



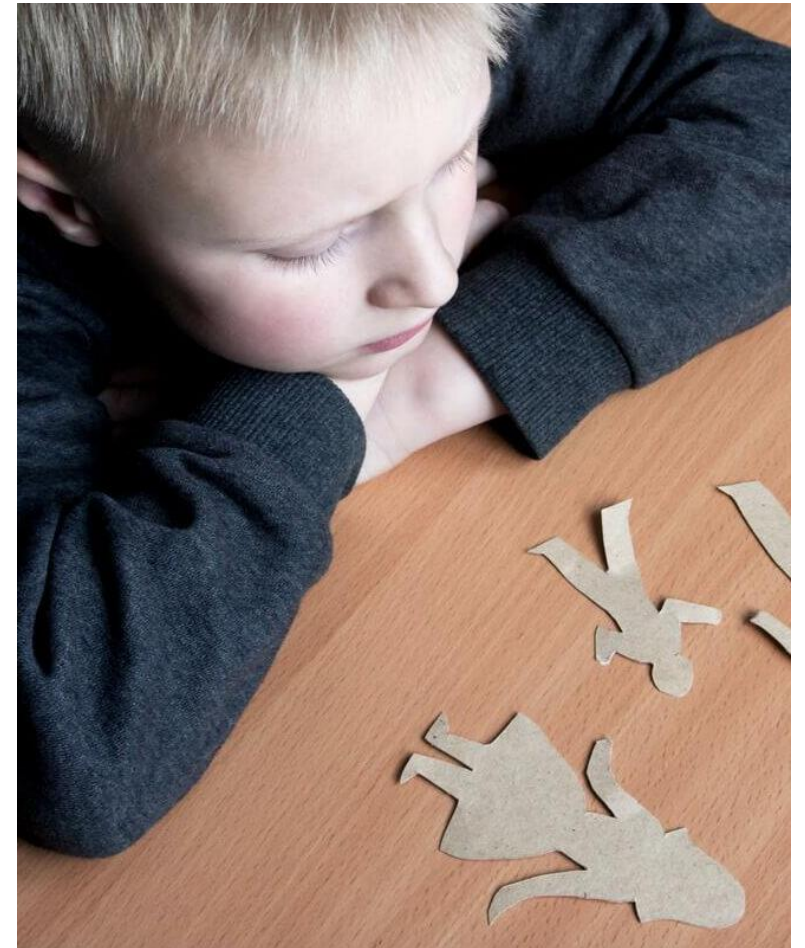
Advocacy With Victims Of Family Court Abuse By Abusers

Harm to Safe Parents and Children

Debra Wingfield, Ed.D.

Advocacy with Victims of Family Court Abuse by Abusers

Awareness is growing to provide advocacy for Domestic Abuse victims involved in child custody cases. Special advocacy needs of protective mothers (primarily) require responses to the family court system when allegations of domestic violence happened during the relationship and are identified after separation. Coercive control tactics used in the family court system are defined and assessment processes are presented. Discover how to support victims in family court where the value of access to children overrides victim and children's safety.



OBJECTIVES



Specialized Advocacy needs in Family Court



Understand the Family Court System



Coercive control tactics used in the family court



Support survivors in family court

ACRONYMS

- NCJFCJ- National Council of Juvenile and Family Court Judges
- ABA- American Bar Association
- GAL/CLR/CFI- Guardian-ad-litem, Child's Legal Representative or Child Family Investigator
- Custody Evaluators/Parenting Time Evaluators; Parental Responsibility Evaluator-PRE
- APA- American Psychological Association, AFCC-Association of Family and Conciliation Courts, NASW-National Association of Social Workers
- ACA- American Counseling Association, AAMFT-American Association of Marriage and Family Therapists
- PC- Parenting Coordinator, PCDM-Parenting Coordinator Decision-Maker
- BIPP- Batterer Intervention Program Provider
- BWJP- Battered Women's Justice Project

THE MILLION DOLLAR QUESTIONS

Joan Meier research—
what happens when
safe parents allege
child abuse or
domestic violence?

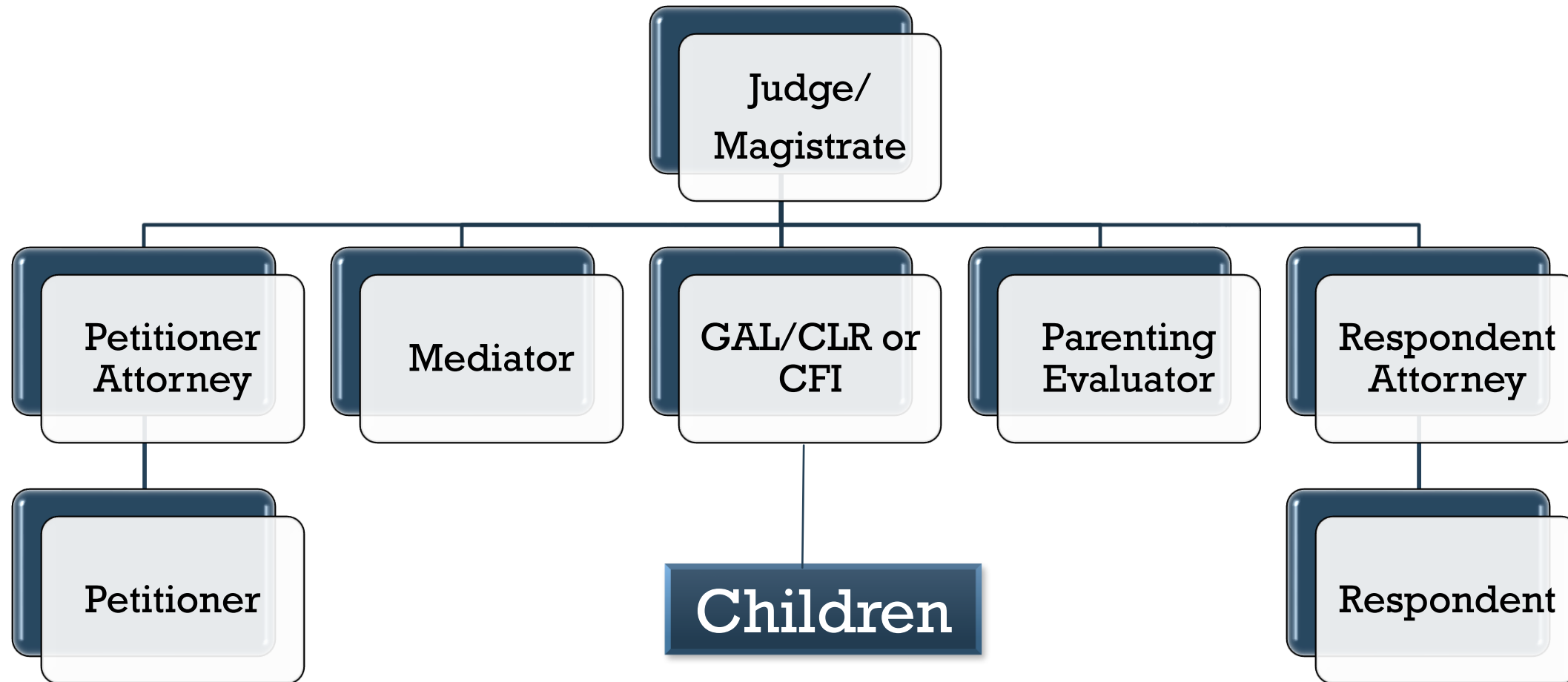
Is this a form of gender
discrimination being
practiced among
judges?

If so, should they be
required to receive
mandatory domestic
abuse & coercive
control training?

If it's a discrimination
issue, should a
complaint be filed with
the civil rights
division?



