

Assessing Allegations of Domestic Violence

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ABSTRACT. Allegations of domestic violence are among the most difficult to assess when they are posed during a child custody evaluation. We discuss the social and political context within which such evalua-

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tions occur. We describe both historical and current conceptualizations of and research concerning domestic violence. We end by discussing a variety of factors evaluators may consider using when developing an evaluation protocol to assess allegations of domestic violence within the context of child custody disputes. doi:10.1300/J190v04n01_01 [Article copies available for a fee from The Haworth Document Delivery Service: 1-800-HAWORTH. E-mail address: <docdelivery@haworthpress.com> Website: <<http://www.HaworthPress.com>> © 2007 by The Haworth Press. All rights reserved.]

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Over the past several years, the assessment of allegations of domestic violence in child custody¹ evaluations has been among the hottest topics for research and practice in both clinical and forensic psychology (Jaffe et al., 2003a) Horvath, Logan, & Walker, 2002; Johnston & Campbell, 1993; Logan, Walker, Jordan, & Horvath, 2002; Meier, 2003) and is of great interest to family court judges (Jaffe et al., 2003b; National Council of Juvenile and Family Court Judges, 1999; Schafran, 2003). Forensic assessment of allegations of domestic violence when custody is in dispute presents a unique challenge to forensic evaluators not only because of the complexity of the psychological variables involved in a comprehensive examination but also because of the political and social dimensions involved in judicial decisions about domestic violence (e.g., Cuthbert, Slote, Driggers, Mesh, Bancroft, & Silverman, 2002). Evaluators need to critically examine allegations of domestic violence in terms of both their veracity and their long-term effects on children and on the parenting relationship. In this article, we will discuss the need for evaluators to critically examine the behaviors that lead one to use the label domestic violence rather than to rely upon the label itself, without properly investigating the behaviors that led a court or a parent to make the allegations. We will offer evaluation protocols useful in gathering data that may help confirm or disconfirm an allegation of domestic violence within the context of a child custody dispute.

In 1987, in the first edition of their much-cited work *Psychological Evaluations for the Courts*, Melton and his colleagues, commenting on our assessments of comparative custodial fitness, declared: “[T]here is probably no forensic question on which overreaching by mental health professionals has been so common and so egregious” (Melton et al.,

1987, p. 330). A decade later, they reiterated their assertion in the second edition of *Psychological Evaluations for the Courts* (Melton et al., 1997, p. 463). The observation offered by Melton et al. concerning custody evaluations in general has been applied by Austin (2000) to the investigation of allegations of domestic violence that are made within the context of custodial placement disputes. Too often, we have observed evaluators to overreach by offering opinions based upon inadequate or incomplete data, by basing their opinions on outdated research, or by basing their opinions upon personal beliefs and personal biases and presenting these views as expert opinions (e.g., *Severson v. Hansen*, 529 N.W. 2d. 167 (N.D. 1995)).

We begin this article with an observation based upon our experience in writing about the topic of domestic violence assessment. One of the strengths of the *Journal of Child Custody* is its blind review process and this article, as all others submitted to *JCC* for publication, underwent such a process. Comments offered and ratings provided by blind reviewers were of great interest to us and, from our perspective, the disparity reveals the degree to which researchers, therapists, and evaluators with a presumably shared interest can become embroiled in debates that are enervating instead of energizing. Upon reflection, we find ourselves in agreement with the perspective of a reviewer who stated that “any stance is a political one in this hotly contested debate.”

On a scale ranging from “low” to “very high,” ratings of (1) our conceptualization of the applicable literature, (2) the quality of our presentation, and (3) the quality of our writing all ranged from “low” to “very high.” One reviewer referred to the “darkness [of our] bias of disbelief [in] and minimization of domestic violence.”

LANGUAGE AND POLITICAL CORRECTNESS

We believe that abusive behavior and violent behavior are not the same. There are many ways in which a spouse can be abusive without being violent. Our society expects the law to step in when one person acts against another in a manner that is violent. Some behaviors that reasonable people would call “abusive” are not regulated by law, nor should they be. A useful example might be deprivation of freedom through control of finances, communication, and socialization.

Let us presume that a man with a need to control others marries a woman with a long list of insecurities. Employing his knowledge of her insecurities, he regulates her day-to-day activities, chooses her friends,

denies her access to marital assets, and regularly belittles her in order to reinforce her insecurities. Let us also presume that at no time does he strike her or threaten to do so. Few in either the mental health community or the legal community would disagree that this wife is being emotionally abused. We assert, however, that neither the married individuals who find themselves in such relationships nor the children who grow up in homes where such destructive interparental dynamics prevail are helped when we assert that such behaviors constitute domestic violence. Accurate behavioral descriptions contribute to our understanding of the family dynamics; lumping such behaviors together with weekly beatings and calling both “domestic violence” is not helpful either to families, to treatment providers, to evaluators, or to researchers who are endeavoring to study domestic violence and related phenomena.

When all forms of mistreatment that occur within the context of a domestic relationship are subsumed under the heading “domestic violence”, we do not increase social sensitivity to the problem of domestic violence; instead, we reinforce the skepticism of those who already doubt the data reflecting the prevalence of domestic violence. Thus complaints of domestic violence are taken less seriously, particularly by those who are so inclined.

In February, 2005, New York newspapers reported that a Hasidic mohel was suspected of having transmitted a fatal case of herpes to an infant after having orally suctioned blood following a ritual circumcision. When the New York City Health Department endeavored to publicize the health risks of this ritual in New York’s Jewish communities, some Jewish activists likened the government’s criticism of the ritual to official actions and pronouncements during the Holocaust.

If any/all wrongs done to Jews are likened to the Holocaust, harm is done in two ways. First, the meaning of the Holocaust is diminished. Second, those who have likened the action(s) under discussion to the Holocaust are taken less seriously by all but their most ardent followers; thus, any important information that they may wish to disseminate is more likely to be met with incredulity and any legitimate perspective that they may wish to present is more likely to be dismissed. Regardless of the ‘cause’ for which one is crusading, over-statement ultimately does a disservice to the cause.

When the response of the Hasidic community was covered in *The New York Times*, William Helmreich, a sociology professor interviewed about the matter, stated: “If everything is a Holocaust, then nothing is a Holocaust, because [the word] no longer means anything.”

Elie Wiesel, also interviewed, said: “Anyone who has a public platform should respect language. . . .” The risks of tinkering with language are significant. When advocacy severs the link between language and the realities that language is intended to describe, the resulting misunderstandings hamper research and make dialogue among professionals less constructive.

It is not our intention to compare and contrast non-violent abuse and violence, as each relates to the effect upon direct victims and children. It seems to us to be indisputable that certain forms of emotionally abusive behavior are just as relevant as violence to decision-making in custody and access disputes. Years of denigration and control are likely to be at least as detrimental to the direct victim and on the children as a punch. A punch, however, is an act of violence; name-calling, even when it is dehumanizing and likely would constitute maltreatment, is not.

