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**Supervised and Unsupervised Parental Access in Domestic Violence Cases:  
Court Orders and Consequences**

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## **Abstract**

### **Purpose**

When a victim of intimate partner violence separates from and secures an order of protection against her partner and the couple has children in common, New York City Family Courts are likely to grant the father visitation (Rosen & O'Sullivan, 2005). Exchange of children for visitation can present an opportunity for continuation of the abuse, however abuse. Exposure to domestic violence has demonstrably negative effects on children, including depression, withdrawal and somatic distress (internalizing problems) and aggression and delinquency (externalizing problems). The Model Code of the National Council of Juvenile and Family Court Judges (1994) recommends that child visitation be granted to a perpetrator of domestic violence only if safety of the child and victimized parent can be protected through such arrangements as supervised visitation or, exchange of the children in a protected setting.

The purposes of this study were to:

- 1) examine conformity of visitation decisions to the Model Code;
- 2) compare different visitation conditions in regard to re-abuse; and
- 3) examine children's psychological well-being given their exposure to abuse.

### **Method**

We recruited 242 women from New York City Family Courts and supervised visitation centers. Baseline interviews were conducted in person in English or Spanish; 168 participants were re-interviewed by telephone an average of six months later. Questions focused on physical and psychological abuse and injuries; children's exposure to the abuse; and visitation orders. The Child Behavior Checklist (Achenbach & Edelbrock, 1981) was administered to assess the child's adjustment.

### **Results**

If the father had recently been physically abusive or if he abused alcohol or drugs, he was significantly more likely to receive an order for family-supervised than for unsupervised visits. If he had access to a gun, the father was more likely to receive an order to a visitation center.

Visitation conditions were not significantly associated with abuse during the follow-up period.

Significantly more children showed externalizing and internalizing behavior problems if the mother had been severely injured by the father. Serious threats were associated with a higher rate of internalizing behavior problems.

### **Recommendations**

- When there has been severe injury of the mother and when children have been exposed to severe threats, courts should order supervised visitation.
- There is a pressing need for more funding for visitation centers.
- There should be guidelines for family members who supervise visits.
- Unsupervised visits and family supervised visits need to be monitored for compliance with conditions on visits.

# **Supervised and Unsupervised Parental Access in Domestic Violence Cases: Court Orders and Consequences**

## **Executive Summary**

### **Purpose**

When a victim of intimate partner violence separates from and secures an order of protection against her partner and the couple has children in common, the Family Court in New York City is likely to grant the offender visitation (Rosen & O'Sullivan, 2005). Exchange of children for visitation can offer the father opportunity for ongoing abuse of the mother, as thereby perpetuate child exposure to violence abuse.

Children are more likely than not to be aware of or to witness abuse of their mother by an intimate partner (Jaffe & Geffner, 1998). Studies have found evidence of cognitive and behavioral problems and somatic distress in child witnesses (Jaffe, Wolfe & Wilson, 1990; Pagelow, 1990; Osofsky, 1998, 1999; O'Keefe, 1994; Kolbo, Blakely & Engleman, 1996; Edleson, 1999).

The Model Code of the National Council of Juvenile and Family Court Judges (1994) stipulates that child visitation should be granted to a perpetrator only if safety of the child and victimized parent can be protected. Provisions of the Code to secure such protection include supervised visitation or, exchange of the children in a protected setting and, if family or friends are to supervise the visit, the court shall establish conditions for their supervision.

The purposes of this study were:

- 4) to examine factors associated with New York City Family Courts' visitation decisions and conformity to the provisions of the Model Code when there was a history of abuse of the mother by the father;
- 5) to compare the different visitation conditions in regard to re-abuse – both psychological and physical; and
- 6) to examine children's psychological well-being as measured by maternal report on the CBCL, given their exposure to abuse.

### **Research Design**

Two hundred forty-two participants were recruited from the Family Courts and supervised visitation centers in the five counties in New York City. Interviews were conducted in English and Spanish. There were two interviews with the mother, with an average interval of six months between interviews. Follow-up interviews were conducted with 168 of the participants, for a retention rate of 69%.

Baseline interviews were conducted in person, at the court or visitation center; follow-up interviews were conducted by telephone. The first interview collected information on the history of abuse in the relationship (physical abuse; psychological abuse, controlling behavior and threats; and injuries); frequency of abuse in the past three months; child exposure to the abuse; visitation arrangements and court orders; and child adjustment as measured by the Child Behavior Checklist (CBCL; Achenbach & Edelbrock, 1981). At the follow-up interview, we asked about abuse since the previous interview and current visitation status. Further information on the measures can be found in the full technical report.

## Results

The sample was diverse, as typifies the population that uses the New York City Family Courts and the no-fee supervised visitation centers to which the Family Courts refer families. The majority of the sample was non-white or Latina; more than a third were immigrants to the US.

At the first interview, the largest group of participants was having visits at a supervised visitation center, an artifact of the ease of recruiting them into the study. At the follow-up interview, the largest group was having unsupervised visits or no visits at all. Those with family supervised visits at baseline were significantly more likely to be reached at follow-up.

Table 1. Visitation Arrangements in Baseline and Follow-up Samples

<b>Visitation Condition</b>	<b>Baseline n (%)</b>	<b>Follow-up n (%)</b>
Unsupervised Visits/Unsupervised Transfer	47 (19%)	59 (35%)
Family Supervised Transfer/Public Transfer (Unsupervised visits)	27 (11%)	5 (3%)
Precinct Transfer	31 (13%)	17 (10%)
Family Supervised Visits	29 (12%)	20 (12%)
Supervised Visitation Center	62 (26%)	15 (9%)
No Visits	38 (16%)	48 (28%)
Missing/unclear*	8 (3%)	5 (3%)
<i>Total</i>	<i>242 (100%)</i>	<i>169 (100%)</i>

\*This usually meant that the father had not filed for visitation and visits were erratic

### Question 1: What determines court orders to visitation conditions?

To answer this question, we examined three sets of factors for their association with visitation condition for the 151 participants who had a court order at baseline.

#### ***A. Does the history of violence in the relationship predict whether the visits are supervised or unsupervised?***

We found no statistically significant relationships between the history of physical and psychological abuse or injuries and court orders to a supervised visitation center, family supervised visits or unsupervised visitation. More than three quarters of the participants had experienced severe forms of physical and psychological abuse from the father of their children. One can surmise that these pervasive experiences provided no useful information to the court to determine which fathers might pose a current and ongoing danger.

The one exception was severe injuries, which had been experienced by less than half the participants (46%). Nevertheless, fathers who had severely injured their former partners were no more likely to be ordered to supervised visitation than unsupervised visitation.

#### ***B. Do fathers who appear to pose the most current risk to the mother and child as measured by (1) physical abuse and threats in the past three months, (2) ongoing drug and alcohol abuse, and (3) access to a gun receive the most restrictive visitation orders?***

(1) Recent injuries and severe physical abuse in the three months before the baseline interview were too infrequent to test for statistical differences among visitation conditions. Conversely, severe psychological abuse and threats were so pervasive that they did not distinguish among the visitation conditions ordered by the court.

Fathers who had recently inflicted minor to moderately severe physical abuse on the mother were six times more likely to receive orders for family supervised visits than for unsupervised visits. Fathers who had recently inflicted minor to moderately severe verbal abuse and threats were four times more likely to receive an order for unsupervised visitation than for family supervised visits.

(2) If the father abused drugs or alcohol, as reported by 57% of the women with court orders for visitation, they were five times more likely to receive an order for family supervised visits than for unsupervised visits.

(3) Fathers with access to a gun, as reported by 27% of the mothers, were three times more likely to receive an order for visitation at a supervised visitation center than for unsupervised visits. (See Table 3.)

