (Perry)

- Aggressive children are more likely than less aggressive peers to:
  - Believe it is difficult to inhibit aggression.
  - Expect positive outcomes from aggression.
  - Misinterpret the behaviors of others as intentionally hostile.
Alienation and Abuse

These can occur in tandem.

An perpetrator of DV can also be the favored parent in an alienation scenario.

A victim of DV can be a favored parent in an alienation scenario (including counterproductive protective parenting).

Children will experience multigenerational consequences of alienation regardless of which parent they are alienated from.

Common Misconceptions

Domestic violence is a mental illness

Domestic violence is caused by drug or alcohol use

“I’ll know it when I see it”
What can be done?

- Start with accurate, competent assessment
- Ask - is there a serious endangerment issue?
- Insist on correct treatment(s) and interventions (including supervised visitation in cases involving alienation or potential for alienation)
- Write Orders that promote accountability
- Consider keeping a case on call so that treatment compliance and progress can be verified