***PROTECTION OF CHILDREN
vs. PARENTS’ CONSTITUTIONAL RIGHTS***

Our constitutional guarantees include the right to raise our children mostly as we see fit. “Government must be sharply restricted in its capacity to oversee the circumstances under which children are being raised. Precisely because childrearing means family values, interests, ideas, and religious beliefs of the next generation, we should expect American law to insist, as the Supreme Court has, that the state cannot enter the domain of family life” (Gugenheim, 2005, p. 25). The state can neither supply nor hinder” (Prince v. Massachusetts, 1944, p. 166) the parent’s right to teach their children values or inculcate them into religious training. “The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children” (Pierce v. Society of Sisters, 1925, p. 535). “The home derives its pre-eminence as the seat of family life. . . The entire fabric of the Constitution and the purposes that clearly underlie its specific guarantees demonstrate that the rights to marital privacy and to marry and raise a family are of similar order and magnitude as the fundamental rights” (Griswold v. Connecticut, 1965, p. 495) (Quoting Poe v. Ullman, 367 US 497, 551-551 (1961) (Harlan, J. dissenting). And, finally, the Troxil court opined that “the interests of parents in the care, custody, and control of their children is perhaps the oldest of the fundamental liberty interests recognized by the Court. . . it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment pro-

protects the fundamental rights of parents to make decisions concerning the care, custody and control of their children” (Troxil v. Granville, 2000, p. 57).

The challenge for evaluators is to identify when parents engage in behavior that is harmful to their children rather than to identify behavior that is unusual, odd, or different from that considered normal within community standards. As a result of the constitutional protections provided parents as described above, the state assumes a modest role in monitoring behaviors within the family. The state sets boundaries at the outer limits of what is acceptable parenting. “Thus, laws protecting children from neglect and abuse, even at the hands of their parents, have come to be regarded as the proper exercise of the state’s police power (regulating the conduct of citizens that has the potential to harm others). This means only that parents are obligated to exercise a ‘minimum degree of care’ when raising their children. Unless parents fall below this (low) standard and are found to be ‘unfit’ in court proceedings charging them with abuse or neglect, parental childrearing decisions are virtually immune from state oversight” (Guggenheim, 2005, p. 36).

MYTHS AND MISUNDERSTANDINGS OF DOMESTIC VIOLENCE

Gelles (1997) described several myths of domestic violence and the reality of these myths. Among these myths are:

1. More women are treated in emergency rooms for battering injuries than for muggings, rapes, and traffic accidents. This “fact” was attributed to the Centers for Disease Control and to former Surgeon General C. Everett Koop and Antonia Novello. The CDC has backed away from this “fact,” citing that the data are based upon a very small study of a single emergency room;
2. The March of Dimes reported that battering during pregnancy is the leading cause of birth defects and infant mortality. The March of Dimes reports no study either conducted by their organization or by any other reputable research organization offering such a conclusion;
3. Family violence is confined to the lower class. There is an increased incidence of *reported* violence and abuse among the lower class but family violence cuts across social class boundaries;
4. Children who are abused will grow up to be abusers. Most studies of wife and child abuse reveal that abusive adults were more likely

to have been treated harshly and abused as children compared to adults who were not abused. Children from abusive families may be more likely to abuse as adults but there is no predetermined notion that all children who are abused will grow up to be abusers;

5. Battered wives “like” being hit and/or are responsible for the violence, otherwise they would leave. Many of these women feel socially, legally, and materially trapped in their relationships. They also may feel afraid that a movement away from the relationship places them or their children further at risk.

Jaffe et al. (2003b) describe several misunderstandings of domestic violence and child custody and what Jaffe et al. posit is the reality of these misunderstandings. Among these misunderstandings are:

1. Domestic violence is rarely a problem for divorcing couples involved in child custody disputes. The reality is that the majority of parents in “high-conflict divorces” involving child custody report a history of domestic violence;
2. Domestic violence ends for abused women with marital separation. The reality is that abused women often face continuing risks from their partner after separation;
3. As long as children are not abused directly, they are not harmed by exposure to domestic violence. The reality is that children exposed to domestic violence may suffer from significant emotional and behavioral problems related to this traumatic experience;
4. Since domestic violence is behavior between adults, it is not relevant for the determination of child custody. The reality is that domestic violence is highly relevant to the determination of child custody by courts and court-related services;
5. Family courts, lawyers, and court-related services, such as mediation and custody evaluation, can assess the needs of abused women and their children as well as the impact of the batterer. The reality is that a significance of domestic violence is overlooked by family courts, lawyers, and court-related services.

TENSION BETWEEN SCIENCE AND POLITICS

We focus this section on tensions between science and politics because we believe that evaluators need to be aware of the larger social policy and community standards factors that many influence how cus-

tody opinions and recommendations are accepted. We also believe that one can hold strong political views about issues such as the meaning of domestic violence within our society and still bring methodological integrity to the evaluation endeavor, as well as a respect for ethics, and a commitment to fairness and due process.

Emery (1999) has called on evaluators to examine the role played by personal and normative values in child custody determinations. He opines that the best interests standard often becomes “a vessel into which unarticulated normative values are poured” (p. 325). Tippins and Wittmann (2005) voice concern about the degree to which “the court may be basing its decision on personal value judgments of witnesses who happen to have professional credentials. However, those credentials do not entitle the witness’s personal, as opposed to professional or scientific judgments to be admitted, let alone carry weight. When an expert witness ‘does not testify on the basis of the collective view of his scientific discipline’ and where ‘no understandable scientific basis is stated,’ ‘personal opinion, not science, is testifying’ (p. 207, citations omitted).

The concern is that the evaluator’s personal values and experiences as a parent become the standard against which each mother and father is judged. “[C]linicians often present their logic and personal values under the guise of behavioral-scientific truth without disclosing that we have no reliable clinical method to do this weighing. Simple logic and subjective values do not represent specialized knowledge” (Tippins & Wittmann, 2005, p. 2002).

Recommendations about parenting values and parenting behavior that are imposed on a family by a custody evaluator’s personal values and beliefs presented to the court *as if* they are based upon scientifically informed judgment are contrary to the concept of parental rights found in the Supreme Court’s interpretation of the U.S. Constitution. Evaluators need to be careful about offering recommendations to the court that reflect personal values and personal experiences under the guise of scientific opinions (Gould, 2006).

Values also affect social and cultural beliefs. Values may guide assumptions about the way things work. The value that we place on the rights of children has undergone significant change over the past century from an presumption that children had no rights to a presumption that children have rights, some of which are the same as the rights of adults (i.e., *In re Gault* 387 US 1 (1987)).