Table 3. Factors Related to Father’s Current or Ongoing Dangerousness by Court-Ordered Visitation Condition at Baseline

Recent Abuse or Continuing Risk Factors	Court-Ordered Visitation Condition at Baseline		
	Unsupervised (n=64)	Family Supervised (n=26)	Visitation Center (n=61)
Minor/Mod Injury	6%	12%	9%
Severe injury	0%	4%	0
Minor/Moderately severe Physical Ass’t	11%	<b>29%*</b>	9%
Severe Physical Assault	8%	16%	5%
Minor/Moderately severe psych abuse/threats	54%	<b>43%**</b>	37%
Severe psych abuse and threats	70%	79%	79%
Alcohol/drug abuse	47%	<b>73%*</b>	61%
Access to gun	17%	31%	<b>36%***</b>

\*Significantly more likely to receive order for Family Supervised than Unsupervised visits at p<.05

\*\*Significantly more likely to receive an order for Unsupervised visits than Family Supervised visits at p<.05

\*\*\*Significantly more likely to receive order for Center Supervised than Unsupervised visits at p<.05

**C. Does legal representation predict assignment to visitation condition?**

Of the families that had court orders for visitation at the time of the baseline interview, 58% of the fathers and 69% of the mothers had lawyers at the hearings; children were represented by law guardians in 70% of the cases. The mother or father having a lawyer had no

effect on the visitation orders. There was a marginally significant relationship between the child being represented by a law guardian and orders to a supervised visitation center.

**Question 2. Did supervision of transfer or of visits prevent abuse during the follow-up interval, as compared to unsupervised visits or no visits?**

For these tests, we included everyone who was having visits during the follow-up period, whether or not the visits were court ordered. Among those we were able to recontact for the follow-up interview, there was a very low rate of physical abuse during this time. However, 58% of the participants reported minor to moderately serious psychological abuse and threats in that interval. Fathers having unsupervised visits with unsupervised transfer of the children were marginally more likely to inflict this form of abuse than fathers not having visits with the children. Overall, 35% of the mothers reporting experiencing severe threats during the follow-up period, such as threats to kill her or take the child. There were no statistically significant differences in frequency across visitation conditions.

Table 4. Percentage Reporting Minor/Moderate and Severe Psychological Abuse and Threats at T2 by T1 Visitation Condition

Baseline Visitation Condition	Abuse during Follow-Up Period		Total n
	Minor/Mod Psych Abuse & Threats	Severe Psych Abuse & Threats	
Unsupervised	76%*	35%	29
Fam/Public Transfer	53%	29%	17
Precinct Transfer	67%	36%	22
Family Supervised	59%	36%	25
Visitation center	48%	32%	42
No visits	45%	42%	22

\*As compared to no visits, Odds Ratio=2.90, p>.08

**Question 3. What is the impact on children’s mental health of witnessing violence at different levels of severity?**

At baseline, we had Child Behavior Checklist (CBCL) scores for 189 children, 58% boys and 42% girls. (The CBCL cannot be used for children under 18 months.) Forty-two percent of the children scored in the problem range of the CBCL: 33% showed internalizing behavior problems and 27% showed externalizing behavior problems. Exposure to severe injury of the mother had a significant effect on internalizing and externalizing behavior problems. Exposure to severe psychological abuse had a significant effect on internalizing behaviors.

Table 5. Children’s CBCL Problem Scores when the Child Was Exposed to Severe Injury of Mother or Severe Psychological Abuse

<b>Baseline Problem CBCL Scores</b>	<b>Not exposed to Severe Injury of Mother (n=103)</b>	<b>Exposed to Severe Injury of Mother (n=86)</b>	<b>Odds Ratio</b>	<b>Probability</b>
Internalizing	25%	42%	2.18	<b>0.014</b>
Externalizing	17%	40%	3.13	<b>0.001</b>
	<b>Not exposed to Severe Psych Abuse/Threats (n=51)</b>	<b>Exposed to Severe Psych Abuse/Threats (n=127)</b>	<b>Odds Ratio</b>	<b>Probability</b>
Internalizing	18%	35%	3.27	<b>0.040</b>
Externalizing	18%	30%	1.17	0.768

### **Conclusions and Implications for Policy and Practice**

#### ***Visitation Centers: Need for more centers, week-end hours, longer terms, more funding***

The most pressing issue with supervised visitation centers is an undersupply to meet the demand for centers that have the appropriate safety protocols to handle domestic violence cases. An issue related to inadequate funding is that visits at a free supervised visitation center are typically short-term. We found that after a term at a visitation center, the visits most often stopped unless the term was extended.

#### ***Supervised Transfer: A useful option but better controls are needed***

This condition represents a free and plentiful solution. With precinct transfers, police need to monitor the exchange to prevent verbal abuse and threats.

#### ***Family Supervised Visits: Convenient and free but court must impose conditions***

Assigning a family member to supervise visits has some advantages: it is free, it keeps the child within the family rather than requiring the child to go to a strange place for visits, it is flexible (e.g., most supervised visitation centers or professional supervisors have limited hours of operation) and there are no term limits. Compared to unsupervised visits (with or without supervised transfer), there was a lower number of complaints by mothers in regard to activities during the visit. The supervisor was usually the father’s relative, but was usually chosen by the mother. However, families need instructions and guidelines about the conditions they are to follow when supervising visits.

#### ***Unsupervised Visits: Better investigation, monitoring and enforcement***

We found higher levels of minor to moderately severe psychological abuse and threats when visitation wasn’t supervised. There should be investigation before a father is granted unsupervised visits, including questions about drug and alcohol abuse, the father’s current living situation, and his new relationships. Some form of monitoring of unsupervised visits and enforcement of conditions could reduce the risk to mothers and children of unsupervised visits.

***Recommendations for Court Orders: Taking into account severe injuries and threats;***

Children were particularly likely to suffer psychologically if their mother had been severely injured by their father. Courts should take this history into account in fashioning court orders. Child exposure to serious threats against the mother and the child was associated with internalizing behavior problems. Grych et al. (2000) examined factors related to different outcomes for children who have witnessed domestic violence and found that children categorized as “multi-problem internalizing” reported feeling significantly more threatened by their father’s violence than other children. A term of center-supervised visits may be necessary to provide children with a sense of security when seeing their father after they have been exposed to threats of femicide or child abduction.

***Facilitating access to court and permanent orders***

There were six incidents of severe injuries during unsupervised or family visits that were not court ordered. The inconvenience of going to court sometimes motivated study participants to decide to arrange visits with fathers privately, as found by Jaffe, Crooks and Wolfe (2003). The main complaint, even among participants who were satisfied with their court orders, was the amount of time it took to secure the orders; the father filing counter-petitions with additional hearings; adjourn dates when the father did not appear for hearings; and the difficulties of transporting the children for supervised visits.

When fathers fail to appear for hearings on their own visitation petitions, the court should dismiss them with prejudice; if the father fails to appear for hearings on the mother’s petitions, the court should consider granting the mother a permanent order instead of a temporary order.

***Law Guardians and Other Forensic Investigators: Training, more thorough investigation; significant factors to investigate***

According to the mothers’ reports, few law guardians interviewed anyone other than the mother, father and child (and 7% interviewed no one). Judges might require law guardians to interview all family members and to conduct more collateral interviews. Law guardians should specifically ask about the mother’s injuries inflicted by the father and severe threats. When interviewing children, they need to assess the child’s sense of danger to the mother from the father.

A small number of law guardians asked only questions more appropriate to a child abuse investigation of the mother. Apparently, there remains a minority of law guardians who need training on domestic violence or who should not be appointed to represent children in such cases.

***Research: Recommendations for future directions***

- Research that takes a smaller sample of families and tracks them more closely through the constant changes in visitation schedules and conditions and interaction with the court would contribute to our understanding of why some families are able to maintain a schedule and return to court, while for others it seems to fall apart and visits stop or become unsupervised.
- A study that interviewed the children directly and assessed their reactions to different visitation conditions would help the court and law guardians fashion visitation orders that meet not only the mother’s safety needs but also the child’s psychological needs.
- A study that included fathers – with appropriate safety measures and mindfulness of the denial and minimization defenses of many batterers – would balance the picture.