THE PLAYERS



COURT SYSTEM

Paperwork Flow

Where to find forms

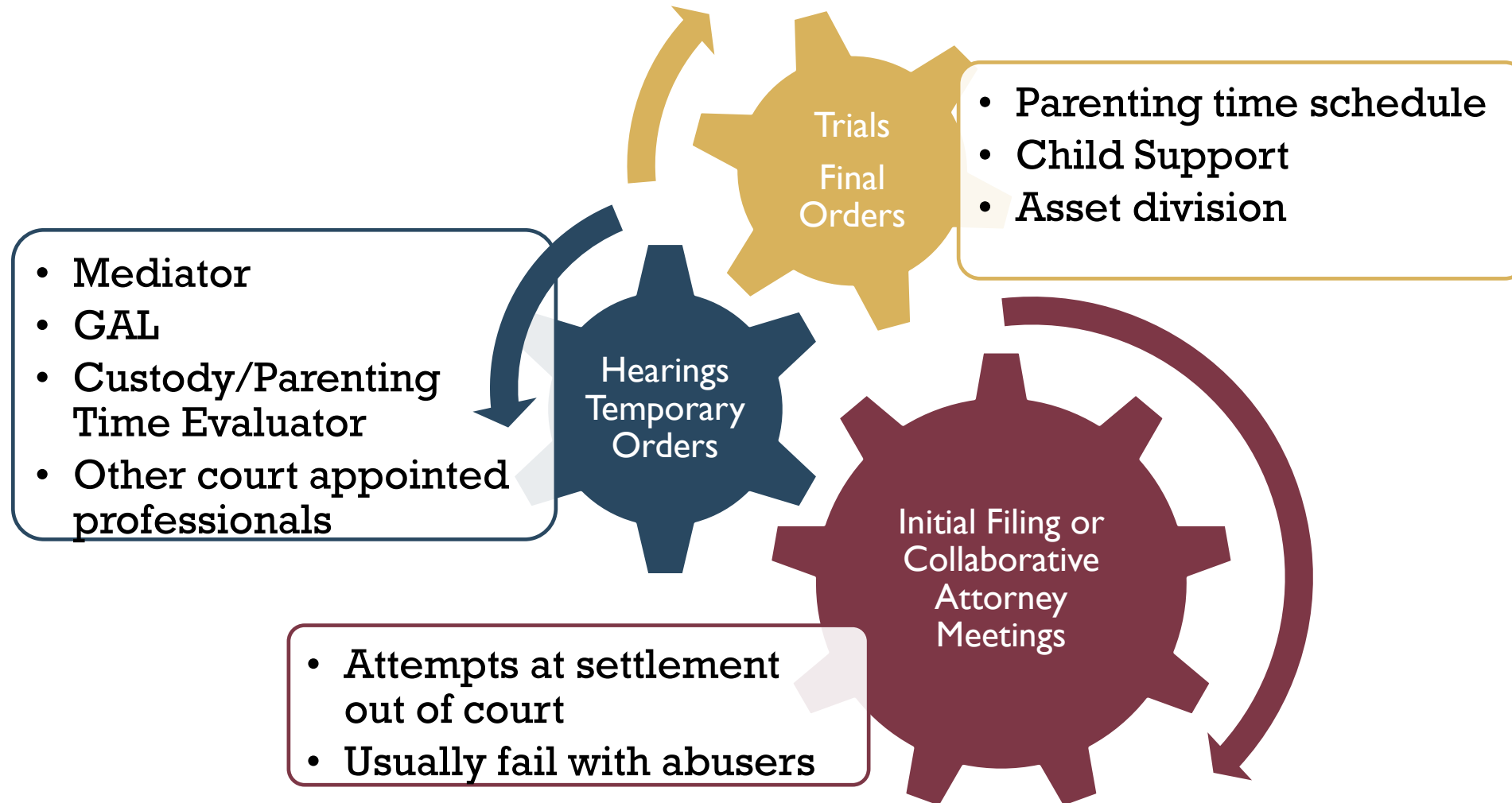
Court dockets

Self-representation resources

Self-help Centers



COURT PROCESS



OTHER COURT INVOLVEMENT



Civil Court



Juvenile Court



Criminal Court



PROTECTION ORDERS

Civil Court Process

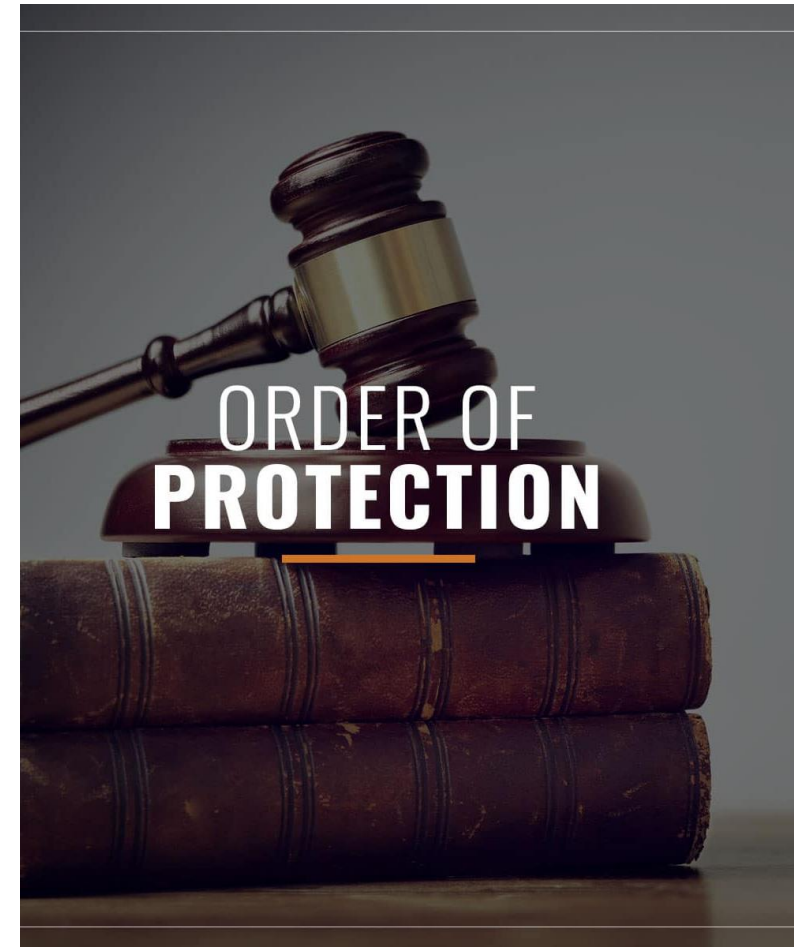
- Temporary or Emergency
- Permanent (only for adults)
- Child custody/ Parenting Time/ Separation/ Marriage Dissolution

Criminal Court Process

- Temporary or Emergency
- Permanent

Juvenile Court Process

- Temporary or Emergency
- Permanent
- Child custody/parenting time



ADVOCATE'S ROLE

Listen and learn about the survivor's request for support

Safety Planning

Court case strategies

- Evidence gathering, **Document, Document, Document**
❖ **Timelines**
- Speaking with attorneys
- Providing peer reviewed research for survivors to provide to their attorneys
- Preparation for court appearances
- Debriefing after court

ADVOCATE'S ROLE (cont.)

Locate & review resources

- Attorneys
- Mediators
- Custody Evaluators
- Therapists
- Support Programs

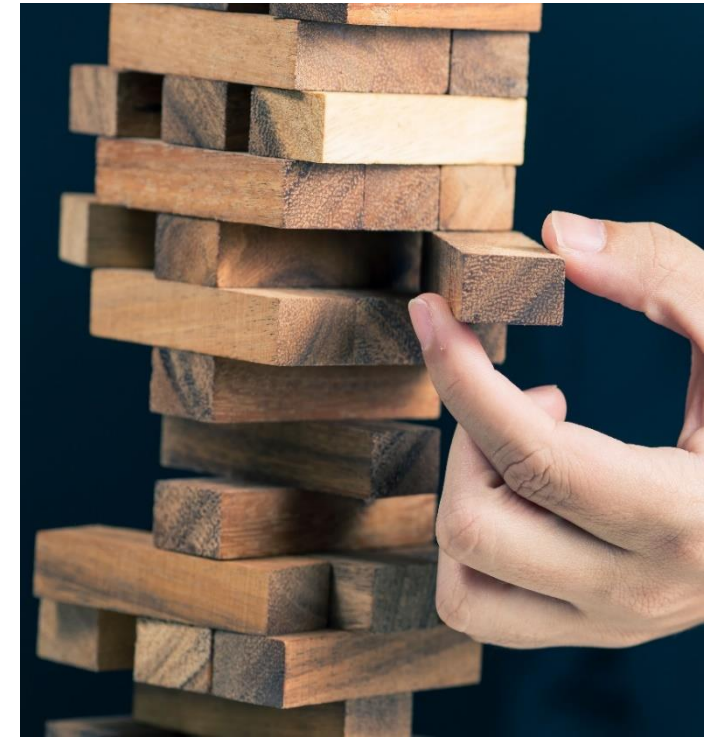
Prepare for GAL, CLR, CFI, Mediation, Custody Evaluation, Therapists, etc.