Values also inform assumptions about domestic violence. Traditional models of domestic violence reflected a gender-specific assumption that males are most likely perpetrators of domestic violence and

females are most likely to be victims. Two primary assumptions are that patriarchy and male privilege drive domestic violence. Assessment strategies that follow from a gender specific model of domestic violence places greater emphasis on characteristics of the abuser; that is, greater weight is placed on individual characteristics such as personality factors including, but not limited to, impulsiveness, low frustration tolerance, narcissism, lack of empathy, and values and beliefs about the relationship between men and women based upon social and gender inequality. Research paradigms and clinical treatment models examining batterer characteristics (e.g., Bancroft & Silverman, 2002) focus greater attention on individual factors than on family and/or relationship factors. It is possible, however, that in a child custody context in which we examine a specific family system, the more useful level of analysis for the cause of domestic violence may lie in relationship or family factors more representative of gender-neutral models (i.e., Dutton, 2005; Drozd & Olesen, 2004). The evaluator needs to be open to investigating all relevant factors, whether or not the examination of such factors are viewed as “politically correct.”

In contrast to followers of the gender-specific model, others argue for a gender-neutral view of domestic violence. For example, Dutton (2005) posits that there is little empirical support for the notion that intimate partner violence should be framed as a gender-based issue in which men are overwhelmingly more likely to be perpetrators of domestic violence and women are more likely to be victims of domestic violence. Primary assumptions in a gender-neutral model are that men and women are perpetrators and victims of domestic violence and that abusive behavior in intimate relationships reflects diverse causes that may frequently interact. In this gender-neutral model, factors that need to be examined include relationships between and among family members, type of abuse, and the effect of familial violence on each member and his or her respective role in maintaining the dysfunction. It is possible, however, that in the family system under scrutiny, the more useful level of analysis for the causes of domestic violence may lie in specific personality factors more representative of the gender-specific model or may lie in family history factors such as those described by Johnston and Kelly (2002). Again we stress that the evaluator needs to be open to investigating all relevant factors, independent of model.

A third model posits that both the gender specific and the gender neutral models help to explain domestic violence (Johnson, 2005) and that evaluators need to understand how methodology used by different researchers investigating different populations (clinical v. non-clinical

populations) may report dramatically different results. Those who argue for a gender specific model tend to cite research drawn from studies using populations of battered women in protective shelters and from studies using populations of abusive men in groups for batterers. Those who argue for a gender neutral model tend to cite research drawn from non-clinical populations in which there is little representation of the more extreme forms of battering seen in the samples drawn from protective shelters and men's batterers' groups. Johnson (2005) argues that it is likely that custody evaluators will more often than not be evaluating parents from the non-clinical samples, a population more similar to that described by Johnston and Campbell (1993) as representing separation-engendered violence.

Recently, researchers have re-examined studies of domestic violence and have identified different base rates for different groups (Dutton, 2005). For example, Dutton (2005) and Johnson (2005) have shown how data drawn from samples from women's shelters and treatment groups for male batterer's reflect a much higher frequency of male battering than samples drawn from representative community samples. It is this later group that is more likely to participate in child custody evaluations and these researchers point out the relative similarity in prevalence rates of intimate partner violence among male and female parents in these samples (Dutton, 2005a).

We believe that an examiner engaged in the forensic evaluation of allegations of domestic violence within the context of child custody litigation ought to be familiar with as many different and contrasting models of domestic violence as possible in order to anticipate which factors are the most relevant to assess in a particular family. We believe that evaluators, in their roles as investigators of allegations of domestic violence, need to be neutral with regard to the gender politics of domestic violence and need to be informed of the different methodologies, different findings for different populations, and political passion that encompass this field of study.

It is our belief that the nature of allegations of domestic violence that most often are brought to the attention of child custody evaluators reflect "separation engendered violence" or "post-divorce trauma" described by Johnston and Campbell (1993). They describe males and females identified as belonging to this category of family violence to display acts of violence that were uncharacteristic of their everyday lives. Increased aggressiveness was associated with increased tension around the separation and divorce. Physical violence was absent during their marriage and abuses of power and control were also absent during

the marriage. Johnston and Campbell (1993) reported that in their sample, either parent was reported to lash out in anger during times of acute stress or times of symbolic importance, i.e., such as an anniversary. The violence was unpredictable and infrequent. However, when it occurred, the violent behavior tended to cast a dark shadow of mistrust on the offending spouse precisely because it was unexpected. Johnston and Campbell (1993) reported that both men and women were able to acknowledge their aggression and expressed genuine shame over their loss of control. In general, the risk for further violence was small once the emotional and legal issues involved in the divorce were resolved. These findings have been subsequently supported by several studies (see summaries by Dutton, 2005; Johnson, 2005).

Children from post-trauma violent families were observed to show behavioral signs similar to post traumatic stress disorder (PTSD). They displayed anxiety, fear, difficulty concentrating, and withdrawal of verbal exchange within the family. They also showed signs of behavioral inhibition and emotional constriction. Younger children tended to report intrusive memories, nightmares, headaches and stomach aches. Several showed a temporary fear of the parent perceived to be violent.

Mothers were observed to be more emotionally supportive of their daughters and fathers of their sons in these cases of unpredictable, infrequent violence. Although the children were frightened by witnessing parental violence, the parents generally demonstrated good judgment, good ego control, and good anger management. The damage to the parent-child relationship appeared short lived, with rehabilitation to the parent-child relationship resolved through therapeutic treatment strategies.

It is this last point that we wish to emphasize. It is important to systematically assess whether children exposed to separation engendered violence display signs of disrupted attachments to either parent (See Drozd & Olesen, 2004 for further discussion). There are some cases characterized by family violence in which the possible benefits of keeping both parents involved are outweighed by the costs of doing so. High conflict or violent relationships between the parents are most likely to trigger such cost-benefit analyses because high conflict is reliably associated with poorer child outcomes following divorce (Johnston, 1994; Kelly, 2000; Maccoby & Mnookin, 1992). Inter-parental conflict should be avoided wherever possible, but litigation-related conflict and conflict triggered by the high levels of stress around the time of divorce do not appear to have enduring consequences for children (Kelly & Lamb, 2000).

As a result, those types of conflict should not be used to justify restrictions on children's access to either of their parents. Maccoby and Mnookin (1992) further caution that minor or isolated instances of domestic violence should not affect decisions regarding custody and visitation. The high conflict found harmful by researchers such as Johnston (1994) typically involved repeated incidents of spousal violence and verbal aggression, and continued at intense levels for extended periods of time, often in front of the children. As a result, Johnston has emphasized the importance of continued relationships with both parents except in those relatively uncommon circumstances in which intense, protracted conflict persists.

Significant numbers of children have warm and supportive relationships with parents who have violent relationships with one another, so we must be careful when reports of parental conflict are allowed to influence decisions about parent-child contact (Holden, Geffner, & Jouriles, 1998; Maccoby & Mnookin, 1992). According to Appel and Holden (1998), 60% of the children whose parents were violent with one another were not themselves victims of physical child abuse, suggesting that decision-makers need to assess the relationships with parents directly and not simply assume that children must have been abused because their parents were violent with one another.

Unfortunately, however, mere allegations of conflict or even marital violence can be powerful tools in our adversarial system, frequently resulting in reduced levels of court-approved contacts between the alleged parent-perpetrator and children. Moreover, disagreements about the occurrence, nature, and perpetrators of violence are quite common and do not always reveal self-serving biases (Braver, 1998; Sternberg, Lamb, & Dawud-Noursi, 1998).