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## **Project Staff**

Chris O’Sullivan, Ph.D., Senior Research Associate at Safe Horizon, was the Principal Investigator of the project. At the start of the study, Victoria Quiroz Becerra, M.A., was the Project Director. She was succeeded by Kyla Levin-Russell for the completion of the study. Lori King, M.A., joined the Research staff at Safe Horizon in April, 2005, and assisted in completing follow-up interviews with study participants. Ms. King conducted the multivariate analysis for this report.

Several Safe Horizon family court staff were trained as interviewers and conducted baseline interviews in the family courts: Rosaana Conforme, Amelia Santiago, Hilda Duncan, Grisel Cruz de Alvarez, Michelle Maroney, and Nicole Ryan. Abigail Mutch joined the research team as a part-time interviewer, in addition to her job as receptionist in Safe Horizon’s Brooklyn Family Court, conducting baseline and follow-up interviews in English, completing over one-third of the total baseline interviews.

Emily Horowitz provided statistical consulting on the project. She is a former research staff person at the Center for Court Innovation and the New York Academy of Medicine, where she continues as a consultant. She is an Assistant Professor of Sociology at St. Francis College in Brooklyn.

## Acknowledgments

First, we are extremely grateful to the women who took the time to answer our questions – often when exhausted, with children ready to leave the court. Not a few initially declined payment, saying that they wanted to participate because the system has to change and they hoped their participation would further that end. We hope, too, that their contribution is so rewarded.

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During the development phase of the project, we received guidance and assistance from several individuals. We are grateful to all those who attended our advisory panel meeting. The advisory panel included Gwen Wright, Director of the Human Services Bureau of the New York State Office for the Prevention of Domestic Violence; Amy Barasch, Esq., Project Director of the Office to Combat Domestic Violence, Office of the Mayor, City of New York; Kim Susser, Esq., Supervisor of the Domestic Violence Clinical Center at the New York Legal Assistance Group; Nick Kourgialis, Director of Policy and Program Development of New York Society for the Prevention of Cruelty to Children, an agency that runs supervised visitation centers. Also participating in the advisory panel meeting were Bernard Auchter of the National Institute of Justice; Michele Dodge of the Office on Violence against Women; consultant Lundy Bancroft, author of *The Batterer as Parent* with Jay Silverman; and Safe Horizon staff, including the Administrative Director of the Family Court Program, Louise Voccoli.

We would not have been able to complete this study without the support of several Safe Horizon Staff. Paula Calby, Vice President for Criminal Justice Programs at Safe Horizon, Louise Voccoli, Administrative Director of the Family Court Programs, and the Directors of each of Safe Horizon family court programs in the five boroughs: Jean Olsen in Brooklyn; Jennifer DeCarli in Staten Island; Yanet Santiago in Manhattan; Nancy Shea in Queens; and Raquel Boga in the Bronx. Their knowledge of the family courts, the clients and the issues were invaluable, as was their support for the project. It is notable that many of them have been working on domestic violence in the family courts for decades: there is no substitute for depth of knowledge combined with compassion and intelligence. Chandra Yoder and Francis Anastasi, directors of Supervised Visitation Program in Queens Family Court, referred numerous study participants to us and allowed us the opportunity to recruit and interview women in their program. Safe Horizon lawyers in the family courts were also helpful, as was Ellen Rosenberg, a lawyer with Sanctuary for Families, who provided us with referrals.

# Chapter One

## Introduction

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### Purpose

When a victim of intimate partner violence separates from and secures an order of protection against her abusive partner, the Family Court in New York is likely to grant the offender visitation if the couple has children in common (Rosen & O'Sullivan, 2005). Yet there is evidence that domestic abuse may continue and even increase in severity after separation (Tjaden & Thoennes, 2000; Sev'er, 1997; Johnston & Campbell, 1993). Thus, exchange of children for visitation can offer an abuser opportunity for physical violence and psychological abuse against his former partner, as well as continuing to expose the children to violence abuse.

There has been little research specifically investigating abuse of a former partner and children's exposure to violence during exchange of children for visitation with a batterer, nor is there research on possible child maltreatment during visits with a batterer. There are studies that are indirectly suggestive of problems. A preliminary study conducted by the principal investigator (Gonzalez & O'Sullivan, 2002) with women seeking domestic violence services from a victim advocacy program in Manhattan Family Court compared abuse and child exposure to violence among separated vs. cohabiting couples. In this service-seeking sample of 57 women, 10% were threatened with a weapon, 57% were assaulted, and 84% reported threats. Half the women were separated from their batterers but they were equally likely to have experienced these forms of abuse. Children were equally likely to witness the violence or hear the threats whether their parents were separated or living together.

One solution to the risk to victimized parents and children is professionally supervised visitation. Supervised visitation centers typically offer only a temporary solution, however, and, due to a shortage of services, are not available for all families (Flory, Dunn, Berg-Weger & Milstead, 2001; Thoennes & Pearson, 1999; Sheeran & Hampton, 1999; Field, 1998; Straus, 1995). While this shortage has been noted for rural areas in particular, it is also true in urban centers, including New York City. In a previous study funded by NIJ<sup>1</sup>, the Principal Investigator cross-checked a 10% sample of all visitation petitions filed in New York City in 1995 (16,920 V-dockets) with orders of protection issued that year. By extrapolation from the sample, 3,518 women have an order of protection against a former partner while they are under court order to exchange their children with the abuser for visitation. The total capacity of visitation centers in New York City has been estimated at approximately 100 families per week: there are 6-10 visitation centers (the number fluctuates with funding streams) and each center can supervise visits for a few families at a time during evening hours on week-days, although a few centers also offer Saturday visiting hours. If each family had visitation for only one week at one time per week, the supply would be adequate to the need. In fact, though, the centers usually offer a term of supervised visits ranging from six weeks to two years, and the need quickly outstrips the available slots.

An important question, therefore, is which of the families at risk of post-separation abuse are likely to receive the scarce resource of referral to a visitation center. A primary purpose of this study was to investigate which families were receiving court orders for supervised visitation

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<sup>1</sup> Grant number 98-IJ-CX-0021 to Victim Services (now Safe Horizon)

at visitation centers specifically designed to prevent contact between the parents. We conducted baseline and follow-up interviews six months later with women we encountered at the family court who had experienced abuse, had a child in common with the abuser, and the father was having visits or seeking visitation with the child. Among those who had a court order for visitation at the first interview, the factors that we examined for an association with an order to a supervised visitation center were: injuries the mother had suffered at the hands of the father; the history of violence in the relationship (ever and in the three months preceding the order); the father's drug or alcohol abuse and his access to a gun; and whether the father, mother and child had legal representation (for the child, whether the court had appointed a law guardian).

It is clear that many fathers with a history of abuse of the mother of their children are having unsupervised visitation. A common alternative arrangement is to have a layperson, usually a family member, supervise the visit. Other arrangements to protect the mother can include various forms of supervision of transfer of the children: exchange of the children at a police precinct, in a public setting ("McDonald's Transfer") or an exchange supervised or conducted by a family member. Therefore, another pressing question is whether these visitation arrangements are safe for the mother and children, and how much protection is offered by supervision by a family member or supervision of transfer. To answer this question, we compared incidence of physical and psychological abuse and threats against the mother under different visitation conditions in a follow-up interview.

The third question of interest was the impact on the children, both of the initial exposure to the abuse and of the visits. Since the goal of ordering child visitation after domestic violence is to maintain the child's relationship with the parent (as well as to respect the parental rights of the non-custodial parent), we were interested in whether visitation – as well as visits under more or less restrictive conditions – had a beneficial impact on the child's adjustment. To investigate this question, we administered the Child Behavior Checklist (CBCL; Achenbach & Edlebrock, 1986) to the mother at each interview.