- Explaining the various players roles
- Locating information on players
- Recommending resources

BREAKOUT DISCUSSION

COACHING SURVIVORS TOPICS

- Communication with abuser strategies
- Interpreting abuser behavior patterns
- Describing coercive control tactics without using labels or the word “abuse”
- How to talk with their children
- Avoid leading questions with their children
- Following court orders without compromising the survivor’s empowerment



DOES SEPARATION & DIVORCE STOP ABUSE?

- **Coercive control does not stop when parties separate!**
 - Rates of IPV 30x higher for separated women and 9x higher for divorced women as compared with married women (2010 report based on National Crime Victimization Survey in US; Catalano, 2012; Rezey, 2020; Toews & Bermea, 2017).
 - After separation from an abusive partner, up to 90% of women report continued harassment, stalking or abuse (Davies et al., 2009; Hardesty et al., 2012; Mitchell et al., 2021).
- **Survivors are often court-ordered into custody/parenting time arrangements where they must continue to see and consult with their abuser- creates conditions for abusive behaviors to continue following separation and divorce.**
 - Divorce and custody literature guiding family court judicial decision-making frames conflict as **mutual** and often places blame on victim
 - Majority of “high conflict custody cases” involve IPV (Jaffe et al., 2008; Jaffe & Crooks, 2004)- we know that they are in fact abuse cases, not “high conflict.” Coercive control cases.

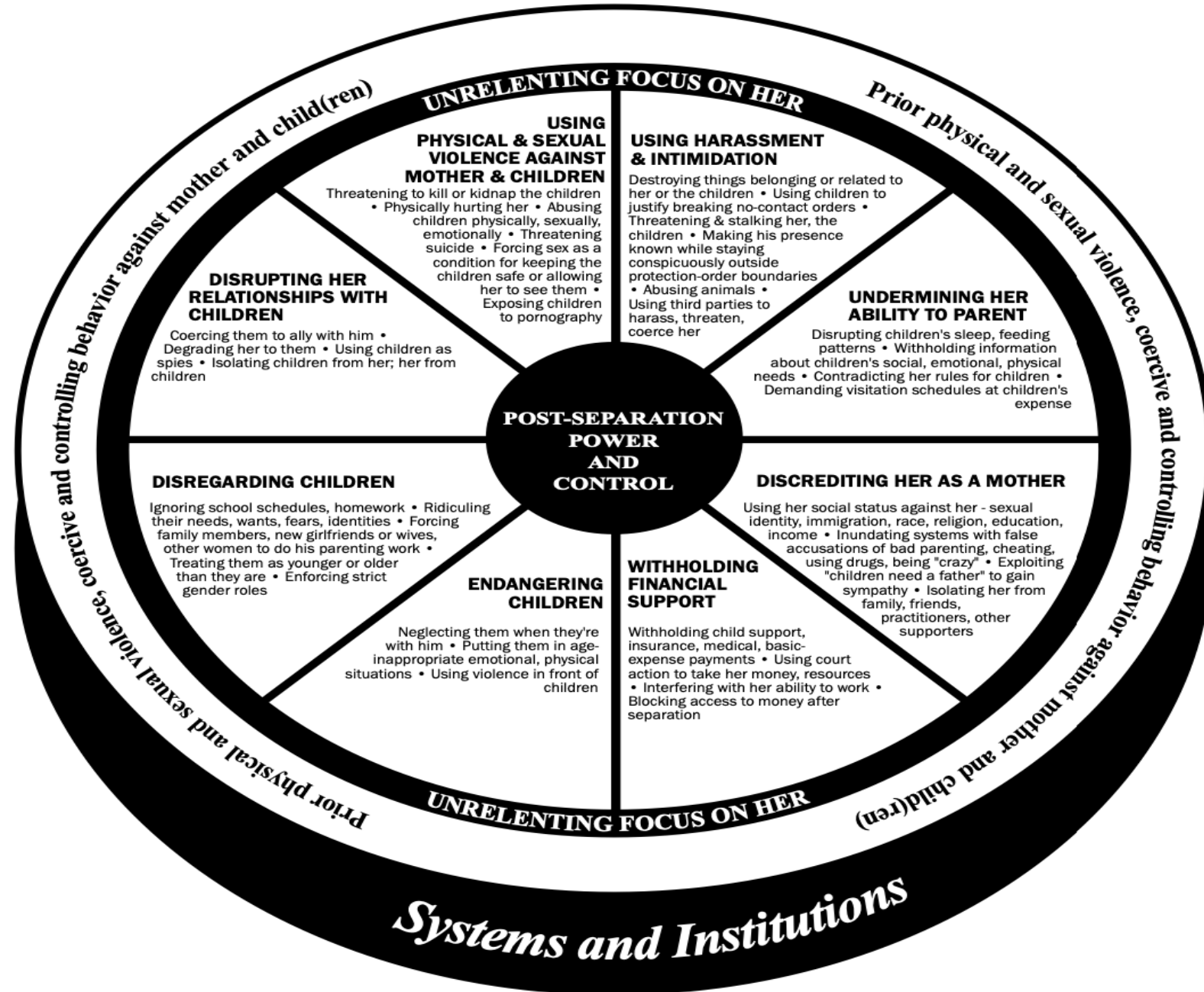


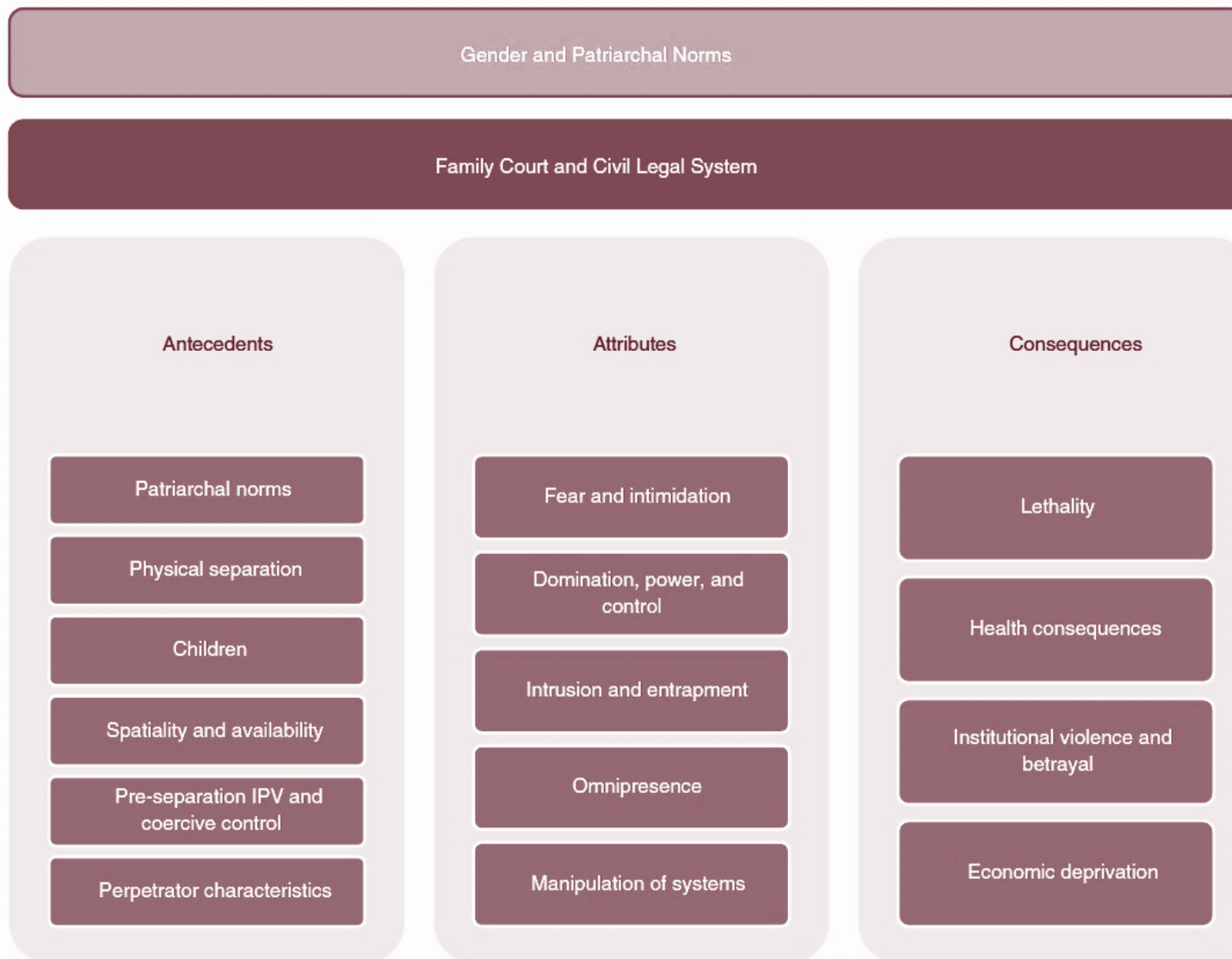
WHAT IS POST SEPARATION ABUSE?