When evaluators receive an order to investigate allegations of domestic violence within the context of a child custody assessment, it is incumbent upon them to focus attention on the behaviors thought to be the cause of the alleged abusive rather than on the label placed on the behaviors categorizing them as domestic violence behaviors or abusive behaviors. Not all behaviors are alike. Not all behaviors have the same effect upon children or upon the spouse. Not all people observing the same event interpret behaviors to mean the same thing. The evaluators' job is, in part, to operationally define that which is alleged as violent or abusive and to gather information about its nature, its expression, its frequency, its severity, and its effect on others, including both the alleged victims and those who observed but were not the direct target of the alleged violent or abusive behavior.

We have written elsewhere about the parameters of the Forensic Model (Martindale & Gould, 2004) and its application to child custody assessments (Gould, 2006; Gould & Martindale, in press). The Forensic Model is based upon an evaluator's neutrality and independence from bias, including bias that might occur from alignment with a particular scholarly argument represented in the literature. The data gathered in a forensic evaluation either do or do not support a specific hypothesis. It is not the role of the evaluator to offer to the court judgments of truthfulness or judgments of credibility: That is the unique province of the judge. Evaluators' opinions and conclusions should be based solely upon the weight of psychological information obtained during the evaluation.

RELEVANT AND RELIABLE TESTIMONY

There is, we believe, a motivation for many evaluators to try to be helpful to the court by offering opinions, and when there is insufficiently reliable data, these "helpful" evaluators offer opinions that are based upon clinical judgment rather than based upon the psychological facts found in the evaluation data. These clinical judgments, intended to help, are based upon assumptions for which there is little, if any, empirical support and they exemplify the egregious overreaching to which Austin (2000) has referred. Whether or not one believes in a gender-specific model or a gender-neutral model of domestic violence, the evaluator should investigate domestic violence allegations with a neutral, independent perspective. One important focus of investigative inquiry is the effect of the alleged violence and/or abuse on the children and its effect on the children's relationship with each parent and sibling.

For those evaluators who believe in a specific evaluation model, it is important to consider how belief in the tenets of that model may lead to inclusion of *certain* variables for investigative consideration and to the *exclusion* of other variables. Such inclusion and exclusion rules guided by the evaluator's belief in a specific evaluation model may lead the evaluator to ignore forensically relevant variables useful to the court in determining the veracity of the allegations. We stress again that embracing a specific model may result in a bias leading to consideration of one set of variables and to the exclusion of another set of variables.

It is important to note that research about mothers as perpetrators and fathers as victims is virtually unreported in the literature. Although studies as recent as Archer (2000) have reported relatively equal fre-

quency of acts of aggression for men and women in intimate relationships, the majority of research addressing family violence frames the issue as a female victim and a male perpetrator. The value of research conducted by people such as Johnston and Campbell (1993), Dutton (2005), and Johnson (2005) is the recognition that provocation of an act of physical violence may be triggered by a series of events that precede the violent act and may be initiated by either one of the parents. Often times restraining orders are issued based upon emergency ex-arte motion that may not include information about how the context of the parental interaction may have contributed to the physically aggressive behavior that becomes the reportable event and the focus of the restraining order. Evaluators need to examine the circumstances surrounding the act of physical aggression to better understand how the violence was triggered, what treatment steps to recommend to assist the family system to avoid similar actions in the future, and how best to protect the children from these infrequent but potentially frightening experiences of verbal and/or physical aggression.

In response to emerging concerns about the relationship between intimate partner abuse, child abuse and child placement arrangements, victim advocacy and child advocacy groups are telling family courts across the country that strong and dangerous biases exists in the courts today (Cuthbert et al., 2002; Schafran, 2003) and that these biases are reflected in six specific categories of human rights violations:

1. Failure to protect battered women and children from abuse;
2. Discrimination and bias against battered women;
3. Degrading treatment of battered women;
4. Denial of due process to battered women;
5. Allowing the batterer to continue abuse through the family court process;
6. Failure to respect the economic rights of battered women and their children (Cuthbert et al., 2002).

From our perspective, it is unclear whether these types of alleged human rights violations occur with regularity or whether they occur across the country in other family courts. We raise the concerns about human rights violations voiced by Cuthbert et al. (2002) and Schafran (2003) here because many in the domestic violence arena believe that family courts do not fairly adjudicate custody disputes when allegations of domestic violence have been registered.

**IMPORTANCE OF RESEARCH ABOUT MEN
AND RESEARCH ABOUT WOMEN**

Previous studies suggested that women are more accurate reporters of the entire context of family violence than are men (Margolin, John, & Gleberman, 1988). Men are more likely to report only violent acts that they commit when they have an intent to harm (Margolin et al., 1988). Walker (1995) and Straus (1999) cite the need to examine the reasons women use violence against men. Though it has been acknowledged that most battered women use violence in reaction to the abuse they experience, there are some data to suggest that a small group of women initiate violence or are equal contributors to the physical violence in the family (Bow & Boxer, 2002; Hines & Malley-Morrison, 2001; Johnston & Campbell, 1993)

We believe that forensic evaluators should maintain an awareness of current trends, methodological changes, and developments in the field of domestic violence. We wish to emphasize our strongly held belief that domestic violence is an important risk factor in many child custody cases (Jaffe et al., 2003) and that, at the very least, evaluators should conduct initial screening for domestic violence in all custody cases, *whether or not allegations of domestic violence have been registered in previous court pleadings.*

From a scientific perspective, emphasizing research on both male and female victims *and* male and female perpetrators is important. From an empirical and practical point of view, we note that women are far more often the victims of violent actions that injure (Margolin et al. 1988; O'Leary & Maiuro, 2001; Zorza, 2002; 2006). Battered women seek medical attention for injuries sustained as a consequence of domestic violence significantly more often than men and they sustain injuries as a consequence of domestic violence more often after separation than during cohabitation (Cuthbert et al., 2002). As much as 75 percent of visits to the emergency room by battered women occur after separation (Cuthbert et al., 2002). The risk for continued intimate partner violence increases during the separation period (Logan et al., 2002). The risk of exposing children to domestic violence also increases during the separation period (Cuthbert et al., 2002; Logan et al., 2002). An interesting recent finding is that men who batter appear to score higher than men engaged in separation engendered violence on measures of negative attitudes toward women. Holtzworth-Monroe, Meehan, Herron, Rehman, and Stuart (2000) found that male batterers have significantly more misogynistic attitudes

than do nonviolent men and that perpetrators of separation engendered violence have the same attitudes toward women as do nonviolent men. This may suggest that evaluators consider measuring misogynistic attitudes to help in discriminating those who may be more likely to engage in more chronic forms of violence.

COMPETING NEEDS OF SCIENCE AND POLITICS

Archer (2000b) acknowledged the potential competing needs of science and politics when he researched a socially sensitive issue exploring physical aggression in groups of young people not involved in mental health treatment for intimate partner violence. He referred to this as a representative sample rather than a clinical sample because the subjects were representative of the population at large who were not at risk for intimate partner violence.