In part, the framework for this study is based in The National Council of Juvenile and Family Court Judges' (NCJFCJ; 1994) model code, developed to provide guidelines for the safety of children and the abused parent when the court decides visitation and custody in domestic violence cases. Provisions of the code include an assurance that granting of visitation will only be granted to a perpetrator only if safety of the child and victimized parent can be protected. To this end, the court may:

- order supervised visitation or, exchange in a protected setting;
- order completion of a batterer program;
- prohibit overnight visits;
- require posting of a bond for return of the children; and
- require abstinence from alcohol or controlled substances for 24 hours prior to visits.

Furthermore, the Model Code provides that, if family or friends are to supervise the visit, the court shall establish conditions foron their supervision.

New York State has not adopted the Model Code; nonetheless, the Code – with some exceptions – does provide a model of safety for children and victimized mothers that must be the goal of courts entrusted with custody and visitation decisions. The Model Code was used to develop hypotheses and questions for investigation. New York City Family Courts generally do

not require completion of a batterer program as a condition of visitation, nor do they require posting of a bond pending return of the children, but otherwise we were able to investigate the adherence of the courts to the model code in writing visitation orders, and the impact of these provisions.

In summary, this study of visitation in families in which the father had abused the mother had three goals. The primary purpose of the study was to examine which families received professionally supervised visitation and which did not, and how visitation is handled in families with a history of domestic violence when professional supervision is not ordered or cannot be accessed. The court's orders were compared to the model code and expert recommendations for providing for safety for victims and children when visitation with batterers is ordered. The second purpose was to investigate the outcomes for mothers and children in regard to safety under different visitation and exchange conditions: supervised visitation at a center; supervised or public exchange with unsupervised visitation; and visitation supervised by a layperson, usually a family member. The third purpose was to examine the psychological impact on the children of the exposure to abuse when the family was intact, and the impact of ongoing contact with the father during visitation as well as any exposure to abuse of the mother during visits.

### **Relevance to the Criminal and Civil Justice Systems**

The courts are in the position of balancing the parental rights of the batterer as father vs. the need to protect victims from harm and preserve their human rights. In addition to – and perhaps superceding – the rights of the father and the rights of the mother, is the goal of providing for the best interest of the child. There are again two competing principles in determining the best interest of the child: on the one hand, the child's best interest is deemed to lie in maintaining a relationship with the non-custodial parent and, on the other, it lies in freedom from abuse and exposure to violence. All of these principles come to play in court orders for visitation: the father's parental rights, the mother's safety, the interest in maintaining the child's relationship with her or his father, and the need to protect the child from witnessing violence and threats. Ideally, a visitation order can accomplish all of these aims.

The results of this study can help judges craft conditions on protection orders and visitation orders in a manner that can help to prevent further violent crimes against battered women, as well as protecting children from continued maltreatment in the form of exposure to violence. Another potential benefit to the court is to suggest areas of inquiry to be pursued by the bench or investigators when trying to assess the safety of visitation.

## Chapter Two

### Review of Research on Child Visitation and Intimate Partner Violence

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Extensive research has been conducted in several areas relevant to this study, including post-separation violence, children's exposure to violence, and legal issues and legislative reforms related to custody and visitation decisions in domestic violence cases.

#### **Prevalence of Intimate Partner Violence: Pre and Post Separation**

According to the National Violence against Women Survey (NVAWS; Tjaden & Thoennes, 2000), 1.8 million women per year will be raped, assaulted or stalked by an intimate partner. This survey found victimization rates to be higher for women who were living with the abusive partner than for those who were not cohabiting. However, for some victims of intimate partner violence, abuse continues after the relationship ends: the NVAWS found that 18% of victims experience physical assault during the relationship and after it ends, and another 4% experienced physical assault only after the end of the relationship. Stalking showed the highest rate of post-separation abuse, with 36% being stalked before and after the relationship ended and 43% being stalked only after. We can conclude, then, that roughly one-fifth to one quarter of victims of intimate partner violence will be physically abused after the relationship has ended, and many more will experience the fear and intimidation of being stalked.

Another line of research indicates that separation or the attempt to end a violent relationship can prompt escalation in the severity of abuse, including murder (Johnston & Campbell, 1993; Sev'er, 1997). Sev'er's review of surveys concluded that separation increases the risk of spousal homicide by a factor of six. Nonetheless, statistically such outcomes are rare in the population, and we would not expect to capture such cases in a sample in the hundreds rather than thousands. Because these rare events are the most extreme evidence of risk, anecdotal evidence of post-separation intimate partner femicides abounds. A man who subsequently started a supervised visitation center in Pittsburgh was on his way to work when he witnessed a man open fire on a car, killing a woman and her mother. The two women were taking the daughter to a restaurant to hand over a little girl for visitation with her father – who was the shooter. In Massachusetts, a woman went to the metro station to pick up her daughter after a visit with her father. The father arrived without the daughter and stabbed his ex-wife in the neck.

Both these anecdotes illustrate lethal violence facilitated by visitation. Non-lethal violence and threats may also occur in the context of visitation. In one of the case files reviewed for a preliminary study of violence during visitation (O'Sullivan, Bernal and Birns, 1996), a woman reported that her estranged husband sat their three sons down on her couch during a visit and told them he would have to kill their mother. He later called the children and tearfully repeated that they would be motherless. This case provides an extreme example of the problem that Bancroft and Silverman (2002) note can psychologically harm children having visitation with a batterer parent: undermining children's sense of security in the victimized parent's custody.

The Canadian Violence Against Women Survey (Johnson & Sacco, 1995), which put the post-separation revictimization rate at 19% (roughly the same as the US survey; Tjaden & Thoennes, 2000), found that one-third suffered more serious assaults at the hands of their partners after separation. The US National Violence Against Women Survey also found that married women living apart from their husbands were four times more likely to be raped,

assaulted and stalked by their husbands. This review of available data indicates that, for many women, leaving the relationship *does* end the violence while for others, the violence continues or escalates dangerously. Unfortunately, we have little information about the protective factors or why some batterers do cease abuse upon the termination of the relationship.

### **Children's Exposure to Domestic Violence**

Children are more likely than not to be aware of or to witness abuse of their mother by an intimate partner (Jaffe & Geffner, 1998). Research also indicates that these child witnesses are most likely to be very young, under five, and that they are likely to be exposed to multiple acts of domestic abuse (Fantuzzo & Mohr, 1999). The impact of witnessing violence in the home on children's cognitive and emotional well-being, as well as increased likelihood of problems in adult relationships, is well-documented. A number of studies have found children who have witnessed domestic violence to have elevated internalizing (e.g., depression, anxiety, withdrawal) and/or externalizing (aggression, delinquency) scores on Achenbach and Edelbrock's (1981) Child Behavior Checklist (Porter & O'Leary, 1980; Hughes & Barad, 1983; McCloskey, Figueredo & Koss, 1995; Jaffe, Wolfe, Wilson & Zak, 1986; O'Keefe, 1994). Studies have found evidence of cognitive and behavioral problems and somatic distress in child witnesses (Jaffe, Wolfe & Wilson, 1990; Pagelow, 1990; Osofsky, 1998, 1999; Kolbo, Blakely & Engleman, 1996; Edleson, 1999a).

There is little research on children's exposure to post-separation violence. It is logical to surmise. However, that if the main reason that a batterer and his ex-partner are having regular contact is for exchange of the children, then children are probably at risk of witnessing post-separation violence. In support of this reasoning, Leighton (1989) found that a quarter of a sample of battered women in Toronto was threatened with death during visitation. Shepard (1992) looked at violence during visitation and found that 60% of her sample of battered women were assaulted and threatened, often in front of the children. Gonzalez and O'Sullivan (2002) found, in a small sample of battered women seeking assistance in the Family Court for domestic violence, that children were equally likely to be exposed to violence whether their parents were separated or living together.

