

INTIMATE PARTNER ABUSE SCREENING IN CUSTODY MEDIATION: THE IMPORTANCE OF ASSESSING COERCIVE CONTROL

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The central point of this paper argues that measuring physical violence alone is insufficient to detect relational distress in child custody/parenting time mediation samples. We present empirical findings from a large study attending custody/parenting time mediation. Results suggest that the most economical and efficient screening tool should include measures of coercive controlling behavior. Our data suggests that coercive control is able to account for other victim distress variables crucial to mediation, including victim fear, victim safety and ultimately the fairness of the mediation process. We recommend that researchers continue to refine measures of coercive control to be used in custody/parenting time mediation settings.

Within the custody/parenting time mediation context, the number of cases reported as having some type of Intimate Partner Violence (IPV) ranges from 40–80 percent (Kelly & Johnson, 2008; Newmark, Harrell & Salem, 1995; Pearson, 1997). This range is significantly higher than that found in the general population, which ranges from 5–25% (Shafer, Caetano & Clark, 1998). In addition, violence researchers and scholars have identified that IPV¹ is not a unitary phenomenon (Holtzworth-Munroe & Meehan, 2004; Johnson, 2006; Stark, 2007) and that there are different types of IPV with different etiologies and outcomes. While a complete discussion of the topic is beyond the scope of this paper, a related issue is how IPV is typically measured. Some researchers have suggested that counting specific violent acts (e.g., hitting, breaking bones) and then classifying severity of IPV based on the severity of the specific physical acts committed does not provide a complete understanding of IPV within relationships (Dutton & Goodman, 2005; Johnson, 2006; Stark, 2007). Further, indexing IPV by physical acts fails to distinguish among the different types of IPV. These researchers take a broader few of IPV and suggest that measuring elements of the relationship context in which the violent acts occur provides a better understanding of the underlying meaning of the IPV behaviors within the relationship, and accordingly, allows us to correctly identify the type of IPV. For the purposes of this paper, we use the term Intimate Partner Violence/Abuse (IPV/A) because it is clear that it includes physical abuse (e.g., pushing, shoving, hitting, punching, kicking, biting, scratching twisting skin), physical violence (i.e., physically forced sex, broken bones, choking, strangling, suffocating) and important non-physical types of abuse identified as important within the violence literature (psychological abuse; threats to life) and in particular the concept of coercive control. When referring specifically to physically violent behaviors noted above we will use the term physical violence.

Mediation scholars have considered differentiating the types or patterns (Johnston, Roseby & Kuehnle, 2009; Kelly & Johnson, 2008) of IPV/A what this might mean in the mediation context; and, they are beginning to measure the types of IPV/A more systematically (Ellis & Stuckless, 2006a; Ellis & Stuckless, 2006b;). In recent research, two scholars have provided the rationale for a more detailed assessment of the types of IPV/A found in the mediation context so that we can better understand which victims may not be best served by or benefit from mediation (Kelly & Johnson, 2008). One of Kelly and Johnson's suggestions in their research involved encouraging mediation researchers to measure and then consider the role of a particular type of IPV/A, coercive control, in the mediation context. The central point of this paper is then to do just that—to present empirical findings concerning a measure of coercive control using a large mediation sample.

COERCIVE CONTROL: WHAT IS IT AND WHY SHOULD WE MEASURE IT?

From the violence literature, critical elements of the controlling behaviors include an ongoing strategy of isolation of the victims from friends, family, and children; control of access to resources such as transportation, money, and food; and control of access to employment and education (Stark, 2007). In addition to these primary controlling behaviors, perpetrators gauge compliance by monitoring the victim's activities and through the occasional use of physical and sexual violence, threats of physical and sexual violence, or threats to the victim's life or victim's family (Dutton & Goodman, 2005). In this context, violence and threats of violence are then seen as tools to ensure the success of controlling behaviors, rather than viewed as constituting the key elements of IPV/A (Dutton & Goodman, 2005; Kelly & Johnson, 2008; Johnson, 2006; Stark, 2007). This type of IPV/A constitutes the denial of liberty, autonomy, and equality by micro-regulation of the victims' everyday lives and has been defined as "coercive control" (Stark, 2007). Thus, when coercive control is successful, the physical violence necessary to maintain control may be sporadic and in less severe forms. Indeed, in a prior study coercive control was found to be an important motivator for other forms of IPV/A (Tanha, Beck, Figueredo & Raghavan, 2010).