Archer (2000a) conducted meta-analyses of sex differences in physical aggression to heterosexual partners in representative samples and found that women were slightly more likely than men to use one or more acts of physical aggression and to use such acts more frequently. He also reported that men were more likely to inflict injury and overall, 62 percent of those injured by a partner were women.

These results did not strike us as particularly unusual or polarizing. For at least twenty years, researchers have reported somewhat similar results. Gelles and Straus (1986) have reported similar results since the mid-1970s about the relatively similar frequencies of physically aggressive actions in husband to wife and wife to husband intimate partner violence. They also reported that men were more likely to inflict injury on women. In their 1975 survey of American families, Strauss and Gelles (1986) found that, among wives reporting violence by their husbands in the previous year, 12.1 percent reported that they had been the victim of some kind of violence and 3.8 percent reported that they had been the victim of severe violence. This rate of severe violence toward married women is equivalent to 2.1 million wives nationwide. Although the Straus and Gelles survey data revealed a 27 percent decrease in reported incidents of wife beating, this number still represented 1.6 million married females experiencing severe assault by their intimate partners during marriage. As surprising as this number is, it is important for evaluators to remember that the risk for violence *increases* when couples separate and divorce.

The political context within which research results describing socially sensitive issues may be used by society was raised by White, Smith, Koss, and Figueredo (2000). White et al. raised awareness of the social policy implications of a scientific finding that may undermine social policy initiatives intended to protect victims of domestic violence. They wrote:

It is a serious public policy concern for psychologists to endorse a position that men and women are equally violent in relationships. Such a message is harmful in its potential to undermine empathy and public support for the plight of female survivors of male violence and to deflate the momentum of efforts to change the structural conditions that support violence against women. . . . social scientists have a special obligation to consider the policy implications of their work and to exert their best efforts to present findings in a form that maximizes the potential that they will be correctly understood and applied. (p. 695)

A similar point is made by Jaffe et al. (2003) who remind us that “Although the prevalence of domestic violence will be debated for another generation, it is clear that the impact of divorce cannot be meaningfully researched without considering violence and abuse” (p. 6). What is often excluded from a more data-driven discussion about the concerns of domestic violence and family violence is that finding that situational violence is by far the most common form of intimate partner violence (Johnson, 2005). Moreover, this form of violence is most likely to be presented in custody evaluations (Dutton, 2005).

SOCIAL AND POLITICAL CONTEXT OF CUSTODY TRIALS

Custody evaluators should be aware of the social and political context within which a custody trial occurs. Expert testimony about socially and politically charged issues such as domestic violence must be presented honestly while at the same time such testimony must be framed within the context of normative social, community and cultural values. We do not suggest that an evaluator alter a conclusion or misrepresent or exclude research that is “politically incorrect.” The point is that evaluators need to be sensitive to how their reports may be viewed outside of the limited context of a specific custody case and evaluators need to be sensitive to how aware of the ways in which a judge’s deci-

sion on one case may have wide ranging public policy implications across a state. We are not advocating for altering conclusions to fit with the prevailing social or political culture. Rather, we believe it is helpful to provide opinions to the court that are useful to the court, that is, are ideas that have a reasonable chance of being implemented given the social and political culture in which we practice.

EVALUATORS ARE BETTER EDUCATED THAN WE THOUGHT

Recent research suggests that, despite a widely held belief to the contrary (Schrafran, 2003), evaluators are involved in continuing education courses focused on domestic violence education. Bow and Boxer (2003) surveyed child custody evaluators for their education and exposure to domestic violence assessment and found that 68.2 percent of their sample had no graduate courses addressing domestic violence. However, most custody evaluators had taken continuing education courses on domestic violence. The average number of seminars on domestic violence was 7.4 (median = 4.0) and the median number of domestic violence books or articles read by evaluators was 18. Only 4.5 percent of the sample attended no seminars and 2.7 percent had read fewer than three books or articles.

Bow and Boxer found that 37 percent of custody evaluations involved allegations of domestic violence. Of these allegations, about one half (46 percent) of the allegations surfaced around the time of separation, about one third (29 percent) were characterized as describing episodic violence and about one quarter (24 percent) were characterized as describing chronic violence.

Bow and Boxer (2003) list "controlling finances" as one of nine "types of domestic violence allegations." New York State's Office for the Prevention of Domestic Violence defines domestic violence as "[a] pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse, perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim."

Drozd (2006) has observed: "The major problem with the research on domestic violence is that there is no single definition of domestic violence" (personal communication, e-mail on file, quoted with permission). The implications of inconsistencies in defining domestic violence go well beyond the world of research. If all forms of mistreatment that

occur within the context of a domestic relationship become subsumed under the heading “domestic violence,” society’s sensitivity to the problem of domestic violence will not be increased; instead, people (some of whom are already skeptical about reported data on the frequency of domestic violence) may take domestic violence less seriously and be less concerned when allegations of domestic violence are registered.

In our view, an important distinction must be made between red flags, the presence of which should alert any evaluator to the possibility of domestic violence, and “types” of domestic violence. A coercive pattern of behavior such as that referred to by Bow and Boxer (2003) as “controlling finances” may very well be the tip of the proverbial iceberg, but we believe it to be a mistake to identify such behavior as a form of domestic violence. Such behavior may be abusive. Such behaviors are not violent.

It is not our wish to debate the relative importance of non-violent abuse with violence, as each relates to relevance and/or effect. Certain forms of emotionally abusive behavior can be just as relevant to custody decision-making as “violence” and can have just as detrimental an effect on the direct victim and on the children as a punch. Years of denigration or economic bullying probably take a greater toll on both the direct victim and the indirect victims (such as children residing with the bully and the victim) than one solid punch to the mouth. Nevertheless, we believe that it is constructive (both from a research perspective and from a societal awareness perspective) to differentiate emotional bullying from acts of violence.

Despite the apparent increase in awareness of allegations of domestic violence on the part of custody evaluators and the relatively high frequency of occurrence of allegations of domestic violence in court ordered custody disputes, Bow and Boxer (2003) observed that evaluators were not using abuse-specific measures in their assessment protocols. They reported that when specialized questionnaires were being utilized, evaluators were using such specialized questionnaires only when assessing adults. Twenty-nine percent of the evaluators responding to their survey had developed their own questionnaires, 20 percent used the Spousal Assault Risk Assessment Guide (SARA), 15 percent used the Psychopathy Checklist–Revised (PCL-R), 11 percent used the HCR-20 and 9 percent used the Conflict Tactics Scale. In addition, evaluators were using assessment tools, such as the PCL-R for a purpose other than that for which it was developed, in a context for which it was not developed for use, rendering conclusions from data drawn from such tools suspect.