### **Best Interest of the Child**

It is difficult to disentangle the many issues involved in determining the best interest of the child in domestic violence cases. Professionals coming from the perspective of child welfare and those coming from the perspective of violence against women tend to wear different lenses when looking at the issue. A third faction exerting influence on policies is the fathers' rights contingent (Levin, 2000). These differences may remain hidden until a proposed policy response to children's exposure to domestic violence is articulated, such as when legislation is proposed. They may also emerge when cases go to court either as child protective cases or as custody and visitation cases. One point of contention among these factions is the importance of having both parents involved in the child's life to the fullest extent possible relative to the importance of protecting the custodial parent. Given mothers' role as the primary caregiver in most families, the interest in maintaining relationships between a child and both parents usually amounts to giving a father liberal visitation or joint custody.

The notion that it is important to a child to have relationships with both parents is encoded in law in “friendly parent provisions,” which preferentially award custody to the parent who is most likely to encourage a relationship with the other parent (Dalton, 1999; Lemon, 1999, Matthews, 1999). The American Bar Association commented in 1994 that the friendly parent provision is inappropriate in domestic violence cases and proposed that state legislatures amend such laws, but by 1997, 28 states had adopted a friendly parent provision (Lemon, 1999). New York state laws do not incorporate friendly parent provisions, and case law on this point has been contradictory. There may have been a climate or a set of assumptions about parenting and domestic violence that favored such provisions informally, but with greater education and understanding of intimate partner violence and the proliferation of specialized dockets for these cases, such informal tendencies appear to be declining.

The converse of the friendly parent provision, “parental alienation syndrome,” can result in loss of custody. “Parental Alienation Syndrome” (PAS) is a controversial concept promoted by Gardner (1998). The thesis is that some parents poison children against the other parent and make false allegations of physical and sexual abuse to keep the other parent away from the children. Nova Scotia Supreme Court Justice Williams (2001) marshals the arguments against allowing this construct to enter into judicial deliberations. The friendly parent provision is not legislated in New York State. Nonetheless, whether explicitly (e.g., it is a designated reason for referral of a family to supervised visitation from the family court, even when the non-custodial parent has a history of domestic violence) or implicitly (e.g., a mother is threatened with loss of custody if she is unable to document her allegations of abuse by the father), the concept seems to be operative in family courts. Both the friendly parent provision and PAS pertain to custody, but they become relevant to visitation in domestic violence cases when they inhibit a custodial parent from asking the court to limit visitation for fear of being deemed hostile to the other parent’s involvement with the children.

In sum, there is a spectrum of positions on limiting access when there is domestic violence. These positions range from limiting visitation only to reduce direct harm to the child, including exposure to violence; to limiting visitation when it is deemed to be in the child’s best interest to protect the physical safety and freedom from fear of the primary caregiver; to limiting visitation to protect the custodial parent’s right not to be forced into situations that expose her to risk of physical or emotional harm. Where the court comes down in weighing the fathers’ rights vs. the mothers’ fears and allegations in determining the child’s best interest may depend on individual judges, as well as the court’s perception of the credibility of the victim. The former may be influenced by a court-appointed evaluator. In the cases in this study, that evaluator was the law guardian, a lawyer appointed by the court to represent the child. The latter are influenced by the record of abuse established by the victim through police reports, criminal convictions and medical procedures – and her ability to marshal that evidence, for example, by having legal representation.

### **Visitation: Supervised, Family Supervised and Unsupervised**

A batterer’s relationship with his children often entails a power relationship with the children’s mother, and battles for custody and visitation rights are one way violent men continue to exert control over their former partners (Jaffe, Crooks & Wolfe, 2003). As noted in the introduction, we found in a previous study that one-third of the fathers who filed a visitation petition in 1995 were enjoined by a protection order granted to the mother. Most (63%) of the

visitation petitions by the enjoined fathers were granted (O'Sullivan, 2000). These data confirm R. Straus's (1995) observation about batterers' access to their children: "overwhelming evidence from the way the courts currently operate shows that contact *will* take place. Courts regularly order visitation even when partner abuse has clearly occurred," (1995, pp. 239-240). The court records that were reviewed for our quantitative study did not reveal any conditions on visitation, however: they merely indicated the disposition of the petition.

The period immediately following dissolution of a relationship is when a victim of intimate partner violence is most at risk of re-abuse; it is also the period when issues of custody and visitation are likely to be decided. The judicial system has responded to this risk by offering varying degrees of protection during the visitation process. Supervised visitation, previously mandated most often in cases of child abuse and neglect, has become much more common in domestic violence cases (Thoennes & Pearson, 1999). Judges may see it as the only responsible arrangement in cases with a history of domestic violence. Funding for these programs, however, is severely limited and the demand for services clearly outweighs program availability and capacity. Because of limitations in the capacity of visitation programs, most families (90-95%) receive unsupervised or family supervised visitation (Straus, 1995).

### ***Criteria for ordering and ending supervised visitation***

Several researcher-practitioners offer guidelines for when supervised visitation should be ordered and what conditions should be met for restrictions to be lifted or for suspending even that limited contact. Generally, there is concurrence in these criteria. For example, McGill, Deutsch and Zibbell (1999) recommend that, to limit the child's exposure to potential violence and for the safety of the victimized parent, the frequency of exchanges should be minimized. If violence continues after separation and is severe, the location of the victimized parent and child should be kept secret. Furthermore, supervised access should be ordered when there is recent or current violence or threats to inflict serious harm.

These authors also recommend that supervision of access can be relaxed under certain conditions: when violence and threats have ceased, the father has completed a batterer program, there is no evidence of denigration of the other parent and children feel a reasonable level of comfort. On the other hand, even supervised visitation should be suspended if there is evidence of ongoing threats of violence or abduction, repeated noncompliance with the rules of supervised visitation, or signs of "significant distress" for the child despite counseling.

### ***Visitation Centers***

Increasing attention is being paid to these services, especially in regard to domestic violence cases. Thoennes and Pearson (2000) reviewed the files of 676 families who used four visitation centers. These centers served low-income families with young children, most of whom were referred by the family court (82%). In another study, Thoennes and Pearson (1999) conducted a survey of visitation programs, and assessed attitudes of judges and court administrators. According to the survey, the typical program is housed in a private nonprofit agency; the second most common provider is a public agency; and individual practitioners provide only a small percent of services.

A number of benefits have been attributed to supervised visitation centers. Flory, Dunn, Berg-Weger and Milstead (2001) found that supervised access and exchange services operating in partnership with family court can increase the frequency of children's contact with the non-custodial parent and decrease parental conflict. Reduced recidivism is also a strong argument for

establishing more visitation centers under the auspices of the court. The majority of lawyers and judges interviewed for another study (Park, et al., 1997) believed that families' use of a supervised access center decreased the frequency of court appearances.

Supervised access is considered a short-term solution, whether or not it seems feasible that unsupervised access will be possible in the long run (Bailey, 1999), yet the benefits of supervised visitation may not last beyond supervision. Thoennes and Pearson's 2000 study showed benefits during visitation at the centers but not after supervised visitation ended. Similarly, Jenkins, Park and Peterson-Badali (1997) found that parents' attitudes toward each other did not change after supervised access. One study of a single program did find lasting benefits in "high conflict" cases after supervised visitation ended, but this finding apparently did not apply to domestic violence cases, for which the authors recommended ongoing supervision (Flory, et al., 2001). The typical term of visits at the centers that cooperated with this study was three months; the three-month term could be extended after another court hearing.