An increasing body of research suggests that coercive control may be a more accurate measure of conflict, distress, and danger to victims than is the presence of physical abuse. Because custody/parenting time mediation is conducted with clients who are in conflict and have high rates of IPV/A, there are several reasons why measuring coercive control, in addition to other types of physical, sexual and psychological abuse in the mediation context is important, namely fear of arrest, concerns of safety for victims and basic fairness of the mediation process.

Fear of Arrests. Because of mandatory arrest policies in many jurisdictions, both men and women are much less likely to admit to physical abuse or physical violence for fear of the spouse being arrested, fear of being arrested along with their spouse (dual arrest), fear of making the spouse angrier, and/or fear of losing critical financial support (Hovmand, Ford, Flom, & Kyriakakis, 2009; Rajah, Frye & Haviland, 2006; Smith, 2000). While victims desperately want abuse to stop, these victims do not necessarily want the spouse to be incarcerated or to be incarcerated along with the spouse (Kuennen, 2007; Smith, 2000).

Safety for Victims. Not only are women are at much higher risk for being assaulted after separating from a spouse (Ellis & Stuckless, 2006b; Mahoney, 1991), research also suggests that women may be at a significantly higher risk of being killed (Campbell, 1992; Campbell et al., 2003; Wilson & Daly, 1994). Women's risk of homicide (femicide) increased for women who separated from their abusers after living together, particularly when the abuser was highly controlling (Campbell et al., 2003). In addition, a significant proportion (30 percent) of these femicide victims were *not* physically assaulted prior to the fatal or near fatal incident (Campbell et al., 2003). As such, absence of reports of physical abuse does not necessarily signal that a woman is safe, but a measure of control may be able to assess risk, particularly during this period of separation.

In addition, while mediators use the presence of physical abuse to screen out of mediation couples who have IPV/A in their relationship (Beck, Walsh, Mechanic & Taylor, 2009), a small body of research suggests that some women may experience other forms of violence including physically forced sex (Bergen, 2004; Marshall & Holtzworth-Munroe, 2003; Mahoney, 1999) and threats to life, but may not be victims of physical abuse per se.

Basic Fairness of Mediation Process. As noted above, several scholars argue that coercive control is important and more central to understanding the dynamics of relationships that may likely require intervention at many levels (e.g., law enforcement, child protection, medical, and judicial) (Graham-Kevan & Archer, 2003) than is physical violence (Dutton & Goodman, 2005; Kelly & Johnson, 2008; Stark, 2007). Ironically, it is in the mediation context that coercive control may be the *most* detrimental to victims. Central elements of a fair mediation process include non-coercive

negotiations in front of a neutral third party to consensually develop agreements reflecting the needs of all family members (Beck & Sales, 2001; Kelly & Johnson, 2008). If one party is being coercively controlled, non-coercive negotiations are likely impossible. Continued research developing fine-grained, specific measures of coercive control are needed to differentiate couples most in need of alternative court-based processes that insulate victims from coercive negotiations (Ellis & Stuckless, 2006a).

While several instruments have been designed to screen for IPV/A in the mediation context, (Ellis & Stuckless, 2006a; Erickson & McKnight, 1990; Girdner, 1990; Johnston et al., 2009; Maine Court Mediation Service, 1992; Neilson & Guravich, 1999; Newmark et al., 1995) only a couple of these instruments include items that measure the pattern of coercive control noted above. Moreover, very few have been empirically tested.

One instrument created by Newmark and her colleagues (Newmark et al., 1995) included a scale they titled "Decision-Making Power," which included several items similar to items found on coercive control scales (e.g., When we were together, he decided: How I spent money; If or when to have sex; My contact with my family; Who I could be friends with; How I used my free time; Where we lived; My work habits, such as where I worked, when I worked, or whether I worked at all). The instrument was tested using a sample of 422 parents from a mediation service in Portland, Oregon. Of all the women in the study ($N = 210$) identified as abused or not abused, over half (ranging from 52 to 81 percent) of the women responded with *often* and *sometimes* to all the items except the last (regarding work habits).

