Domestic Violence

A Framework for Understanding & Decision Making
Agenda

Identify Domestic Abuse

Understand Nature and Context

Determine the Implications of Abuse

Account for Abuse in Actions
Gathering information: Attorneys

- Victim interview – for interview guide:
  - Practice Guides for Family Court Decision-Making in Domestic Abuse-Related Child Custody Matters
Framework

1. Identify Domestic Abuse
   - Is abuse an issue here?

2. Understand Nature & Context of Abuse
   - What is actually going on?

3. Determine the Implications of Abuse
   - Why does it matter?

4. Account for Abuse in Actions and Decisions
   - What can be done about it?
Framework

- Identify Domestic Abuse
- Understand Nature & Context of Abuse
- Determine Implications of Abuse
- Account for Abuse in Actions and Decisions
What is Domestic Violence (DV)?

- Criminal and Civil Definitions
  - Based on actual or threat of physical harm
  - Incident based – “snapshot view”

- §61-2-28 Domestic Violence Criminal Acts

- §48-27-204 Defines “family or household member” (for criminal & civil proceedings)
What is Domestic Violence (DV)?

- Behavioral Definition
  - Centered around physical & non-physical tactics of power & control
  - Based on a pattern of behaviors occurring over time – “video view”

- What is your understanding?
Strategies for Safe & Informed Disclosures

- Explain your role & function in the case.
- Explain why you are asking about domestic abuse.
- Explain how you will use the information.
- Explain whether & how information will be shared.
- Explain whether disclosure will be part of the record.
- Explain the scope and/or limits of confidentiality.
- Explain your duty to report.
Framework

1. Identify Domestic Abuse
2. Understand Nature & Context of Abuse
3. Determine Implications of Abuse
4. Account for Abuse in Actions and Decisions
## Understanding Context

<table>
<thead>
<tr>
<th>Coercive Controlling Abuse</th>
<th>Violent Resistance</th>
<th>Non-Coercive Controlling Abuse</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Patterned</td>
<td>• Produced and shaped by coercive controlling abuse</td>
<td>• Unrelated to coercive controlling abuse</td>
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<tr>
<td>• Intimidation</td>
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<td>• Dominance</td>
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<td>• Entitlement</td>
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Coercive Control
## Violent Resistance

<table>
<thead>
<tr>
<th>Most Victims Resist</th>
<th>Violence Can Be:</th>
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<tbody>
<tr>
<td>• Placate</td>
<td>• Legal</td>
</tr>
<tr>
<td>• Manipulate</td>
<td>• Illegal</td>
</tr>
<tr>
<td>• Use Violence</td>
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</table>
Abuse unrelated to coercive control

- No power & control tactics
- Not used in response to coercive control
- Violence may be atypical
Understand the Nature and Extent of the DV

INTENT

MEANING

EFFECT

Who is doing what to whom and with what impact?
Intimate Partner Homicides

- 1,500 DV fatalities a year in U.S.
- Police had previously been on scene in 50% of DV homicides
- Only 4% of DV homicide victims had ever availed themselves of DV services
- Re-assault dropped by 60% when victims went into shelter
Intimate Partner Homicides – WV

Oct 2014 – Sept 2015

- 38 Deaths:
  - 30 Adult victims of DV Homicide
  - 3 DV related deaths by legal intervention
  - 5 DV related perpetrator suicides

Oct 2015-Sept 2016

- 25 Deaths
  - 18 Adult victims of DV Homicide
  - 4 DV related deaths by legal intervention
  - 3 DV related perpetrator suicides
The escalation of DV to a lethal level follows an identifiable pattern with identifiable indicators.

“...there are approximately NINE near-lethal incidents for every intimate partner homicide (IPH).”

Highly Dangerous/Potential Lethality

- Possession, access and use of weapons
- Direct threats to kill
- Victim perceives that offender might kill her/him
- Stalking behavior
- Strangulation
- Intrusive coercive control

- Forced sex
- Victim has left or is attempting to leave the relationship
- Offender is unemployed
- Victim has a child that is not the offender’s biological child
- Violence is escalating
- Substance abuse may exacerbate
Framework

Identify Domestic Abuse

Understand Nature & Context of Abuse

Determine Implications of Abuse

Account for Abuse in Actions and Decisions
More Research

- Evaluators’ beliefs are more closely associated with their parenting recommendations than the actual nature, context and severity of abuse they observe.


Yet Another Study:

- Mothers’ demeanor is more closely associated with evaluators’ recommendations than the severity (mild v. severe), type (conflict v. coercive control), or documentation of violence.


- University of Illinois at Urbana Champaign
And Another Study:

- Evaluators’ knowledge about domestic violence (awareness of risk factors and application of a power and control model) is more predictive of their parenting recommendations than: (1) the severity of abuse, or (2) the thoroughness of their investigations.

  - Michael S. Davis, et al., Custody Evaluations When There are Allegations of Domestic Violence (2011).
  

• Nature of the Issue
  - Capacity to Co-Parent
    • Safe parental involvement
    • Secure parent-child relationships
    • Low parental conflict
    • Effective parental communication
    • Clear boundaries between partner & parental roles
  - Access to the Child
    • Safety for the child and victim-parent
    • Mastery of basic parenting skills
    • Competent parental decision-making
    • Age and developmentally appropriate engagement
Parenting in Context: The Six Charts

- Parenting by Abusers
- Child’s Experience of Abuse
- Child’s Reactions to Abuse
- Impact of Abuse on Child
- Parenting by Victims
- Implications for Co-Parenting
How Are Kids Drawn In?