A recurring theme of studies of visitation centers is that demand and need far exceed supply. Centers are critically underfunded. Services are particularly lacking for families needing supervision to prevent domestic violence (R. Strauss, 1995; Thoennes & Pearson, 1999; Flory, et al., 2001; Field, 1998; Sheeran & Hampton, 1999; Lemon, 1999). For these reasons, supervised visitation usually cannot be offered for longer terms for families who will never move to self-management.<sup>2</sup> The fifty-one courts surveyed by Thoennes and Pearson (1999) said they used supervised visitation in 5% of their cases, but they also estimated that supervision was needed in twice as many cases. Similarly, it is unlikely that the approximately 10 visitation centers in New York City, each of which can handle visits for no more than 10 families per week, even with several families visiting at the same time during limited hours (week-day evenings primarily, with some Saturday hours) have anywhere near the capacity to handle the estimated 3,500 families who have an active protection order and an active visitation order.

A chronic problem with supervised visitation centers is funding. While some private centers charge a fee for visits, not all parents can afford these centers and are referred to free centers. Visitation centers seem to fall into a nebulous category that makes responsibility for funding them problematic. In New York, although judges order visitation and some centers are operated within the courts, the court system does not provide funding. Instead, funding comes primarily from a patchwork of state agencies. The New York State Office of Child and Family Services funded one program for 20 years (at the same level of funding every year, presenting an increasing challenge to maintaining services), then funded a different program run by another agency. Funding has also come from the state office on disability, and a program was funded by the Borough President's Office and the DA's Office. There is also limited funding from the federal government in the form of demonstration projects. Because of the vagaries and insufficiency of funding, centers open and close with regularity. Over three years of data collection for this study, one cooperating center closed in Brooklyn, and another one opened under the auspices of a different agency; in the Bronx, one opened up and closed again; in Queens, one center closed then reopened with new funding allowing it to specialize in domestic

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<sup>2</sup> Carol Sherman, Executive Director, Children's Law Center, Brooklyn, described a case where the father and child were enjoying visits, with a mutual delight that could not be denied, at a supervised visitation center, but the father posed a serious threat to the mother. Unsupervised visitation could not be considered; ongoing visits at the center were the ideal solution, but there were families on the waiting list who deserved a turn.

violence, and was joined by a second more limited program that was open to families with other issues.

### ***Family-supervised visitation***

An alternative to costly supervision by social workers, either at a center or privately, is supervision by a friend or family member. A third of the courts in Thoennes and Pearson's survey utilized this alternative, but 70% said they were skeptical of the quality of supervision provided by families and friends. A Houston judge said, "...I find relatives fall down on the job...[Abuse] is not taken seriously by most relatives" (p. 469). To our knowledge, systematic study of family-supervision of visitation has not been conducted, at least in cases of domestic violence. The exact proportion of domestic violence visitation cases that receive family supervision in New York City is unknown, but it appears to be a common solution, judging by the experience of Safe Horizon's Domestic Violence Law Project and Family Court Programs.

### ***Supervised visitation services in New York City***

Safe Horizon's visitation centers, where much of this research was conducted, operate in the family court, relying upon the court's security, and are open for visits from 5 to 7:30 on weekdays. They charge no fee; depending on their funding source and mandate, some serve families with domestic violence issues only. Visitation is offered only on a short-term basis (6 weeks to three months). The center gives a report to the court when the term of visitation is complete. The report describes the visits, has a brief paragraph on each parent's concerns, and sometimes offers a recommendation for the continuation of visits (i.e., a second term at the visitation center or referral to a long-term visitation center, family-supervised visits or exchange, or unsupervised visits with conditions, such as no overnights or mandatory parental skills program for the visiting parent).

## Chapter Three Research Design and Methodology

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### Overview of Design

The primary data were collected from interviewing 242 mothers who were involved with the family court to resolve issues of a history of abuse by the father of their children and the father's access to the children. Follow-up interviews were conducted with 168 of the women, from two and half months to eighteen months later, with a mean interval of six months between the baseline and follow-up interviews. To access battered women whose children were having unsupervised or family supervised visits with their father or supervised transfer, petitioners for protection orders in the Bronx, Queens, Manhattan, Staten Island, and Brooklyn Family Courts were recruited into the study if they were filing for a protection order, were separated from the respondent, had children in common with him and the father was filing for visitation or having visits. Participants in the supervised visitation center condition were recruited from four centers in Brooklyn, Queens and the Bronx.

Interviews explored the history of violence, the children's exposure to violence and any behavioral issues, and court orders including protective orders and custody and visitation orders. Experiences with visitation were recorded, including how often visitation was taking place and under what conditions. All recruitment materials and instruments were translated into Spanish and the bilingual staff conducted interviews in English or Spanish.

### Interview Samples

#### *Supervised Visitation*

One sample consisted of families referred to supervised visitation by the family court. Safe Horizon had visitation centers at the family court in three counties in New York City: the Bronx, Queens, and Brooklyn (Kings County) – although the existence of these programs changed throughout the course of data collection. We also secured agreement from the Brooklyn Society for the Prevention of Cruelty to Children to approach mothers using their center and to conduct interviews with volunteers. These programs offer a limited term of visits, lasting six weeks to a maximum of three months, although some families receive a new order to a visitation center when the original term expires. We received a few referrals to the study from Safe Horizon's Bronx Family Court Supervised Visitation program before it was defunded (although it subsequently reopened). We also received referrals from the Brooklyn Family Court Visitation Center throughout most of the project (although it was closed for a month or two). We began recruitment from supervised visitation programs at Brooklyn Society for the Prevention of Cruelty to Children (BSPCC), but this program lost its funding shortly and closed two months later. The Safe Horizon supervised visitation program in Queens Family Court (a federally-funded Safe Haven program) proved to be a constant source of study participants.

Interviewing mothers whose children are having visits at a center was particularly convenient for everyone: Because the mothers wait in a separate waiting area while the father is visiting with the children, baseline interviews could be conducted in person during the visits while the mother had to wait, and the children did not overhear the interview, nor did the father witness it.

### ***Unsupervised/family supervised/supervised transfer visitation sample***

The primary obstacle to research on this issue is that it is difficult to access a sample receiving unsupervised visitation. Safe Horizon's Family Court Program allowed access to such a sample. While utilizing this client population did not allow for representative sampling, neither is the sample clearly or extremely biased. Safe Horizon's Family Court program staff initiates contact with petitioners seeking protection orders against a family member when they come to the petition room in the court. The petitioners may be given assistance in filing for orders, and are invited to the program office in the courthouse for services, including information and referral, concrete assistance, crisis intervention and counseling. Many victims use Safe Horizon's secure Reception Center, where there are books and toys for their children, while waiting for their case to be called. Initially, these cases are not calendared for an exact time. Instead, the petitioner comes in and files the petition, then waits through the day for the case to be called.

Recruiting for the study at this stage of filing for a protection order yielded a sample without systematic bias except for self-selection of those who found their way to the Reception Center; those who were approached about the study by a member of the research staff in the Reception Center; or who were given a referral to the study by direct service staff (including case managers, attorneys and receptionists); and of all of these, those who were interested in participating. Screening was conducted to open the study to those who met the following criteria: 1) they had or were seeking a protection order; 2) the relationship had ended and the couple was living apart; and 3) the respondent is the father of their minor children and was seeking or had been having visitation.<sup>3</sup> We were not able to deliberately sample those who received orders for unsupervised visits, visits supervised by family members, or supervised transfer for unsupervised visits. The only target group we were able to sample deliberately was those who had orders to a visitation center. The other conditions could only be sampled by chance among those we made contact with at the Reception Centers or who were referred to the study by their case manager or attorney. As it emerged through the course of the study, the main problem with this sample is that their cases did not necessarily proceed to court-ordered visitation. Fathers' petitions for visitation were dismissed because they failed to appear for court dates; the parents worked out their own arrangements outside of court; some fathers were arrested or had criminal cases that precluded their pursuit of visitation; others simply lost interest or disappeared. Including these cases in our study gives a more accurate and complete picture of what happens in families with issues of parental access by a batterer. However, it decreased our sample size for answering questions about court orders for visitation when there is a history of abuse.