- **The ongoing, willful pattern of intimidation of a former intimate partner.**
- **Post-separation can actually see:**
 - escalation of abuse
 - change in tactics
 - heightened risk of homicide
- **This abuse can include:**
 - legal/litigation abuse
 - economic abuse
 - threats and endangerment to children
 - isolation and discrediting
 - harassment and stalking
 - and more...



POST-SEPARATION POWER AND CONTROL WHEEL





POST SEPARATION ABUSE

Spearman, Hardesty, & Campbell, 2022
Walker and Avant (2019)

FIGURE 1 A concept analysis of post-separation abuse.

ADVOCATE'S ROLE- POST SEPARATION ABUSE

- Resources- when to consider alternative coparenting methods (such as parallel parenting)- <https://bwjp.org/post-separation-abuse-when-to-consider-alternative-coparenting-methods-with-a-high-conflict-ex/>
- Education about reporting and documentation of incidents
- Safety planning
- Ways to limit contact when there is direct contact with abuser-
 - Can survivor have other trusted individual do the exchange of the children?
 - Can survivor use neutral places where there are plenty of people around? Police station? Custody exchange facility near her?
- If the contact is indirect and communications are being used to harass-
 - BIFF
 - Yellow rock/gray rock
 - Avoid being baited into emotional responses

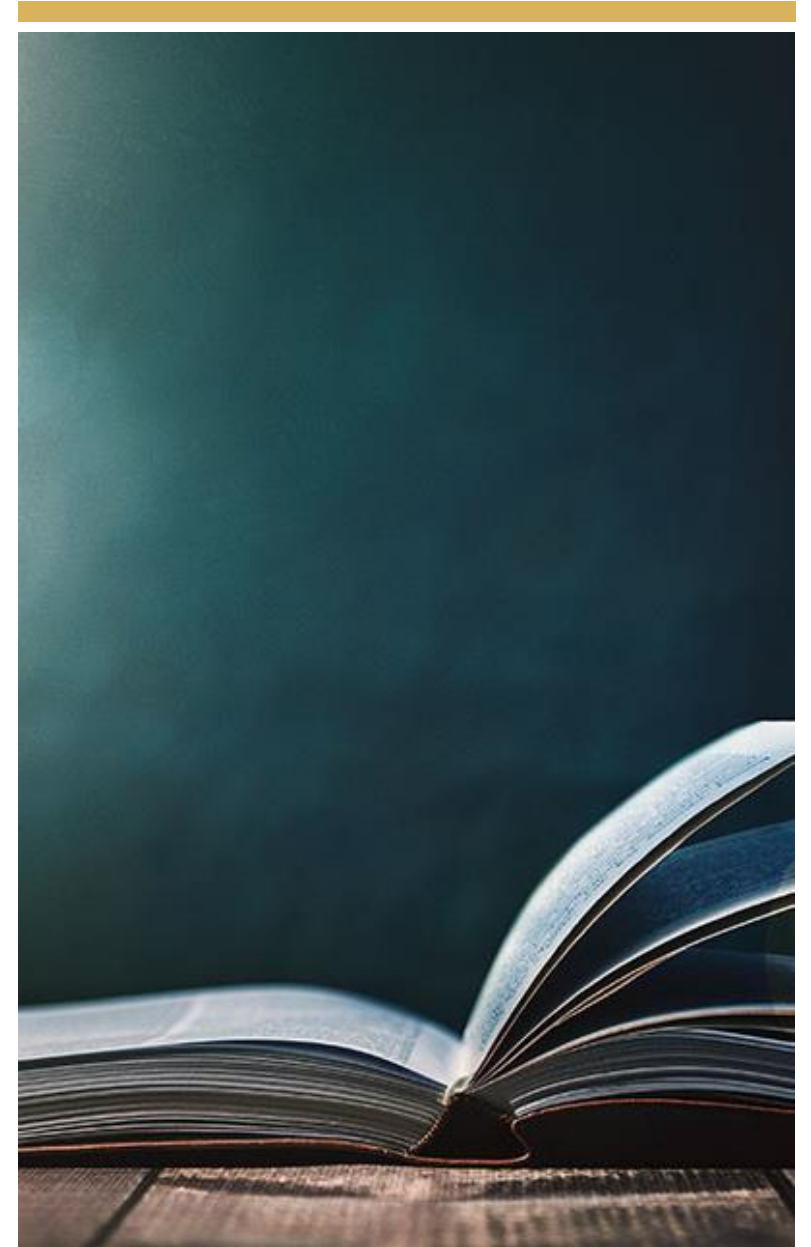
GOD'S HEART



- He identifies all forms of domestic violence as sin (Mal. 2:16-17; Psalm 11:5; Col. 3:19), including verbal abuse (Prov. 12:18; Prov. 18:21; Col. 3:8).
- He seeks to deliver the abused (Psalm 5, 7, 10, 140; Acts 14:5).
- Protection of women is seen through his directions to husbands (Mark 10: 42-25; Eph. 5:21-29; Eph. 5:21-29)
- He demonstrates a compassionate heart through his healing, and restoration to a full and equal life (Luke 11:46, 17:2, 18:1-8, John 8:1-11).
- He has shown you, o man, what is good. And what does the LORD require of you, but to do justice, and to love mercy, and to walk humbly with you God? (Micah 6:8)

GOD ACTS ON BEHALF OF THE ABUSED

- What is Justice?
 - Andrew Hill of The Mission Church in Vacaville defined it as “rendering to each what is due them, to be made right by His truth and righteousness, to restore dignity, and bring things bring things in line with Kingdom rule.
 - Here is my servant, whom I uphold, my chosen one in whom I delight; I will put my Spirit on him, and he will bring justice to the nations. He will not shout or cry out, or raise his voice in the streets. A bruised reed he will not break, and a smoldering wick he will not snuff out. In faithfulness he will bring forth justice; he will not falter or be discouraged till he establishes justice on earth. In his teaching the islands will put their hope. (Isaiah 42:1-4)



Litigation Abuse

Court-appointed Professionals Abuse

Judicial Abuse

Other abuse tactics used during the marriage

COERCIVE CONTROL IN FAMILY COURT

LITIGATION ABUSE DEFINED: USING THE COURT

The Slippery Weasel Co-Parent (Using Litigation Abuse) is use of all parts of the Family Court legal system to delay, extend, control, and coerce you into going along with his demands. Litigation abuse may be used to punish you or take revenge on you for leaving him. He may use this type of abuse to keep you from telling about the amount and types of his coercive controlling or abusive behaviors during the relationship. The abuser may send you tons of legal paperwork after you leave. He may continue to talk to you with words on paper when he no longer is able to speak to you directly so he can lecture you or tell you what you need to do or think.

Excerpt from Wingfield, D. (2014). *Eyes Wide Open: Help! with Control Freak Co-parents*.

(Available on Amazon in print or as Kindle book).



LEGAL PERSONNEL

- Legal Aid
- Mediator
- GAL, CLR, CFI
- PRE/Custody Evaluator/
Psychological Evaluation
- Court Clerk & Self-help Center
- The Pro Se/Unbundling Resource
Center

http://www.americanbar.org/groups/delivery_legal_services/resources.html



KEY QUESTIONS FOR ATTORNEYS

Here are some questions to ask an attorney during your first interview before you pay a retainer fee.

- How many divorce cases have you handled? How many coercive control divorces have you handled?
- What kind of training have you received on coercive control impacts on children in divorce cases?
- How many of those cases were you able to settle out of court?
- Do you practice Collaborative Divorce?
- Do you know my spouse?
- Do you know my spouse's attorney?
- Are you familiar with local Family Court judges and how they rule?
- Do you believe it is better to mediate and negotiate than go to trial?



KEY QUESTIONS FOR ATTORNEYS (cont.)