- Exposure during pregnancy
- Direct intervention in abuse
- Direct harm from abuse
- Participation in abuse
- Direct observation of abuse
- Active avoidance of abuse
- Observation of effects of abuse
- Exposure to aftermath of abuse
- Hear about abuse from others
- Seemingly unaware of abuse
What's the effect of the abuse on...?

Risk of Harm/Lethality
- Escalating violence
- Threats to kill
- Strangulation
- Abuse during pregnancy
- Sexual assault
- Stalking
- Access to firearms
- Child abuse
- Animal abuse
- Controlling behaviors
- Excessive jealousy/obsession
- Abuser's mental status
- Avoidance of consequences

Victim's Parental Wellbeing
- Economic stability
  - Housing stability
  - Employment stability
  - Immigration status
  - Health and wellbeing
  - Personal autonomy

Children's Safety/Wellbeing
- Physical safety
  - Emotional wellbeing
  - Economic security
  - Developmental issues
  - Behavioral issues
  - Emotional issues
  - Cognitive issues
  - Relationship/social issues
  - Health issues
  - Economic issues

Best Interests
- Parent's wishes
- Wishes and concerns of children
- Parents' mental and physical health
- Parent more likely to facilitate contact
- Continuous/willful denial of contact
- Children's interactions and interrelationships
- Children's adjustment to home, school and community
- History of family violence
- Other

As to shared parenting:
- Ability to cooperate/communicate
- Ability to support love and affection
- History/potential for abuse
- Geographical proximity
Framework

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Research

• Even when IPV is detected, cases often proceed without accommodations for safety or power differentials.

• Kernic, Monary-Ernsdorff, Koepsell, & Holt, 2005; Bow, 2006
Priorities
Johnston, 2006; Jaffe, Johnston, Crooks & Bala, 2008; Ver Steegh & Dalton, 2008

- Protect children
- Support the safety and wellbeing of the victim parent
- Respect the right of adult victims to direct their own lives
- Hold perpetrators accountable for their abuse
- Promote the least restrictive parenting arrangement
WORKSHEET ON ACCOUNTING FOR ABUSE – PARENTING PLAN DEVELOPMENT

Nature/Context of Abuse

- Abuse of Victim?
- Interference with Victim?
- Children's Experience of Abuse?
- Abuser Parenting Deficits?
- Abuser Co-Parenting Problems?

Implications of Abuse

- Risk of Harm/Lethality?
- Victim’s Parental Wellbeing
- Children's Safety/Wellbeing
- Best Interests
- Shared Parenting

Parenting Plan Options

- Limit/prohibit access to victim
- Limit/monitor access to children
- Limit abuser’s decisionmaking
- Suspend abuser’s decisionmaking
- Set automatic bill-paying processes
- Establish other self-executing terms
- Support victim’s efforts to protect
- Strengthen children’s support system
- Monitor abuser’s compliance
- Set benchmarks for modification
- Other _________________

Parenting Plan Interventions

- Supervised visitation center
- Supervised exchange services
- Monitored visitation/exchange
- Parenting after violence program
- Batterer intervention program
- Parenting mentorship for abuser
- Advocacy services for victim
- Child advocacy services
- Financial oversight services
- Review hearings
- Other community-based resources
- Other _________________
# Nature/Context of Abuse

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## Children's Experience of Abuse?

## Abuser Parenting Deficits?

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Risk of Harm/Lethality?

Victim’s Parental Wellbeing

Children’s Safety/Wellbeing

Best Interests

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Domestic Violence Programs

- Temporary shelters/transitional housing
- Outreach Offices
- Legal advocacy
- Support groups, counseling and education
- Hotlines
- Housing assistance
- Children’s services
- Advocacy/case management
- Education groups for perpetrators

For listing of licensed DV programs:
http://wvcadv.org/partners/
DV Advocates Provide Options

- Individualized safety planning
- Education about and accompaniment to court hearings
- Referrals for community resources
- Empower victims by helping them make informed choices
Can the perpetrator change?

- Has the violence stopped?
- Steps towards non-violence
- Methods to respond to conflict
- Maintain appropriate & respectful parenting
- Acknowledged impact of violence
- Co-parenting without violence & intimidation

Resource: National Council of Juvenile & Family Court Judges (NCJFCJ): Checklist to Promote Perpetrator Accountability in Dependency Cases Involving Domestic Violence
Has the perpetrator demonstrated:

- Compliance with court orders
- Improvement in behavior
- Acknowledge history & effect of his abuse
- Intentionality of abuse

- Empathy for family
- Identify destructive impact for actions
- Identify pattern of control
- Replace abuse with respectful behavior
- Accept consequences
Case Planning

With People Who Batter

• Engage in Case Planning Even When Children are Out of Home
• Treatments NOT recommended in DV:
  – Anger management
  – Mediation
  – Parenting that does not address control issues
  – Marriage counseling
With People Who Batter

• Recommended treatment:
  – BIPP – licensed (WV Family Protection Services Board - Nikki Erwin (nikki.fpsb@gmail.com)
  – Parenting that addresses coercive control
  – Substance abuse coordinated with BIPPs & DV component
  – Other services as needed – inform & assess for safety risks to family
Case Planning

Review Checklist:

Service Plans:
• Are the service plans generally appropriate?
• Does the perpetrator’s plan consider & include elements from list?

Treatment:
• Unacceptable substitutes for BIP
• Elements of BIP
• Assessments involving substance abuse & mental health
Questions?
Thank You

- For more information contact:
  WV Coalition Against Domestic Violence
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  (304) 965-3552
  joyce@wvcadv.org


- [Practice Guides for Family Court Decision-Making in Domestic Abuse-Related Child Custody Matters](http://www.bwjp.org/our-work/projects/national-child-custody-project.html)