## **Procedures**

### ***Recruitment and baseline interviews***

Recruitment for the study was primarily conducted in the Safe Horizon reception centers in the Bronx, Brooklyn, Manhattan, and Queens Family Court. Research staff recruited participants

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<sup>3</sup> Conditions on visitation are sometimes specified in a protection order; more often, the respondent to a criminal or civil protection order is advised to file for visitation to avoid a charge of violating the protection order when making contact with the children.

into the study by approaching women waiting in Safe Horizon reception centers in the family courts and by leaving flyers at these sites explaining what the study was about, criteria for participation, and the Research 800 number. Reception center counselors and other staff were trained to inform any eligible clients about the study and to give any interested clients the toll free Research number. Eight Safe Horizon staff members on-site in the family courts were also trained to conduct interviews and were paid for any interviews they conducted on their lunch hour or after work. The receptionist in Safe Horizon's Brooklyn Family Court program was so successful at recruiting and completing interviews that she was hired as a part-time Research staff member. She conducted more than a third of the interviews. Research staff also met with lawyers from Safe Horizon several times throughout the course of the study recruitment period, and with lawyers from Sanctuary for Families' Center for Battered Women's Legal Services, and asked them to refer clients to the study.

### ***Attrition***

We anticipated attrition because the lives of domestic violence victims are turbulent and living situations are often transitional. (Partly for that reason, we did not recruit participants directly from domestic violence shelters – shelter is a short term, transitional living situation, and there is no possibility of unsupervised visits.) Efforts to reduce attrition included a stipend of \$20 per interview, conducting follow up interviews by telephone, securing alternate contact information (“a friend or relative, someone who will always know how to reach you if you move or change your phone number”), and maintaining a toll-free number that participants could use to contact the interviewers if they were relocating and to schedule interviews. We expected to have a lower attrition rate in the sample of those who were receiving services (i.e., the visitation center sample) and those whose cases were ongoing and who were returning to the court for additional orders and modifications of orders.

### ***Sampling children***

We decided to use the Child Behavior Checklist (CBCL) with the mothers as an exploratory tool to help plan future studies on the adjustment of children and the impact of visitation with fathers who are batterers. Interviewing mothers with this instrument is a common methodology in studies of the impact of intimate partner violence on children. Studies that involve interviews with children usually have smaller samples and are conducted in clinical settings where the children are receiving services, rather than in court settings where the mothers are receiving services. The focus here was more on the safety of the adult victim and her experience with court ordered visitation; an integral part of that experience must be her perception of the safety of her children and of the psychological impact on the children of the past abuse and ongoing contact with their father.

### ***Follow-up***

Follow-up interviews were conducted over the phone, except on the rare occasions when a participant requested an in-person interview. Before contacting a participant for a follow-up interview, the interviewer checked the contact sheet for any instructions about safety (cover story, good times to call, etc.). Interviewers followed a standard protocol depending on whether a man, woman, or child answered the phone. Unless an interviewer was speaking directly to a participant, she never revealed the name of the study or the nature of the research. When someone other than the participant answered the phone and asked the purpose of the call, the

interviewer simply said that she was conducting a survey on women's health and could only speak to the participant. Interviewers did not leave messages on answering machines unless they had previously been instructed to do so by the participant. Interviewers recorded the outcome of each attempt made and any relevant details of the attempt, (e.g., best time to call participant, reluctance of the person who answered to provide any information, tenor of response) on the contact sheet for future reference.

Upon reaching a participant, interviewers gave a brief introduction, explaining who they were and why they were calling, and then asked the following three questions: (1) "Is this a good time to talk for a few minutes?" (2) "Are you able to talk privately at this time?" and (3) "Is this a safe time for you to talk, a time when you will not be overheard or interrupted?" If the participant answered "No" to any of these questions, the interviewer told the participant that she would call her back another time and asked the participant what time would be best. After a participant completed the follow-up interview, we reminded her that she would be receiving a money order by mail and verified her mailing address.

If we were unable to reach a participant by phone, we tried her alternate contact. If the alternate contact's telephone number was also out of service, or if the alternate contact was unwilling or unable to give us the participant's current phone number or otherwise put us in touch with her, we sent the participant a letter asking her to call our toll-free research number to complete her participation in the "Women's Health Study." If the letter was returned, we sent a letter to the alternate contact if that person's phone was out of service.

## **Measures**

### ***Baseline***

At the baseline interview, demographic information was collected, including race/ethnicity, sex and age, marital status and relationship to the abuser, and age, sex and paternity of children. The amount of contact between the parents and between the non-custodial parent and the children since the parents separated was measured.

Legal history was reviewed, including criminal court actions, child support and paternity actions, and legal separation and divorce proceedings if the couple was married. In addition, they were asked if anyone assisted them in court (advocate, attorney or law student), whether the father had legal representation, and whether there were additional witnesses. Another question was whether the court appointed a law guardian to represent the child and, if so, whom the law guardian interviewed. (See Appendix A for the baseline questionnaire.)

### ***Outcome Measures***

A history of abuse in course of the relationship was taken at the baseline interview (yes/no for each form of physical and psychological abuse) and also for the three months preceding the interview (frequency of each form of abuse). These measures were repeated at the follow up interviews in regard to the period since the previous interview. Instruments used to collect this information included the Revised Conflict Tactics Scale (Straus, Hamby, Boney-McCoy & Sugarman, 1995); items from the HARASS (Sheridan, 1998), such as unwanted phone calls and threats to report the victim to child protective services and immigration; the revised Danger Assessment (Campbell, 1986, revised 2002) and questions developed from the Domestic Violence Visitation Risk Assessment (DV-VRA). The DV-VRA was developed by the Massachusetts Trial Court (1994) to collect information about domestic violence relevant to the

safety of visitation. It is not an instrument, *per se*; rather, it suggests topics that should be investigated in regard to children's exposure to abuse, including economic coercion, psychological coercion, physical violence, credible threats, malicious destruction of property, infliction of pain and accusations of sexual infidelity and stalking (McGill, et al., 1999; Massachusetts Trial Court, 1994). Specific information was sought in regard to threats to or about the children and threats to harm the mother. An expanded list of injuries was used, based on Fleury, et al. (2000) and Campbell, O'Sullivan and Roehl's (2004) severity index.<sup>4</sup> To measure child exposure to abuse, rather than use the vague and unitary measure of "exposure," which has been criticized in the literature for lack of specificity or intensity of "witnessing" (Edleson, 1998), we asked the mother whether the child saw, or heard, or became aware of each incident and recorded the level of witnessing.

The number of non-custodial parent-child visits during the previous three months was elicited. The participant was asked about problems during the visits.

We used the Child Behavior Checklist (Achenbach and Edelbrock 1986) to measure the psychological impact of domestic violence on the child. The CBCL is a widely accepted instrument designed to assess children's mental health. It has been shown to be robust across cultural lines. The CBCL is administered to an adult (parents and teachers, usually). It consists of 100-120 questions designed to identify nine syndromes: aggressive behavior, withdrawal, somatic complaints, anxious/depressed behavior, social problems, thought problems, attention problems, delinquent behavior, and sexual problems. There are two forms, one for children 1 ½ to 5 years old and another for children 6 to 18, and the test is available in English and Spanish. Two "problem scores" are generated, internalization and externalization, and a total score. The Internalizing problem scale is constructed from the withdrawn, somatic complaints and anxious/depressed subscales. The Externalizing problem scale is constructed from the aggressive and delinquent behavior subscales. Total scores and Internalizing and Externalizing subscales are in the borderline range if they are 60 or above, and in the clinical range if they are 65 or above.

Mothers were administered the CBCL in English or Spanish. If a participant had more than one child, the CBCL was conducted with the oldest child under 16. The same child was the target for all questions, such as exposure to abuse and child's preferences for contact with the father.

At follow-up interviews, mothers were asked about physical and psychological abuse and threats since the previous interview, child exposure to the abuse, problems with visits and violations, and new or modified visitation orders. They were asked about the regularity and frequency of visits and the conditions of visits. The status of other cases and the initiation of new cases were reviewed, including criminal cases, paternity, family offense, custody and matrimonial cases.