- Do you have experience negotiating child support, spousal support, large financial settlements, or business valuation? Ask specific questions about issues you think will come up during your divorce.
- How many cases with complicated property settlements have you handled?
- What was the outcome of those cases?

Questions about how your case will be handled:

- Will you or another attorney in the firm be handling my case?
- Can I meet anyone else who will be involved in handling my case?
- What experience does he/she have?
- Are you available via phone or email?
- How would I reach you in an emergency situation after hours/on weekends?

KEY QUESTIONS FOR ATTORNEYS (cont.)

Questions about how your case will be handled (cont.):

- Do you have a heavy caseload? Will you have time to devote to my case?
- If I need to reach you, what is the best time of day?
- Will I receive copies of documents filed with the court, all communication with my spouse's attorney and any other documents related to my case?
- Will I be kept informed of all developments in my case?
- Will you ask my opinion before planning strategy?
- What are your personal feelings about spousal support?
- What are your personal feelings about joint custody versus sole custody?

KEY QUESTIONS FOR ATTORNEYS (cont.)

Questions about fees:

- What is your retainer fee?
- What is your hourly billing rate?
- Do any fees I pay include the services of any associates who work on my case?
- If my case goes to divorce court, will there be extra fees?
- Will I sign a contract outlining the fee arrangement?
- Will I be sent itemized bills?



KEY QUESTIONS FOR ATTORNEYS (cont.)

- Will I be kept updated about how the retainer fee is used and when it is used up?
- Will you petition the court for my spouse to pay my attorney fees?
- How much do you charge for letters and phone calls to my spouse's attorney or me?
- How much will you charge for copies of all relevant documents?
- Will there be other costs such as court filing fees, process server fees, or other extraordinary fees? Are these costs included in your fees or do I pay them separately?
- Will I be billed for communication via phone or email? If so what is your billing structure? Find out exactly how much the attorney charges and how he/she bills for his/her time.



LITIGATION ABUSE DEFINED: USING COURT PROFESSIONALS

The Lying Rat Co-Parent (Using Court-Appointed Professionals) means bringing in experts to address custody/parenting issues. His purpose is to criticize and undermine your parenting skills that were okay before you separated. The abuser uses court-appointed professionals to show he is a "good enough" parent and to have you held to a higher parenting standard than he is expected to show.

Excerpt from Wingfield, D. (2014). *Eyes Wide Open: Help! with Control Freak Co-parents*.

(Available on Amazon in print or as Kindle book)



MEDIATION PREPARATION

- Provide Key Questions for Mediators
- Review the Mediation Process
 - Shuttle vs. Joint mediation
 - Who can attend
 - How to communicate with advocates and supporters during mediation
 - Potential outcomes
- Initial Meeting
- Identify and Organize the Issues
- Discuss Solutions
- Prepare and Sign the Custody Agreement



PRE-MEDIATION QUESTIONS FOR YOUR ATTORNEY

- Can you give me legal advice throughout the mediation process? Will you attend the mediation sessions?
- What happens if we can't agree on anything during mediation?
- How hard is it to make custody changes after we reach an agreement?
- Should I be firm about getting what I feel is important in the initial custody arrangement?
- Which family law mediators would you recommend for my case?



PREPARING FOR CHILD CUSTODY MEDIATION

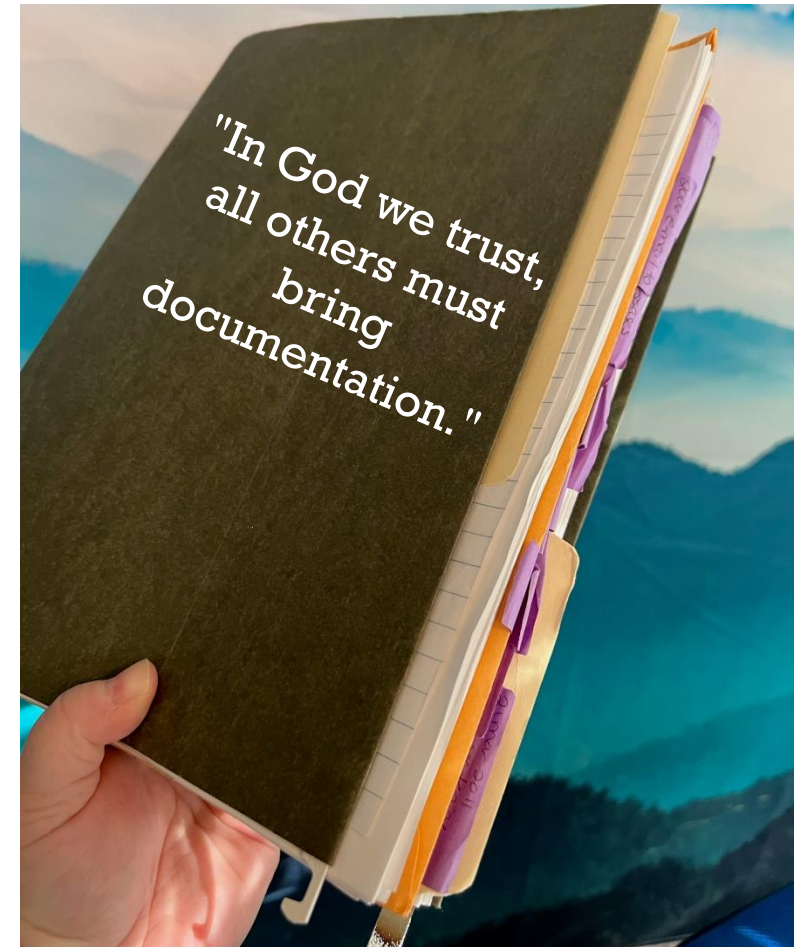
There are several important steps to take before you start child custody mediation:

- Consider getting legal advice from an attorney: It's best to walk into mediation with a solid understanding of your custody rights and responsibilities.
- Write out detailed daily schedules for you and your child.
- Prepare your own custody and visitation proposal.
- Gather all relevant records regarding your child, including important medical records, report cards, and any letters from your child's therapist.
- When preparing your custody proposal, be sure to consider any special circumstances like holidays and birthdays. Also, remember to plan for exchange locations and transportation details, such as which parent will drop off or pick up the child for scheduled visits



DOCUMENTATION

- How to document- use the general areas for court:
 - Parenting time or custody
 - Child support
 - Division of assets
- Resource: Timeline of Controlling Events
 - **Reminder:** the court is most concerned with the impact on the children.
 - Column 1: Date/Time/Season
 - Column 2: What abuser did
 - Column 3: Impact on Survivor
 - Column 4 Impact on Children



TIMELINE OF CONTROLLING EVENTS EXAMPLE

| Date/Time/Season | What abuser did | Impact on Survivor | Impact on Children |
|----------------------------|--|--|---|
| <p>Summer, 2022</p> | <p>Was angry with a child for getting a “B” on an assignment. Punched the wall during an argument with the oldest when the child tried to explain what happened.</p> | <p>Afraid of disagreeing with husband, avoided disagreements, afraid to intervene to protect child</p> | <p>hid in their room, were afraid to come around dad, cowered in the corner or hid and cried, went yelling and screaming out of the room. Fought back by kicking, hitting, or hurting one-another or lashed out, became aggressive, toward you, other children, father. Withdrew and wouldn't speak. Sullen, refused to talk about their feelings, refused to eat or engage with family members</p> |

- <https://www.domesticshelters.org/articles/legal/document-domestic-abuse>
- <https://documenttheabuse.com/>
- <https://www.flcourts.gov/content/download/425827/file/10-steps-for-presenting-evidence-in-court.pdf>

RESOURCES TO HELP WITH DOCUMENTATION

STEPS IN THE MEDIATION PROCESS

Although child custody mediation is normally voluntary, in some states, parents must complete a mandatory mediation process before a judge will issue any court orders. In either case, the steps involved in the mediation process are the same:

Meet with the mediator

Identify and categorize the contested issues

Discuss solutions with a give-and-take attitude, and

Reach, draft, and sign a custody agreement

The amount of time you'll spend in mediation depends on several factors, including the number and complexity of the custody issues and the parents' willingness to reach an agreement.

KEY QUESTIONS FOR MEDIATORS

Does the mediator have a law degree and family law practice experience, and is the mediator informed of divorce and parenting research?

Does the mediator have actual or real knowledge of the subject matter of your conflict, or the issues you need help with?

Does the mediator have multiple years of experience or experience with multiple cases?

Does the mediator wear other professional hats, or limit his or her work to dispute resolution of divorce and family law matters?