As we discuss elsewhere (Gould & Martindale, in press), abuse-specific measures such as the Trauma Symptom Inventory (Briere, 1995), the Trauma Symptom Checklist for Children (Briere, 1996), the Detailed Assessment of Post Traumatic Stress (Briere, 2001), or other such measures that might assist the evaluator in gauging the degree of experienced trauma of the trauma experienced by the alleged victim were not reported to have been used by evaluators.

Bow and Boxer did not provide information about the types of questionnaires used by evaluators in assessing allegations of domestic violence. It would be useful to obtain information about *how* evaluators gather information about allegations of domestic violence. There are several useful semi-structured interview formats for use with alleged victims and alleged perpetrators such as that developed by Drozd (2002). There are also useful investigate protocols developed from clinical experience (as opposed to having been developed from empirical investigation) that assist the evaluator in understanding the larger family context within which the alleged violence occurred (e.g., Bancroft & Silverman, 2002).

Logan et al. (2002) conducted a content analysis of 82 child custody evaluations and found that evaluators do not appear to investigate the nature or extent of domestic violence, and “more specifically, [evaluators] do not explore domestic violence as a way of attending to the child’s safety interests” (p. 735). Evaluators were found to interview parents together even when court documents indicated concern about allegations of domestic violence toward the mother. They wrote, “[T]his practice could contribute not only to distorted information from victims, but could also contribute to further harm through retribution for disclosures of violent acts or child endangerment” (p. 735). This concern is consistent with research results showing that abused women were more likely than non-abused women to report that the abuser may impact their ability to be open during court proceedings because of their fear of possible future harm (Newmark, Harrell, & Salem, 1995).

Positions taken or hypotheses generated prior to the commencement of an evaluation can become fertile ground for the operation of confirmatory bias (Martindale, 2004). Evaluators need to understand how bias operates in the assessment process and how best to monitor their evaluation practices for signs of bias. Among the suggestions we recommend is peer-supervision.

A related, and hotly debated, issue is whether or not evaluators ought to be sensitive to people’s expressed fears and discomforts if be-

ing responsive entails departing from the evaluators' customary procedures. In particular, what should an evaluator do when one parent expresses a reluctance to attend a joint session and explains that the other parent is intimidating? In the Bow and Boxer (2003) survey, 25% of those responding reported that they conduct joint interviews. It is likely that those who conduct such sessions do so because they believe that useful (if not vital) observational data are obtained. Those who feel strongly about the usefulness of joint sessions might argue (1) that it is in the children's best interests that the advisory report to be utilized by the court be the product of an evaluative process that has been as free as possible from methodological flaws; (2) that any source of useful information should be tapped, unless doing so is in conflict with the law (as would be the case if an evaluator were to listen to illegally obtained tape recordings); (3) that there will be times when one procedure makes one or both parents more comfortable but deprives the evaluator of information s/he deems useful; and, (4) that when the evaluator's customary procedure causes some emotional discomfort for one or both parents but preserves the integrity of the evaluative process, the parents should be expected to subordinate their needs to those of their children.

In contrast to Bow and Boxer, Logan et al. found that "multiple methods were not used to examine the 'best interests of the child'" (p. 735). Just over half of the evaluations reviewed provided information obtained from collateral contacts. Only about 38 percent of the surveyed evaluations included home visits, and even fewer contained reviews of school records, criminal histories, medical records, counseling records, or other court records.

In work product review consultations, continuing education workshops, and professional seminars that we have conducted, we have found that many forensic evaluators are poorly informed about the *psychological* dynamics of domestic violence, the effects of domestic violence on children, and about potential harm to children resulting from exposure to domestic violence. Our experience is that too many forensic evaluators continue to think about domestic violence as characterized only by acts of physical aggression. We are concerned that maintaining a focus only on acts of physical aggression will lead to continued underestimates of true cases of domestic violence and, as a result, place more families at risk for maltreatment and abuse.

**MODELS OF PSYCHOLOGICAL ASSESSMENT
IN THE FORENSIC EVALUATION OF ALLEGATIONS
OF DOMESTIC VIOLENCE WITHIN A CUSTODY DISPUTE**

There are several important reasons why a systematic exploration of allegations of domestic violence is critical in child custody evaluations. The first involves concerns about placing a child in a family context in which parental violence occurs. Research indicates that children living in homes in which inter-parental violence occurs are more likely to be targets of violence themselves. The second is that children living in a family context in which domestic violence occurs are psychologically affected by their exposure to parental violence. A third concern is that parents involved in domestic violence tend to be poorer parents in areas of child supervision. Typically, the victim of the parental violence tends to be more depressed and we know that depressed parents tend to be poorer supervisors of their children's activities. Another concern is that children raised in homes in which domestic violence occurs often identify with the aggressor. Thus, the children attribute less parenting legitimacy to the victimized parent.

The Spousal Assault Risk Assessment Guide

Several researchers have explored the empirical factors that might predict future intimate partner violence. One such tool is the The Spousal Assault Risk Assessment Guide (SARA; Kropp, Hart, Webster, & Eaves, 1995, 2000; Whittman & Kropp, 2002).

The SARA is a checklist of risk factors for spousal assault comprised of 20 items identified by an extensive review of empirical literature and by review of articles written by clinicians with extensive experience in evaluating men who abuse their partners. The SARA contains four general categories, each with specific areas of inquiry:

Criminal History

1. Past assault of family members
2. Past assault of strangers or acquaintances
3. Past violation of conditional release or community supervision

Psychosocial Adjustment

4. Recent relationship problems
5. Recent employment problems
6. Victim of and/or witness to family violence as a child or adolescent
7. Recent substance abuse or dependence

8. Recent suicidal or homicidal ideation
9. Recent psychotic and/or manic symptoms
10. Personality disorder with anger, impulsivity, or behavioral instability

Spousal Assault History

11. Past physical assault
12. Past sexual assault/sexual jealousy
13. Past use of weapons and/or credible threats of death
14. Recent escalation in frequency or severity of assault
15. Past violation of no contact order
16. Extreme minimization or denial of spousal assault history
17. Attitudes that support or condone spousal assault

Alleged Current Offense

18. Severe and/or sexual assault
19. Use of weapons and/or credible threats of death
20. Violation of no contact order

Other considerations are also relevant to the prediction of spousal abuse. Variables include understanding the current emotional crisis; history of torturing or disfiguring intimate partners; being a victim or witness of political persecution, torture, or violence; sexual sadism; having easy access to firearms; stalking; or a recent loss of social support system.

In light of Dutton's (2005) criticism of feminist theory's over-focus on patriarchy, the SARA requires the evaluator to gather information about male privilege or patriarchy by asking the investigator to examine the individual for "Attitudes that support or condone spousal assault" (Item 17). It is possible that in a particular case, the information obtained from an investigation of this area of inquiry into attitudes that support or condone spousal assault would help to confirm an opinion of high risk, if the individual's beliefs in male privilege were of sufficient strength. It would also be likely that information gathered about whether there are behaviors suggestive of "Personality disorder with anger, impulsivity, or behavioral instability" (Item 10) would also contribute to concerns about male privilege.