A second instrument, the Domestic Violence Evaluation DOVE, was designed specifically to discriminate the types of IPV/A (i.e., control-motivated or conflict-instigated) and determine levels of risk associated with the specific types of IPV/A (Ellis & Stuckless, 2006b). The three specific items used to measure controlling behaviors are defined as general (i.e., How often did your partner try to control you?), relational (How often did your partner try to prevent you from contacting family and friends?), and behavioral (How often was your partner physically violent or emotionally abusive because you did not do something he wanted you to do?). The instrument was tested using a sample of 147 male and female participants in divorce mediation (80 female and 67 male). Findings indicate that all three types of controlling behaviors are significantly related to assaults and emotional abuse pre-separation. Post separation, general controlling behaviors were significantly associated to serious physical harm; both general and behavioral controlling behaviors were significantly associated to emotional abuse and serious emotional harm. Thus, in this study, control items were important for determining women who are at risk for future IPV/A in the mediation context.

Taken together, the findings outlined above suggest that in addition to physical abuse and violence, there needs to be additional ways to assess if certain couple relationships are not conducive to mediation and may need more structured and organized intervention by the courts (e.g., custody evaluations, parenting coordinators, case management) (Ellis & Stuckless, 2006a). Consequently, the goal of this study is to examine the potential utility of assessing coercive control in addition to other types of abuse and physical violence in mediation settings. We were interested in the ability of a measure of coercive control to detect other potential signs of severe relationship distress that would make mediation challenging or dangerous for women. We thus wanted to use a more detailed measure of coercive control than had been used in previous studies. The instrument used in this study included a nine item subscale measuring coercive control. It was designed to be as short as possible, while still measuring important types of IPV/A and physical violence so as to be of practical value to mediators who contend with heavy case loads and limited time to make screening decisions.

Hypothesis 1 in our study is that coercive control will be able to identify a higher proportion of women experiencing physical abuse but physical abuse will not be equally able to identify women who are experiencing coercive control. Hypothesis 2 is that coercive control will be better at identifying all other indicators of relationship distress including threats of physical violence and physically forced sex with higher precision than will physical abuse. Finally, hypothesis 3 is that if coercive control is an efficient proxy of all other forms of relational distress whereas physical abuse

is not, coercive control will also be able to better identify women who report fears or concerns about being at the mediation center, whereas physical abuse will not.

METHODS

PARTICIPANTS

Participants in the present study were parents who were court ordered to attend mediation to resolve custody and parenting time disputes and chose to attend the cost free, in-house court mediation service in Pima County (Tucson), Arizona between May 1998 and January 2002. The sample was limited to those couples attending mediation for the first time, as a result of a pending divorce ($N = 2030$; 1015 cases). Excluded from this analysis were parents returning to mediation for a second attempt at pre-divorce mediation, clients returning to renegotiate issues post-divorce, clients who were never married but were mediating custody or parenting time arrangements for their children, and grandparents negotiating with parents to see their grandchildren. The sample was reduced by 38 cases that were found on follow-up to not meet study criteria. The full sample was 976 cases or 1952 individual participants. Because the focus of this paper is analyzing patterns of coercive control for women, the total sample for this study is 976.

The average age of participants was 35 years for mothers and 37 years for fathers. Generally, both parents were employed, although more fathers were employed than mothers (80 percent vs. 65 percent) and, on average, fathers earned approximately double that of mothers (median income \$25,123 versus \$12,300). The range of income was also larger for fathers than for mothers (\$0–215,520 versus \$0–109,200). Nearly 23 percent of the families fell below the 2000 federal poverty level. This was the first marriage for most of these parents, with only 14 percent of the fathers and 15 percent of the mothers having had previous marriages. Average number of years married was nine. Over 80 percent of the couples in the sample were separated 12 months or less and 54 percent were separated six months or less. Ninety-four percent were separated two years or less; 98 percent three years or less. Children ranged in age from infant to 18 years old with a mean age of eight years. The number of children in the family ranged from one to six with a mean of two children per marriage. The median education level for the mothers was high school (35 percent) to some college education (31 percent). Fathers had similar education (median high school at 38 percent to some college at 27 percent). The participants were predominantly ethnically Caucasian (61 percent of fathers and mothers) and Hispanic (27 percent of the fathers; 30 percent of the mothers).