How does the mediator address “parental responsibilities” and “parenting time” when domestic violence/abuse or child abuse occurred in the relationship?

What type of training does the mediator have in the area of child abuse, including physical abuse, emotional abuse, sexual abuse, and physical and emotional neglect?



KEY QUESTIONS FOR MEDIATORS (cont.)

How many hours of training does the mediator have in Coercive Control Tactics in relationships?

- Look for a minimum of 7-14 hours.

How many hours of training does the mediator have in Dynamics of Coercive Control and Domestic Abuse in Relationships?

- Look for a minimum of 14-28 hours

How many hours of training does the mediator have on the Effects of Domestic Abuse & Coercive Control on Children?

- Did that include long-term emotional and physical impacts?
- Look for a minimum of 7-14 hours

KEY QUESTIONS FOR MEDIATORS (cont.)

What is your understanding of the use of children as leverage by an abusive parent in high conflict/contested custody cases (better termed coercive control cases)?

❖ Watch out for use of terms like parental alienation, parental alienation syndrome, or similar terms. These are “red flags” this person does not understand Coercive Control Tactics.



BREAKOUT DISCUSSION

MEDIATION PREPARATION TOPICS

- How to use the key questions for mediators
- How to help a survivor prepare (ex- stay calm)
- Educating survivors on shuttle vs. joint mediation
- Explaining who can attend mediation
- How to communicate with advocates and supporters during mediation
- Preparing survivors for potential outcomes
- Explaining what goes on in the initial meeting and how a mediator might set things up
- How to prepare by identifying and organizing the issues (proposals for parenting time, physical custody, legal custody or primary parenting)
- Discussing solutions for how to handle lack of agreement or pressure on her
- How to prepare for signing the custody agreement (clear head, options for going back if changes needed, etc.)

GOD, THE CHURCH, AND GOVERNMENT

- Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. 2 Therefore whoever resists the authorities resists what God has appointed, and those who resist will incur judgment (Romans 13:1-2).
- Submit yourselves for the Lord's sake to every human authority: whether to the emperor, as the supreme authority, or to governors, who are sent by him to punish those who do wrong and to commend those who do right (1 Peter 2:13, 14).
- When one of you has a grievance against another, does he dare go to law before the unrighteous instead of the saints? 2 Or do you not know that the saints will judge the world? And if the world is to be judged by you, are you incompetent to try trivial cases? 3 Do you not know that we are to judge angels? How much more, then, matters pertaining to this life! 4 So if you have such cases, why do you lay them before those who have no standing in the church? 5 I say this to your shame. Can it be that there is no one among you wise enough to settle a dispute between the brothers, 6 but brother goes to law against brother, and that before unbelievers? 7 To have lawsuits at all with one another is already a defeat for you. Why not rather suffer wrong? Why not rather be defrauded? 8 But you yourselves wrong and defraud—even your own brothers! (1 Corinthians 6:1–8,6)



- A “**guardian ad litem**” (**GAL**) is a person the court appoints to investigate what solutions would be in the “best interests of a child.” Here, we are talking about a **GAL** in a divorce or parental rights and responsibilities case.
- What is the purpose of a guardian ad litem?
 - A **guardian ad litem** (GAL) is an objective, impartial person whom the court appoints to act as a representative for the minor children in a contested custody proceeding. In cases of alleged child abuse or neglect, the court will as a matter, of course, appoint a **guardian ad litem**
- A **guardian ad litem** (“GAL”) is an attorney appointed by the court to investigate a case and report its findings and recommendations to the court. ... The GAL is a lawyer for the child and **works** in the best interests of the child. Every GAL has had education, training, and experience in regards to the needs of children.

PREPARATION GAL, CLR, CFI

KEY QUESTIONS FOR GAL, CLR, CFI

Use the same questions provided for mediators. Just change mediator to Guardian-ad-litem or Child Family Investigator.

CHILD CUSTODY BASICS

- Physical and Legal Custody
- Joint Custody
- Split Custody
- Child Custody and Unmarried Parents
- Child Custody Decisions: Factors to Consider
- Determining "Primary Caretaker" of the Child
- Grandparent Visitation and Custody

<https://family.findlaw.com/child-custody/child-custody-basics.html>



BEST INTERESTS DECISION MAKING

- Remember, courts don't just look at one factor, but instead take a more holistic approach.
- Their best interests determinations are generally made after considering a number of factors related to the child's circumstances and the parent or caregiver's circumstances and capacity to parent, with the child's ultimate safety and happiness being the paramount concern.
- Be aware of the factors in the state statutes of the survivor you are supporting. Review with the survivor.
 - Do the factors have any hierarchy or are all weighted the same?



Focusing on the "Best Interests" of the Child

Whether parents and their attorneys resolve a child custody/parenting time matter out-of-court through negotiation and agreement, or the custody decision is made by a family court judge, the overriding focus in any custody case should always be on a solution that is in the child's "best interests." This term has a particular meaning in family law when making arrangements for children.

The Child's Best Interests in Custody Cases

In the context of child custody cases, focusing on the child's "best interests" means that all custody and visitation discussions and decisions are made with the ultimate goal of fostering and encouraging the child's happiness, security, mental health, and emotional development into young adulthood. Generally speaking, it's often in the child's best interests to maintain a close and loving relationship with both parents, but the practicalities of promoting and maintaining such relationships can be the main challenge in resolving a child custody dispute.





FOCUSING ON THE "BEST INTERESTS" OF THE CHILD

In any custody conflict it's crucial that you not lose sight of the importance of making decisions in the best interests of your children. The choices you make now (or the decisions a court makes for you) will affect your child's development, as well as your relationship with them, in a number of crucial ways for years to come. <https://family.findlaw.com/child-custody/focusing-on-the-best-interests-of-the-child.html>

Updated changes are addressing coercive control tactics-
see if your state is on board

The wishes of the child (if old enough to capably express a
reasonable preference);

The mental and physical health of the parents;

Any special needs a child may have and how each parent
takes care of those needs;

Religious and/or cultural considerations;

The need for continuation of stable home environment;

Other children whose custody is relevant to this child's
custody arrangement;

WHAT FACTORS DETERMINE THE CHILD'S BEST INTERESTS?

WHAT FACTORS DETERMINE THE CHILD'S BEST INTERESTS?

Support and opportunity for interaction with members of the extended family of either parent (such as grandparents);

Interactions and interrelationships with other members of household;

Adjustments to school and community;

The age and sex of the child;

Whether there is a pattern of **domestic violence or coercive control** in the home;

Parental use of excessive discipline or emotional abuse; and

Evidence of parental drug, alcohol or child/sex abuse.

PREPARATION FOR CUSTODY EVALUATION

- The Evaluation Process
- Documentation
- Mindset
- The Home Visit
- Keep focused on the children
 - Parenting time schedules
 - Educational choices
 - Religious preferences
 - Extracurricular activities
 - Medical/Therapy choices

Preparing For Child Custody Evaluation



Everything Is Evidence

Keep Your Evidence

Log Expenses

Get Help

Things to Avoid

PREPARATION FOR CUSTODY EVALUATION (cont.)

THE CHILD CUSTODY EVALUATION PROCESS

Evaluators will conduct multiple interviews with each co-parent separately.

Evaluators will conduct multiple interviews with the children involved in the case.

Evaluators will observe each co-parent as they interact with the children, either at the office or in the home setting.

Evaluators may conduct interviews with others involved with the family such as teachers, health care providers, and so on.

Evaluators may choose to perform psychological testing on anyone in the family.

Evaluators will also review previous court and legal activity regarding the divorce and custody case.