Austin's Model of Assessing Allegations of Domestic Violence

Austin (2000) suggests that there may be strategic advantage in child custody disputes for one party to be viewed as the victim of marital vio-

lence and for the other party to be falsely accused of being a perpetrator. A high percentage of men and women in contested custody cases report having been abused in their marriages (Newmark, Harrell, & Salem, 1994) and Bow and Boxer's work, cited above, indicates that more than one third of custody referrals contain allegations of domestic violence. Bow and Boxer reported that among the evaluators who responded to their questionnaire, 57 percent of the reported cases in which there were allegations of domestic violence were supported. That is, more than half of the referred allegations were found to have been substantiated incidents of familial violence.

Bow and Boxer (2003) also revealed that evaluators involved in assessing allegations of domestic violence utilize the forensic model described in this book. They rely on interview data, test data, observational data, and collateral record review and interviews. Austin's model helps to further refine the specific steps needed to be taken by an evaluator in a thorough evaluation of allegations of domestic violence.

Austin (2000) suggests a six-factor test of credibility to systematically evaluate allegations of domestic violence within the context of custody disputes. He proposes

1. obtaining information from extensive third party record review;
2. examining alleged and confirmed patterns of abuse complaints prior to the start of the custody dispute;
3. obtaining information from credible others such as former romantic partners;
4. seeking out disconfirming information reports by credible third parties;
5. examining psychological variables and past history of abusive behavior by the alleged perpetrator of marital violence;
6. examining psychological status of the allegedly victimized spouse.
7. These areas of examination define the minimal number of investigative steps needed to conduct a satisfactory evaluation.

Goodmark (Personal Communication, April 14, 2003) expressed concern that an evaluator might use the presence or absence of a pre-litigation history of legal complaints as a means by which to assess the credibility of complaints registered within the context of a custody dispute. Goodmark pointed out that many victims of domestic violence do not seek assistance at all. Often these victims have been so isolated from their families and friends that they believe that help is not available from

anyone. They also do not seek assistance from outside sources because they fear that any movement toward assistance from an outside source will result in further punishment by the batterer. Goodmark also voiced concern about seeking corroboration from former romantic partners. The result of a search of past complaints might yield no information about past abuse and might lead the naive evaluator to conclude that the absence of a record of past abuse suggests that none has taken place.

Goodmark also voiced concern about the investigative strategy of seeking corroboration from former romantic partners. She identified the potential danger to a former romantic partner by the batterer once it becomes known that the former partner has provided details about their past relationship. We recognize the potential safety concerns in this investigative strategy and urge evaluators to decide whom to contact on a case by case analysis. Goodmark's important concern is best addressed by the evaluator taking time to painstakingly explain to the former romantic partner how the information gathered during the interview may be used in court and how all information obtained from the interview may be subject to full disclosure to the court and to the parties involved in the litigation.

Drozd and Olesen's Model for Assessing Allegations of Domestic Violence

Drozd and Olesen (2003) suggest that evaluators addressing allegations of domestic violence within the context of custody and visitation disputes need to assess the larger family system context, with particular attention on the developmental needs of the child. The forensic assessment of allegations of domestic violence within the context of custody and divorce disputes ought to include the allegations of violence as well as the motivations of the alleging parties and the contributions of the alleged victims. Methods include the following:

1. Obtaining civil and criminal complaints and judgments from police, courts, and other relevant venues;
2. Obtaining work records;
3. Assessing for access to weapons;
4. Examination of substance and alcohol use;
5. Formal risk assessment;
6. Collateral contacts, including former romantic partners;
7. Examination of power and control variables in the relationship;
8. Examination of how parents argued (type of interaction);

9. Examination of how parents resolved the argument (methods of resolution);
10. Examination of triggers for creating fights;
11. Parents' understanding of the fight triggers and how to avoid them;
12. Psychological variables that may contribute to propensity toward violence; e.g., impulsiveness, low frustration tolerance, rigid v. flexible thinking, authoritarian world view, sex role perspective;
13. Parental insight into anger and its management;
14. Parental insight into the cycle of violence within their relationship; that is, how does it start and what attributions does each parent make about the other parent's motivation?;
15. Examination of psychological/emotional abuse variables;
16. Examination of financial/economic abuse variables;
17. Examination of sexual abuse variables;
18. Exposure of the child to forms of violence and conflict; Examination of what type of child disciplinary techniques are employed
19. Examination of when child disciplinary techniques (when they are used);
20. Awareness of multiple disciplinary strategies without corporal punishment.

The Drozd and Olesen model (2000) provides a more complex and comprehensive list of factors to consider than Austin's model. Both models would provide a comprehensive set of data from which to address allegations of familial violence.

We encourage evaluators to adopt either the Austin or Drozd and Olesen model to guide their information gathering and investigative procedures. We believe they offer the most comprehensive set of variables for forensic evaluation. The Drozd and Olesen model provides the most detailed set of factors and includes the factors articulated in the Austin model, while the Austin model points the evaluator toward a more general set of data gathering sources.

Bancroft and Silverman's Model of Assessment of Familial Maltreatment

Forensic evaluation of the alleged perpetrator of familial violence ought to reflect research and clinical experience with batterers and those

who commit acts of maltreatment. Included in this literature base is research and clinical experience on parenting characteristics of abusive parents and characteristic behaviors and attitudes that abusive parents display toward their former intimate partners (Bancroft & Silverman, 2002). We include a discussion of Bancroft and Silverman's work because it is a useful framework within which to organize information about the alleged abuser and his behaviors toward others and his parenting style. Also, their discussion about how children may be affected by exposure to domestic violence in the home and the potential risks of allowing abusive parents unsupervised access to their children is useful in understanding the complex ways in which domestic violence affects children of divorce.

We do, however, suggest caution when using the Bancroft and Silverman model. Their model is based, in large part, on research drawn from women in battered women's shelters. As discussed above, Dutton's work (2005) reveals how women who find safety in women's shelters tend to be different from women who are more likely to participate in child custody evaluations.

Some, perhaps many, of the descriptions of an abusive intimate partner and his behavior within a family system may be shown to be similar to behaviors displayed by abusive parents whose partners have not sought safety in a battered women's shelter. Similarly, some of the descriptors of an abusive parent's parenting behaviors and how such attitudes and beliefs may affect children need further empirical study.

We include a discussion of their model because it is useful in organizing the often inconsistent data that are gathered while investigating allegations of domestic violence during a custody dispute.

Historical and Current Factors of the Alleged Abusive Parent

The evaluator should examine historical and current aspects of the alleged abusive parent that may pose a risk to children. Among historical factors to assess are the:

1. History of physical abuse toward the children;
2. History of neglectful or under-involved parenting;
3. History of sexual abuse or boundary violations with the children;
4. History of using the children as tools in the fight against the other parent and of undermining mother-child relationship;
5. History of mental/emotional problems;
6. History of substance abuse/alcohol.