INSTRUMENTS AND VARIABLES

The former Director of the Conciliation Court in Pima County, in consultation with the mediation staff, created an instrument using a slightly reworded and shortened version of the Partner Abuse Scales, (Attala, Hudson & McSweeney, 1994), a paper-and-pencil self-report measure of domestic abuse behaviors. The newly-created instrument was titled the *Relationship Behavior Rating Scale* (RBRS)² and maintained non-physical and physical subscales of the original instrument. The RBRS is comprised of 41 items that cover multiple conceptual domains and are rated on a 7 point Likert scale (0 = none to 6 = all of the time). Recently, the RBRS was successfully validated against the original scales (Beck, Menke, O'Hara Brewster & Figueredo, 2009). In addition, one question (addressing fear or concerns about being at the mediation center) was taken from the Pre-Mediation Screening Form (Beck, Walsh, Mechanic & Taylor, 2009).

Psychological Abuse. Seven items were used to form a psychological harm and degradation scale (e.g., My partner insulted or shamed me in front of others; My partner screamed or yelled at me.). Reliability of the scale was excellent (Cronbach's $\alpha = .91$).

Table 1

Means, Standard Deviations and Percentages of Women Reporting Coercive Control, Abuse and Physical Violence

<i>Subscales</i>	<i>Mean</i>	<i>Standard Deviation</i>	<i>% Reporting at least one incident in the past 12 Months</i>
Psychological Abuse	21.28	(10.60)	98.2
Coercive Control	23.79	(13.76)	97.7
Physical Abuse	3.04	(4.47)	57.7
Threats to Life	2.42	(4.22)	51.9
Escalated Physical Violence	2.35	(4.33)	47.1
Physically forced sex	0.60	(1.30)	23.2

Note: (N = 857–888 due to missing data).

Coercive Control. Ten items were used to form a coercive control scale (e.g., My partner did not want me to have male/female friends; My partner controlled how much money I could have or how I spent it.) (Cronbach's alpha = .84).

For the purposes of the analyses and to identify women who are at very high risk, we further categorized participants into three groups (no to low coercive control, moderate coercive control, and high coercive control). We first examined the means and distribution of this variable. Approximately 25 percent reported a mean score of 3.4 and above, indicating that they experienced coercive control "a lot of the time" to "all of the time." Taking a more conservative cutoff, we designated any participant who endorsed 4 and above as belonging to the high coercive control group (15 percent). Similarly, the participants who endorsed a range of 0 to 1.9 ("no coercion" to "very rarely") were categorized into the no/low group (41 percent). Finally, 45 percent endorsed a range of 2 to 3.9 ("a little of the time" to "some of the time") and were categorized in the moderate coercive control group. Participants with missing data made up the remaining percent of this scale and the remaining percent of each of the following scales.

Physical Abuse. Five items were used to form the physical abuse scale (e.g., My partner pushed or shoved me around; my partner hit or punched me.) (Cronbach's alpha = .83). Since there was a restricted range of scores (Table 1), we formed two groups. Participants who received a mean score from 0 to 0.9 ("none" to "very rarely") were categorized as no/low abuse (90 percent). The remaining participants who other participants were categorized as moderate/high abuse (10 percent).

Escalated Physical Violence. Eight items were used to form the physical injury scale (e.g., My partner hurt me so badly I had to seek medical help; My partner broke one or more of my bones.) (Cronbach's alpha = .78). This scale was dichotomized because any violence is a serious matter and should be detected within high risk populations (Nicholaidis, et al., 2003). Participants who did not endorse items accounted for 53 percent of the sample. Participants who endorsed 1 ("very rarely") or above were classified as having experienced physical injury (47 percent).

Threats to Life. Four items were used to assess threats to life (e.g., My partner threatened me with or used a weapon against me; My partner made me afraid for my life.) (Cronbach's alpha = .80). This scale was dichotomized. Participants who did not endorse these items accounted for 48 percent of the sample. Participants who endorsed 1 ("very rarely") or above were classified as having experienced threats to life (52 percent).

Physically Forced Sex. Physically forced sex was assessed by one item (My partner physically forced me to have sex.) Physically forced sex is considered intimate partner violence and, while wives that are physically forced to have sex with their husbands is the most common form of this type of

abuse, it is rarely measured (Bergen, 2004). Participants who did not endorse this item accounted for 77 percent of the sample. Participants who endorsed 1 (“very rarely”) or above were classified as having experienced physically forced sex (23 percent).