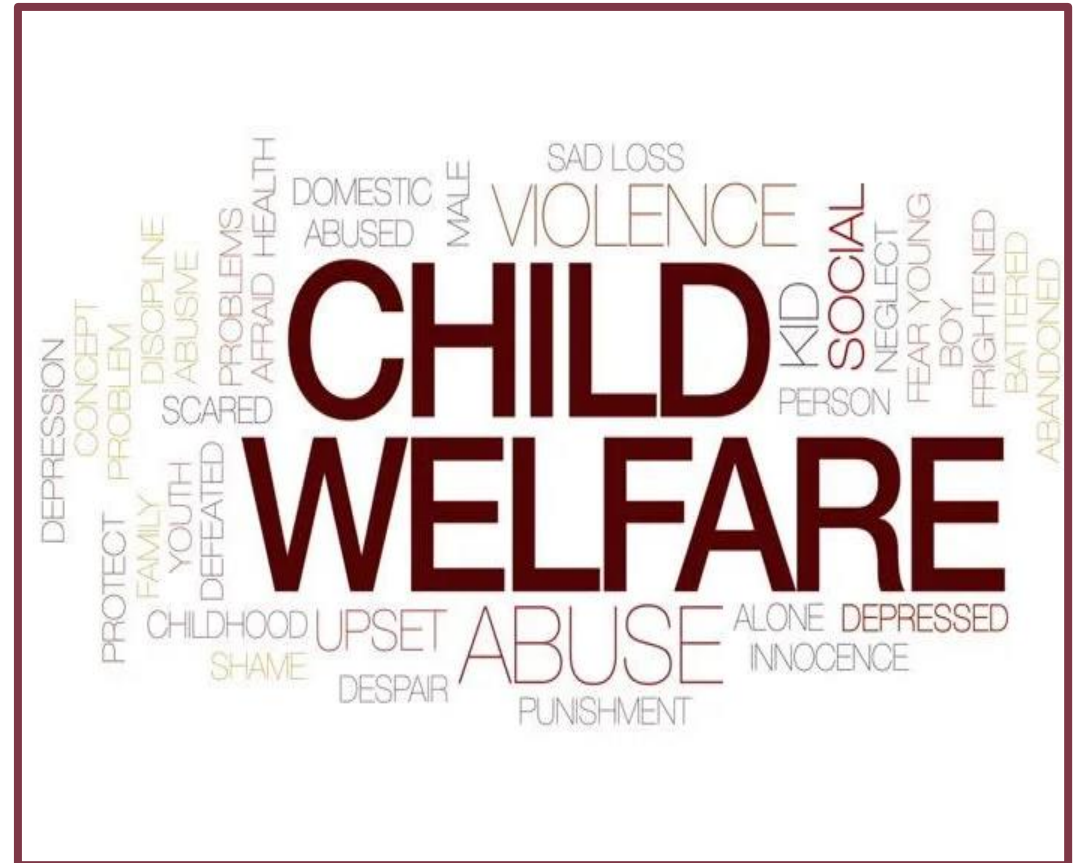
KEY QUESTIONS FOR EVALUATORS

Use the same questions
provided for mediators.
Just change mediator to
Child Custody Evaluator.



CPS (CHILD PROTECTIVE SERVICES) INVOLVEMENT

- False allegations in divorce/custody cases
- Challenges with involving CPS or avoiding them
- Founded vs. Unfounded vs. Unsubstantiated reports



KEY QUESTIONS FOR THERAPISTS

Use the same questions provided for mediators. Just change mediator to therapist.



KEY QUESTIONS FOR THERAPISTS

If you are required to go to therapy for yourself or for reunification of your children with their abusive parent, or your children are required to go to therapy, add these questions to the ones above.

- When parents are no longer living together, how do you work with both parents around issues concerning their children?
- How do you approach financial abuse of one parent by the other parent in therapy when the child is the client/patient? For example, one parent pays, but the other parent brings in the child and refuses to allow the other parent access to what is talked about in therapy or access to the therapist.
 - Is the parent who brings the child to therapy responsible for paying for part or all of the therapy? Are both parents equally responsible for payment for therapy?
- How do you handle a situation where the children are required to go to therapy by the custody/parenting time order and one parent refuses to sign the consent to treat agreement?

KEY QUESTIONS FOR THERAPISTS (cont.)

- What is your approach to working with children's emotional, social, and cognitive development in shared parenting situations where prior Domestic Violence or Coercive Control Tactics are experienced by a child?
 - How do you handle reunification of a child who does not want contact with the other parent?
 - How do you separate out children who are being estranged/disaffected/alienated from a parent from a child who legitimately fears abuse from the other parent?
 - How willing is the therapist to explore, work with, and understand why a child does not want contact with one parent?

USING FAMILY COURT JUDGES DEFINED

The Charging Rhinoceros Co-Parent (Using Family Court Judges) is the abuser's way to prove to the court his lies about his former partner. It is his way to project his own behaviors onto his former partner. His purpose is to make his former partner look as if she is trying to get in the way of his parenting relationship with the children. He is trying to prove to the court that he is the stable, responsible parent. The purpose of his behavior could be to get back at or hurt his former partner for leaving. He may want access to the children so he can begin or continue to abuse them.

Excerpt from Wingfield, D. (2014). *Eyes Wide Open: Help! with Control Freak Co-parents.*

(Available on Amazon in print or as Kindle book).



BREAKOUT DISCUSSION

SURVIVOR COURT PREPARATION TOPICS

Breathing

Where to focus attention while testifying

Court watchers

Court decorum

How to communicate with your attorney during court hearings and trials

Sequestered witnesses

Strategize during court recesses

Appeals process



ENCOURAGEMENT TO FLEE THE WICKED



- The prudent see danger and take refuge, but the simple keep going and pay the penalty (Proverbs 27:12).
- With their mouths the godless destroy their neighbors but through knowledge the righteous escape (Proverbs 11:9).
- David: 1 Samuel 18:6 - 20:42

- Judges-NCJFCJ, BWJP.org
- Attorneys-ABA Marital Bar Association
- GAL/CFI-state-by-state requirements
- Mediators-state-by-state requirements
- Custody Evaluators/Parenting Time Evaluators-APA, AFCC, NASW
- Parenting Coordinators-APA, AFCC, NASW, ACA
- Mental Health Professionals-APA, NASW, ACA, AAMFT
- BIP Providers-state-by-state requirements
- BWJP <https://bwjp.org/our-work/children/>

TRAINING FOR COURT PROFESSIONALS

STATUTES

- UK Family Law [https://uk.practicallaw.thomsonreuters.com/1-590-4465?transitionType=Default&contextData=\(sc.Default\)&firstPage=true&bhcp=1](https://uk.practicallaw.thomsonreuters.com/1-590-4465?transitionType=Default&contextData=(sc.Default)&firstPage=true&bhcp=1)
- Australia Family Law <https://www.ag.gov.au/families-and-marriage/families>
- Canada Family Law <https://www.justice.gc.ca/eng/fl-df/>
- South Africa Family Law <https://www.justice.gov.za/family.html>
- Ireland Family Law <https://services.courts.ie/Family-Law>
- Women's Law <https://www.womenslaw.org/laws/statutes>

PROTECTION ORDER STATUTES

- Every state has different definitions and statutes in multiple locations in their laws
 - Restraining & Protection order laws are state laws and each state has different laws (also called statutes) that lay out the requirements for getting an order.
 - A restraining order is a legal order issued by a state court which requires one person to stop harming another person. It is also sometimes called a protection order, an injunction, an order of protection, or some other similar name.
- <https://www.womenslaw.org/laws/general/restraining-orders>
- <https://bwjp.org/our-work/national-center-on-protection-orders-and-full-faith-credit/>

SAFE CHILD ACT PASSED

- **H.Con.Res.72 - Expressing the sense of Congress that child safety is the first priority of custody and visitation adjudications, and that State courts should improve adjudications of custody where family violence is alleged.** 115th Congress (2017-2018)
- Present Response to Domestic Violence Custody Cases Working Poorly for Children: Research based on the outcomes of domestic violence custody cases demonstrate frequent arrangements that place children at risk and standard practices shown to work poorly for children. Nationally, **58,000** children are sent for custody or unprotected visitation with dangerous abusers annually and in a two-year period starting **in 2009 fathers involved in contested custody cases murdered 175 children** often with the unwitting assistance of the courts.
- Large Majority of Contested Custody are Domestic Violence Cases: Many court professionals treat contested custody as “high conflict” but between **75-90% are actually domestic violence cases.**
- Failure to Recognize Domestic Violence: Although a large majority of contested custody cases involve domestic violence, **at least 70% result in custody or joint custody to the alleged abuser.**

<https://barrygoldstein.net/safe-child-act>

SAFE CHILD ACT PASSED (cont.)