Among current factors to assess are:

1. Level of physical danger to the current partner or former partner;
2. Level of psychological cruelty toward partner, former partner, and children;
3. Level of willingness to risk physically or emotionally hurting the children incidental to his abuse of their mother;
4. Level of coercion or manipulative control exercised over his partner during the relationship;
5. Level of feelings of entitlement, feelings of self-centeredness, and feelings of selfishness;
6. Level of risk to abduct the children;
7. Level of refusal to accept responsibility for past violence or abusive actions;
8. Refusal to accept the end of the relationship;
9. Refusal to accept a former partner's decision to begin a new relationship.

Factors Associated with Alleged Abusive Parent's Behavior Toward Other Family Members

Bancroft and Silverman (2002) describe elements they believe to be characteristic of an abusive parent's behavior toward others in a family system. Although it is likely that their description of an abusive parent's behavior is more characteristic of the classic male-batterer model rather than the separation-engendered violence that often involves mutual aggressiveness and is more often seen by custody evaluators, we believe that evaluators would be wise to consider these areas for examination to rule out concerns about abuse of power and control in the intimate relationship.

Among the factors to be investigated are the alleged abusive parent's control over an intimate partner, including but not limited to undue criticism, verbal abuse, economic control, and isolation. Evaluators should also examine patterns of control over the course of the marriage, with one hypothesis focused on whether abuse of control has emerged gradually and intensified during the early years of the marriage. Explore changes in imposition of power associated with marriage, pregnancy, birth of child, and other life transitions. Areas of life that need to be assessed include arguments and decision making, household responsibilities, emotional care taking and attention, sexual relations, finances, child rearing, and outside social contacts.

Evaluators should examine how the family was organized, with particular attention on whether the family was organized around meeting the needs of the alleged abusive parent to the point of treating others like servants. Did the alleged abusive parent hold high and unreasonable expectations, including forceful and urgent demands for catering to every wish?

Alleged abusers are often preoccupied with their own needs and, as a result, are either less available or unavailable to their children's needs. Investigate how responsive the alleged abusive parent is to the needs of the children. Examine the ability to place the needs of the children ahead of parental needs. Assess children's developmental movement toward age appropriate autonomy and independence.

The quality of communication between husband and wife may reflect the husband's attitude of her being a willful and ignorant child whom he needs to educate and improve. They may show an attitude of contempt toward their partners. They may refer to their partners *not* by their names but by terms such as "my girl" or "the wife," suggesting a degree of emotional distance indicative of not knowing their partners as people. They may treat their loved ones as objects of possession leading to stalking behavior, limited social contact and access of the intimate partner with others.

Evaluators need to assess whether the alleged abusive parent confuses strong feelings of love for their partners as a justification to abuse their partners. Alleged abusers may view violence as an expression of the depth of their love. In normative populations, there is a relationship between intensity of love and intensity of anger toward an intimate partner. An abusive spouse often confuses the experience of anger with the expression of violence. It is not the experience of anger but the expression of anger through violent action that is abusive.

Evaluators should be aware that abusive parents use a wide range of manipulative tactics to coerce their children or their former partners to conform their behaviors to serve their needs. As described in the section on the Cycle of Violence, the abusive parent may be kind, loving, and inviting and then become violent, rageful, and dangerous. It is important to remember that the vast majority of domestic violence offenders project a public image that is in sharp contrast to the private reality of their behavior and attitudes. They tend to externalize responsibility for their actions and are successful at manipulating other family members to take on the responsibility for the abuse. Finally, denial, minimization, and victim blaming are also characteristics of abusive behavior.

Factors Associated with an Abuser's Parenting Style

Bancroft and Silverman (2002) identify several factors that characterize batterers' style of parenting with their children. In this section, we discussed several of these important parenting style factors.

Abusive parents tend to use an authoritarian parenting style. They are often under involved or neglectful in the lives of their children. They tend to place responsibility for parenting on the other parent. Abusive parents tend to show less physical affection and consider caring for their children to be the domain of the woman. They often show a lack of knowledge about their children's lives, including their education, medical care, social involvements, and other relevant areas of child development. They are largely unaware of the effects of their violent and controlling behavior on their children's development.

Abusive parents tend to consider themselves superior in all aspects of their family lives and place little positive value on the parenting of the mother, resulting in a consistent undermining of the other parent's parental authority in front of the children. They also undermine the mother's parenting competence by continuous criticism.

Abusive parenting is often characterized by lack of responsiveness to the needs of the children and insensitivity to children's feelings and experiences resulting from the abusive parent's rigid adherence to his own ways. Children are often forced to behave in manners that reflect well on the abusive parent as if they were an extension of the parent. Abusive parents are often unable to view their children as separate from themselves. Children are viewed as objects, not as people with separate internal states and emotional needs. These parents often are poor supervisors of their children's activities yet are able to hold up a good public image with their children, making data obtained from parent-child observations during the evaluation process useful only when compared to information obtained from third party informants.

Of concern is how homes characterized by familial violence perpetrated by one parent toward the other parent may foster beliefs and attitudes in the children living in those homes that ill serve children's best psychological interests. Among them are that children may:

1. develop the view that their mothers cause the violence. That is, they develop a belief that victims of violence are to blame for the violence.
2. learn that use of physical aggression or psychological control are acceptable means to gain control over others.

3. develop rigid ideas about gender roles. Boys, in particular, are vulnerable to developing a belief that boys and men should be in control and girls and women should submit.
4. develop the belief that abusers do not experience consequences for their abusive actions.
5. develop the belief that women are weak, incompetent, stupid or violent;
6. develop the belief and develop behaviors that reflect the idea that anger inevitably leads to violence;
7. develop the belief that it is safer to align with the batterer and behave like him rather than risk behaving in a manner contrary to his expectations. This increases the likelihood that the children will, themselves, become batterers in their later relationships.

Criticism of the Bancroft and Silverman Model

Our criticism of the Bancroft and Silverman model focuses on the lack of representativeness of the sample population involved, and the model's empirical support. Their model is based on information obtained from work with women who sought safety from battered women's shelters. This is not a representative sample of women alleging domestic violence in child custody evaluations (Dutton, 2005; Johnson, 2005). We acknowledge the clinical usefulness of the Bancroft and Silverman model when applied to family systems in which women sought shelter in battered women's shelters. We are concerned that many of the clinical ideas and the investigative protocol that flow from those ideas have neither their foundation in empirical work regarding those involved in child custody disputes nor have they been subject to empirical scrutiny.

We believe that further clinical and empirical work needs to be done on their model. At the same time, we believe that many of the ideas guiding their clinical model are useful to consider when investigating the potentially harmful effects of domestic violence on the family.

CONCLUSION

This article has reviewed the forensic evaluation of allegations of domestic violence within child custody disputes. We have discussed the social and political context within which such evaluations occur. We have described both historical and current conceptualization and re-

search about domestic violence. We ended the article by discussing a variety of factors evaluators may consider using when developing an evaluation protocol to assess allegations of domestic violence within the context of child custody disputes.

NOTE

1. This article is based on a longer version of a chapter about domestic violence that appears in Gould, J. W. & Martindale, D.A., *The Art and Science of Child Custody Evaluations*. Guilford: New York.

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