RESULTS

Women reported a wide range of frequency and severity of abusive behaviors from their male partners. It is rare that women in the sample did *not* report psychological abuse and coercive control (Table 1). Somewhat surprising were the additionally high percentages of women who reported physical abuse, escalated violent behaviors and threats to life. Approximately half the women reported experiencing escalated physical violence (47.1), receiving at least one threat to life (51.9 percent) and well over have reported experiencing physical abuse (57.7) in the past 12 months. Because many of these women are living separately from their partners (46% living separately more than 6 months; 20% more than 12 months), it is alarming that the types of physical abuse/violence and physically forced sex remain so high. For example, whereas the *lifetime* rates of physically forced sex in the general population is 10–14 percent (Martin, Taft, & Resick, 2006), the *annual* rate of physically forced sex reported in this study is 23.2 percent.

Psychological abuse was included for descriptive purposes but was not included in subsequent analyses because of the presumed ceiling effect. Couples in mediation typically report an enormous amount of verbal conflict (psychological harm), therefore measuring this conflict will not accurately discriminate between those experiencing high levels of serious IPV/A versus those who are not.

We next examined hypothesis 1, which predicted that, while the experience of coercive control would be able to identify a higher proportion of women experiencing physical abuse, the experience of physical abuse would not be equally efficient in identifying women who report coercive control. We conducted a simple chi-square test to test this prediction ($\chi^2 = 143.58, p < .001$). Table 2 (column 2, lines 4 and 5) notes that 808 women reported no to very little physical abuse and were classified in the

Table 2
Coercive Control and Other Types of Violence

Relationship Distress	<i>N_a</i>	Coercive Control			Physical Abuse	
		None/Low <i>N</i> = 363	Moderate <i>N</i> = 401	High <i>N</i> = 131	None/Low <i>N</i> = 808	Moderate/High <i>N</i> = 82
Physical Abuse						
None/Low	808	356(44) _b	370(46)	82(10)	—	—
Moderate/High	82	4(5)	31(38)	47(57)	—	—
Coercive Control						
None	363	—	—	—	356(99)	4(1)
Moderate	401	—	—	—	370(92)	31(8)
High	131	—	—	—	82(64)	47(37)
Physically forced sex						
Did not occur	680	324(48)	295(43)	61(9)	649(95)	31(5)
Occurred once or more	205	36(18)	103(50)	66(32)	155(76)	50(24)
Threats to Life						
Did not occur	426	268(63)	143(34)	15(4)	422(99)	4(1)
Occurred once or more	465	92(20)	258(56)	115(25)	386(83)	78(17)
Escalated Physical Violence						
Did not occur	471	284(60)	174(37)	19(4)	471(100)	0(0)
Occurred once or more	420	81(19)	228(54)	111(26)	337(80)	82(20)

Note. _a Refers to slightly different *N*s because of missing data across variables.

Note. _b Numbers in parentheses represent percentages. Due to rounding, sum of percents may be more than 100%.

no/low abuse group. Only 82 women reported some to high physical abuse. However, viewed from coercive control, the result is quite the opposite. Specifically, of the 808 women who report no/low physical abuse, 356 (44 percent) report low coercive control, 370 (46 percent) report moderate coercive control, and 82 (10 percent) report high coercive control. A total of 452 women were either moderately or highly coercively controlled but were not highly physically abused.

In reverse, of the 82 women who were highly physically abused, 4 (5 percent) women reported no coercive control; 31 (38 percent) reported moderate coercive control; and, 47 (57 percent) reported high coercive control. Combining the moderate and highly coercively controlled categories indicates that 78 of the 82 physically abused women reported moderate to high coercive control. Thus, focusing on high physical abuse will capture moderate to high coercive control. However, focusing only on those women that are experiencing high physical abuse will exclude 457 women who are experiencing moderate to high coercive control.