- Court Response to **Sexual Abuse** Allegations Especially Problematic: By the time children reach the age of **eighteen, one-third of the girls and one-seventh of the boys** have been sexually abused.
- **83%** of these crimes are committed by someone the victim knows and for children this is **often their father**
- **85%** of sexual abuse allegations in custody cases result in **custody to the alleged abuser**
- Many Court Professionals Believe the **Myth** that Mothers Frequently Make Deliberately False Allegations of Abuse: A new U. S. Department of Justice study led by Dr. Daniel Saunders of the University of Michigan found that **most evaluators and other court professionals have inadequate domestic violence training and those without needed training are more likely to believe this myth.**
- **Gender Bias against Women** Continues to be Widespread in the Court System

<https://barrygoldstein.net/safe-child-act>

<http://www.leadershipcouncil.org>

CUSTODY/PARENTING TIME

- **APA Guidelines for Child Custody**
 - <https://www.apa.org/practice/guidelines/child-custody>
- **Practice Guidelines and Standards AFCC**
 - <https://www.afccnet.org/Portals/0/Committees/ModelStdsChildCustodyEvalSept2006.pdf>
- **Association of Family and Conciliation Courts. (2016). Guidelines for Intimate Partner Violence: A Supplement to the AFCC Model Standards of Practice for Child Custody Evaluation.**
 - [https://www.afccnet.org/Portals/0/Committees/Guidelines for Examining Intimate Partner Violence.pdf?ver=2016-05-16-183725-603](https://www.afccnet.org/Portals/0/Committees/Guidelines%20for%20Examining%20Intimate%20Partner%20Violence.pdf?ver=2016-05-16-183725-603)
- **NASW** <https://www.socialworkers.org/assets/secured/documents/sections/courts/SEC-NL-53310.Courts-SC.PDF>
- <https://www.custodyxchange.com/articles/parenting-plan.php>

PARENTING COORDINATION

- **APA Guidelines for the Practice of Parenting Coordination**
 - <https://www.apa.org/practice/guidelines/parenting-coordination>
- **AFCC**
 - [https://www.afccnet.org/Portals/0/PDF/Guidelines for PC with Appendex.pdf?ver=JJ0WBtWuvC39Ic9K96eoZQ==](https://www.afccnet.org/Portals/0/PDF/Guidelines%20for%20PC%20with%20Appendex.pdf?ver=JJ0WBtWuvC39Ic9K96eoZQ==)
- **ACA**
 - <https://www.counseling.org/docs/default-source/vistas/parenting-coordination-a-new-frontier-for-professional-counselors.pdf?sfvrsn=10>
- **NASW**
 - <https://www.socialworkers.org/Careers/Specialty-Practice-Sections/Social-Work-and-the-Courts>

KEY QUESTIONS FOR PARENTING COORDINATORS DECISION MAKERS

Use the same questions
provided for mediators.
Just change mediator to
parenting coordinator.



COURT RETURN AFTER FINAL ORDERS

Modifications

- Multiple return motions
 - Show Cause
 - Contempt
 - Status conferences
- Parenting time
- Child support
- Relocation

It is over when the youngest child ages out of the court system



LEGISLATION TO CHANGE CUSTODY/PARENTING TIME STATUTES

- Definitions of coercive Control
 - Hawaii
 - California; Piqui's Law
 - Connecticut
 - Colorado, Julie's Law
 - Pennsylvania in process, Kayden's Law
 - North Carolina proposed; declined; movement still working on Jesse's Law

BREAKOUT DISCUSSION

ROLES ADVOCATES CAN TAKE:

Walk alongside survivors

Educate community

Bring information to judges and court personnel

Support changes in legislation

Other options



- <http://www.safekidsinternational.org>
- Geerte Frenken interviews
 - https://www.youtube.com/channel/UC69QhV-9pCN_MjcWTKzXxOQ
- Multiple Facebook Groups and other self-help groups online
 - https://www.facebook.com/pg/calledtopeace/about/?ref=page_internal
 - https://www.facebook.com/groups/AddressingDVinChristianHomes/?multi_permaLinks=10156616821606483,10156611925736483,10156614400851483,10156610246766483,10156601634901483¬if_id=1565352119899099¬if_t=group_activity
- Stop Abuse Campaign <https://stopabusecampaign.org/>

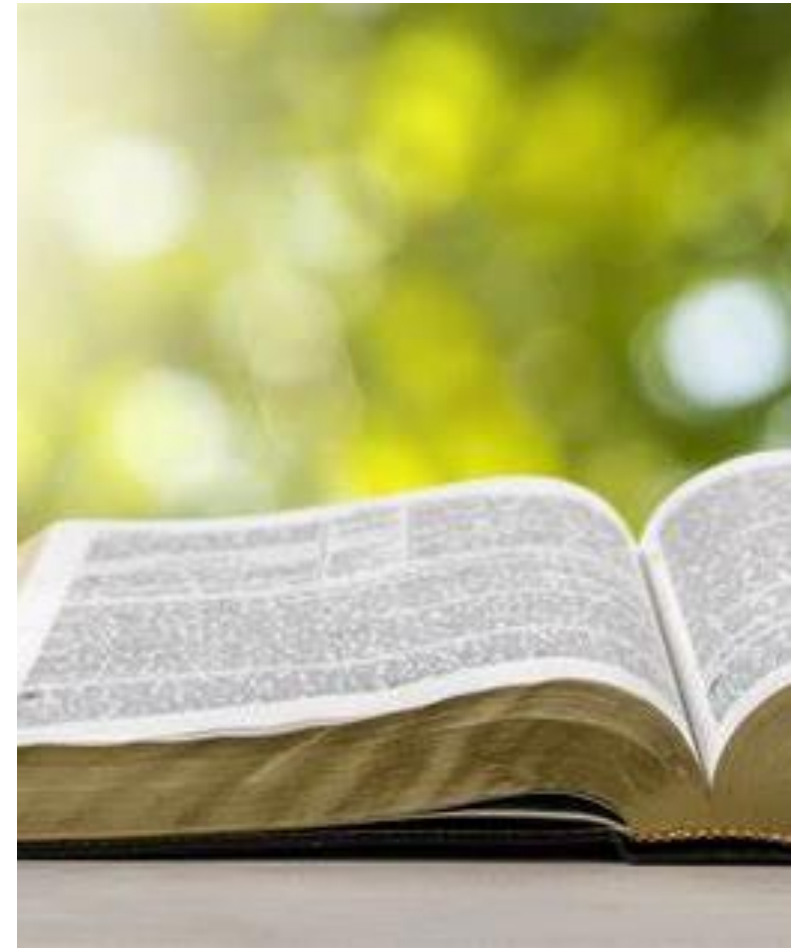
FAMILY COURT REFORM ADVOCATES

ENCOURAGEMENT FOR THE OPPRESSED

- O God who declares me innocent. Take away my distress. Have mercy on me and hear my prayer (Psalm 4:1).
- Lord, You know the hopes of the helpless. Surely You will listen to their cries and comfort them. You will bring justice to the orphans and the oppressed, so people can no longer terrify them (Psalm 10:17-18).
- I trust in the Lord for protection (Psalm 11:1).
- O Lord, hear my plea for justice, listen to my cry for help. Pay attention to my prayer, for it comes from an honest heart. Declare me innocent, for you know those who do right (Psalm 17:1-2).
- Wake up! Rise to my defense! Take up my case, my God and my Lord. Declare me “not guilty,” O Lord my God, for you give justice (Psalm 35:23-24).
- O God, take up my cause! Defend me against these ungodly people. Rescue me from these unjust liars (Psalm 43:1).

ENCOURAGEMENT FOR THE OPPRESSED

- You will restore me to even greater honor and comfort me once again (Psalm 71:21).
- The Lord gives righteousness and justice to all who are treated unfairly (Psalm 103:6).
- The humble will be filled with fresh joy from the Lord. Those who are poor will rejoice in the Holy One of Israel. Those who intimidate and harass will be gone, and all those who plot evil will be killed. Those who make the innocent guilty by their false testimony will disappear. And those who use trickery to pervert justice and tell lies to tear down the innocent will be no more (Isaiah 29:19-21).
- He will bring full justice to all who have been wronged. He will not stop until truth and righteousness prevail... (Isaiah 42:3-4).
- For I, the Lord, love justice. I hate robbery and wrongdoing. I will faithfully reward my people for their suffering and make an everlasting covenant with them (Isaiah 61:8).



RESEARCH LITIGATION ABUSE

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King, D. (2012). Naming the Judicial Terrorist: An Exposé of an Abuser's Successful Use of a Judicial Proceeding for Continued Domestic Violence. *Tennessee Journal of Race, Gender, & Social Justice*: 1 (1) , Article 6. Available at: <https://trace.tennessee.edu/rgsj/vol1/iss1/6>

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FAMILY COURT REFORMS

- NCJFCJ and BWJP
 - Guiding Principles for Effectively Addressing Child Custody and Parenting Time in Cases Involving Domestic Violence
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