We subsequently examined hypothesis 2 to test if coercive control compared to physical abuse would be better able to identify all indicators of severe relationship distress including: a) physically forced sex; b) threats to life; and c) escalated physical violence. We ran two sets of chi-square tests with coercive control and physical abuse as the predictor variable in each set with three dependent variables. All tests were significant (χ^2 ranged from 66.8–194.6, $p < .001$). The pattern of co-occurrence among severe relationship distress indicators and coercive control was similar across all three relationship distress indicators. For example, of the 205 women who were victims of physically forced sex, all but 36 (18 percent) fell into either moderate coercive control group or high coercive control group (169 or 82 percent) (Table 2). Continuing with Table 2, similarly, 80 percent of the 465 women who received threats to life, and 81 percent of women who experienced escalated physical violence fell into moderate or high coercive control group. A closer look at the differences between the moderate coercive control group and high coercive control group further indicated the moderate coercive control group accounted for roughly half percent of the women who reported physically forced sex (50 percent), escalated physical violence (54 percent) and threats to life (56 percent). While threats to life occurred in approximately 25 percent of the high coercive control group, the high coercive control group accounted for 32 percent of women who experienced physically forced sex and 26 percent of those who experienced escalated physical violence. In contrast, 76 percent of women who experienced physically forced sex, 83 percent of women who experienced threats to life, and 80 percent of women who experienced escalated physical violence experienced none/low physical abuse.

Finally, we sought to test hypothesis 3 to understand if coercive control compared to physical abuse could better account for the women who reported fears or concerns about mediation. Of the 149 women who had concerns about mediation, 115 (75 percent) fell into either the moderate or high coercive control groups. In contrast, only 27 (18 percent) of the women who had concerns about mediation fell into the moderate/high physical abuse group.

DISCUSSION

While the results of this study are important, we want to note key limitations. First, because there are no validated coercive control measures, especially in the mediation setting, we used items drawn from an IPV/A scale that theoretically corresponded to the coercive control construct as defined by Dutton and Goodman (2005) and by Stark (2006). We defined different levels of coercive control according to the sample statistics. As a result, while our measure has good face value, its formal psychometric properties were not evaluated against a standard measure of coercive control. Further, our data were cross-sectional. Future studies should more rigorously establish the sorts of behaviors that represent coercive control, and define empirically testable cutoff points for the measure. Future research should also examine how these behaviors change throughout the mediation process to inform the costs and benefits of continuing with or discontinuing mediation. In conjunction with the ongoing assessment of coercive control, research should develop and test special procedural safeguards to protect the interests of the victims. Ellis and Stuckless (2006b; 2006a) have made strides in this regard.

With these limitations in mind, the results of this study are unique in several ways. This research addresses a long-standing question concerning the adequate measurement of power imbalances existing between partners in mediation. Specifically, scholars have asked if the concept of power imbalances is defined clearly enough to enable mediators to consistently agree on what it is (Beck & Sales, 2001) and also for mediation researchers to be able to measure it accurately and reliably. Since the 1980s, concerns have been raised about the fairness of having victims of IPV/A negotiate long-term legal decisions with their abusers arguing that the victims are at a severe disadvantage in terms of power within the relationship (Beck & Frost, 2006; Fischer, Vidmar, & Ellis, 1993; Grillo, 1991; Treuthart, 1984). This study borrows from the intimate partner violence literature a theoretical concept, coercive control (Johnson, 2006; Stark, 2007), and investigates a short screening measure to capture this important power dynamic in couples attending mediation (Ellis & Stuckless, 2006a; Kelly & Johnson, 2008).

Violence researchers Johnson and Stark have convincingly argued that violence cannot be reliably determined by incident-specific physically abusive or violent acts because the key component of any type of abusive relationship is fear-inducing control. Furthermore, once the perpetrator has established that he is a legitimate source of threat, he is unlikely to need to use high levels of physical abuse to induce compliance. An occasional broken bone or a kick to the face is likely to reaffirm the seriousness of the perpetrator's desire for control. Therefore, obtaining a snapshot of physical abuse, without regard to coercive control and sexual coercion, may misrepresent what are severe and less severe forms of intimate abuse. The findings of this study support the argument that coercive control is an efficient and accurate signal of relationship distress for women in a mediation sample. Using combined moderate and high coercive groups, we were able to capture information on physically forced sex, threats to life, and escalated physical violence in up to two thirds of women. In contrast, the physical abuse index missed the majority of women who reported severe distress.

The findings are influenced in part by the lower occurrence of physical abuse in this group. This is an extremely important point, because most partners in a mediation sample are likely to be living separately. Thus, this is likely a replicable finding across mediation populations. Paradoxically, the low levels of reported physical abuse pose a specific problem to mediation screening. If the screening begins with physical abuse and subsequently obtains other relationship distress variables, a closer look at these 85 women may erroneously convince the mediator that she or he has successfully "captured" the distressed group, since almost all of these women also report psychological abuse, escalated physical violence, threats to life and rape.

Further, if coercive control more accurately identifies women at high risk of future violence, it could possibly reduce the number of items needed to appropriately screen for IPV/A in the mediation context. A quicker measure would be beneficial because mediators are under time pressure to mediate as many cases as they can to meet the demand for their services. Finally, obtaining information on relationship dynamics as opposed to just specific acts of violence will likely better inform the mediator on who might need special procedural accommodations or who might need to be referred to a more intense court process (e.g., custody evaluation, limited evaluation, case management).

In nearly all jurisdictions, mediation cases are referred because custody and parenting time issues are in dispute. Research indicates that violent men use their children to control their partner's lives; therefore, it is critical that we understand if coercive control is occurring to ensure the ongoing safety of victims, including the children of these relationships. Mediation scholars working with violence researchers will need to continue to develop efficient standardized methods of assessing coercive control to simplify the process and set standards for the legal system.

POLICY IMPLICATIONS

Using a measure of coercive control as the principle factor in deciding who should be screened out of mediation or provided significant alterations in the mediation process raises complex issues. In general, most criminal laws and administrative policies with regard to IPV/A are based on specific evidence of particular acts of physical violence and/or physical injury. Moving the analyses to a more

subjective notion of nonphysical power and control within a marital relationship could be seen as private family matters, as opposed to criminal acts.

In addition, there are varying degrees of coercion ranging from friendly persuasion to control of resources to force; coercion is also context-dependent and therefore applying a universal law or standard is difficult (Kuennen, 2007). A clearer definition of coercion, one that acknowledges a victim's choice to comply, resist, or both, even in the face of pressure, would greatly assist in unraveling the complex dynamics involved in coercive relationships (Kuennen, 2007). An instrument that can specifically measure elements of the concept of coercive control from the violence literature can be used more efficiently across jurisdictions and will simplify communication between courts, mediators, researchers and judges. We recommend that researchers continue to examine which measure(s) of coercion will best suit needs of mediation experts to promote communication and standardization. For example, is the DOVE sufficient when mediation experts need only basic information to make particular decisions? Alternatively, does the context require a more detailed measure of coercion, similar to the measure used in this study?

Interestingly, as the rates of self-representation have increased, so too have the expectations that mediation can resolve nearly all custody and parenting time divorce disputes, regardless of the characteristics of the couple or the marital relationship. This expectation is built on the harsh reality that there are no good alternatives to for lower socioeconomic status divorcing parents who cannot afford attorneys and other professionals. Without mediation, lower SES couples have *no* assistance with divorce-related issues. Victims without legal representation that are screened out of mediation may thus be at even *more* risk than if they stay in mediation. At least in mediation, a well-trained mediator can identify IPV/A, facilitate communication in a safe forum, and hopefully assist in designing parenting agreements that better protect the victims. Thus, given the current legal climate and the utility of mediation for many couples, it behooves us to find ways to make it as safe as possible for victims.

NOTES

This research was supported by Grant No. 2007-WG-BX-0028 awarded to the Connie J. A. Beck by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

1. Historically the terms IPV, domestic violence, and battering have been used interchangeably in the literature. More recently, however, researchers, professional and consumer agencies and state statutes have begun to define these terms very specifically. Some definitions of IPV include psychological abuse and coercion (Centers for Disease Control and Prevention, 2006; Missouri, 2004; National Women's Health Information Center, 2007; Vermont Medical Society, 2008) while others do not (Tjaden & Thoennes, 2000). The Centers for Disease Control and Prevention (CDC) defines IPV as including physical violence (hurting or trying to hurt a partner by hitting, kicking, burning or other physical force), sexual abuse (forcing a partner to participate in a sex act without consent), threats (of physical/sexual abuse using words, gestures, weapons or other means), and emotional abuse (threatening a partner or her possessions or loved ones or harming a partner's sense of self-worth through stalking, name-calling, intimidating, isolation from friends and family) (CDC, 2006).

2. Please contact the first author for further information concerning this instrument.

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