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<sup>4</sup> For a field test of domestic violence risk assessment methods, a severity-ordered list of injuries was developed, up to near-fatal and fatal injuries. Fleury, et al., developed a 10-item list ranging from soreness without bruising up to broken bones and internal injuries.

## Chapter Four Results and Discussion

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### Sample

#### *Demographic characteristics*

The sample was diverse: 78% were non-white or Latina; over a third were immigrants. More than half the sample had at least some college education, and half the sample was employed at least part-time or temporarily. The average participant was 31 years old with two children; and the mean age of the oldest child was eight. For most of the sample, the relationship to the father of the child involved in the visitation case was ex-boyfriend. (See Appendix B for more details.)

Table 1. Characteristics of Study Participants at Baseline and Follow-up

	<b>T1 Respondents (N=242)</b>	<b>T2 Respondents (N=168)</b>
<u>Racial/Ethnic group</u>		
African descent/Black	35%	33%
Latina/Hispanic	43%	44%
European descent/White	10%	12%
Other racial/ethnic groups	12%	11%
<u>Foreign born</u>	37%	37%
<u>Employment status</u>		
Full time/Part time/Temporary	50%	53%
Unemployed/Looking for work	33%	31%
Homemaker/Student	16%	15%
Disabled	1%	1%
<u>Relationship to abuser</u>		
Married	29%	30%
Legally separated/Divorced	13%	12%
Boyfriend	1%	1%
Ex-boyfriend	57%	57%

#### *Visitation Conditions*

Table 2 below shows the distribution of visitation arrangements at baseline and follow-up. As described in the method section, we were able to deliberately sample those having visits at a supervised visitation center, but were not able to sample the other conditions selectively.

Table 2. Visitation Arrangements in Baseline and Follow-up Samples

<b>Visitation Condition</b>	<b>Baseline n (%)</b>	<b>Follow-up n (%)</b>
Unsupervised Visits/Unsupervised Transfer	47 (19%)	59 (35%)
Family Supervised Transfer/Public Transfer (Unsupervised visits)	27 (11%)	5 (3%)
Precinct Transfer	31 (13%)	17 (10%)
Family Supervised Visits	29 (12%)	20 (12%)
Supervised Visitation Center	62 (26%)	15 (9%)
No Visits	38 (16%)	48 (28%)
Missing/unclear	8 (3%)	5 (3%)
<i>Total</i>	<i>242 (100%)</i>	<i>169 (100%)</i>

***Follow-up Interviews: Interval and Retention***

Follow-up interviews were conducted between 2.5 and 18 months after the baseline interview. The mean, median and modal interval between the interviews was six months. Two hundred forty-two women completed the baseline interview. One hundred sixty-eight women completed the follow-up interview (retention rate of 69%). The participants who completed the follow-up interview did not differ in race, ethnicity or education from those who could not be re-contacted. Those who reported minor to moderate psychological abuse and threats at baseline were more likely to be lost at follow-up than those who did not: odds ratio of 1.50,  $p < .01$ .

Retention rate also showed a marginally significant effect of baseline visitation condition. Participants with Family Supervised visits were less likely to be lost at follow-up than those whose children were not having visits with the father at baseline: Odds Ratio .32,  $p < .06$ . Table 3 shows retention rates by visitation condition at the baseline interview. Those with supervised visitation orders were more likely to be retained than those with orders for unsupervised visitation. It appears that participants with less court involvement were harder to reach.

Table 3. Retention Rates at Follow-up by Visitation Condition at Baseline

<b>Visitation Condition at T1</b>	<b>% retained at T2</b>
Visitation Center	71%
Precinct Transfer	74%
Public/ Family Supervised Transfer	70%
Family Supervised	83%
Unsupervised	55%
No visits	66%

**Descriptive data**

***History of Injuries and Abuse***

There were 10 items that we categorized as severe injuries. In the history of the relationship, there was a high frequency of severe injuries, and quite a few in the three months before the baseline interview, as shown in the table below.

Table 4. Frequency of Severe Injuries at Baseline (N=242)

<b>Type of Injury – “from fight with partner”</b>	<b>In history of relationship</b>	<b>3 months before baseline</b>
Needed transfusion	3	0
Pregnancy complications	72	3
Miscarriage	30	3
Hospitalized	24	1
Needed surgery	6	0
Lost consciousness due to head injury	20	1
Lost consciousness due to choking	8	1
Internal injuries to vital organs	7	0
Permanent impairment or disability	16	1
Broken bone	10	1

Altogether, nearly half the participants (47%) said that they had experienced one of these severe injuries from a fight with the father of their children in the course of the relationship. Ninety percent of the participants reported receiving minor to moderate injuries (scratches and bruises, sore from a fight) from the fathers in the course of the relationship.

Eighty-five percent of the women said they had experienced severe physical abuse (punched, strangled, beaten up, etc.), and 93% reported minor to moderate physical abuse (grabbed, slapped, pushed, etc.). Minor to moderate and severe psychological abuse and threats were also pervasive experiences of the participants. Ninety-six percent said they had experienced minor to moderate psychological abuse (blaming and name calling, threatening to hurt them, threatening to report them to the authorities, destruction of property) and 95% reported severe psychological abuse (threats to kill them, hurt or take their children, prevention of contact with family and friends or social isolation, etc.).

#### ***Fathers’ Actions in Court***

At the time of the baseline interview, 48 of the fathers (20%) had filed a family offense petition against the mother. Twenty fathers, or 42% of those who filed a family offense petition, were granted protection orders against the mother. At the time of the baseline interview, 91 fathers (38%) had petitioned for custody of the children, and 67 fathers (28%) contested the mother’s custody petition.

#### ***Family Supervised Visitation and Supervised Transfer***

There are two visitation arrangements that may offer a measure of safety to the mother but do not necessarily protect the child during visits, are in ample supply, and have no financial costs: exchange of the children at a police station; and supervision of exchange of the children by family members. “Precinct transfer” appears to be gaining in popularity and was a more commonly used mechanism to safely transfer the child between the parents in our sample than public transfer (known as “McDonald’s Transfer”) or supervision of transfers by a family member who did not supervise the visits.

In particular, little is known about supervision of visits by a layperson. Therefore, further description gleaned from the interviews is offered here of the “family-supervised” visitation condition. At baseline, the lay supervisors were all family members. Most commonly, the

supervisor was the father’s mother: the child’s paternal grandmother supervised the visits in half the Family Supervised cases. In 20% of the cases, other relatives of the child’s father supervised the visits, usually his brother or sister. In 15%, the paternal grandfather supervised the visits, and in 15% the maternal grandmother supervised the visits. Thus, in 85% of the Family Supervised cases, a relative of the father supervised the visits. The mother most often chose the supervisor, however: the child’s mother – the victim – reported that she chose the supervisor in 68% of the cases. The mother reported that the judge and/or law guardian or both parents’ lawyers chose the supervisor in 24% of the cases. The father chose the supervisor in only 8%.

***Changes in Visitation Conditions over Time***

An unanswered question about child visitation arrangements in domestic violence cases is their stability. In particular, terms at visitation centers are limited. At the centers in this study, the initial court order was for a term of six weeks to three months, with the possibility of renewal for a second term. At the end of each term, the parties were to return to court. What happens next? We examined the relationship between baseline visitation condition and visitation condition at follow-up for the 168 participants retained in the study, minus 18 participants for whom we are missing data on baseline or follow-up visitation condition. Those relationships are presented in Table 5 in raw numbers, because we used the maximum number of visitation conditions and the percentages for each condition are low.

Table 5. Changes in Visitation Condition from Baseline to Follow-up\*

<b>Baseline Visitation Condition</b>	<b>Visitation Condition at Follow-Up</b>						<i>Total</i>
	No visits	Center	Family Supervision	Fam/Public Transfer	Precinct Transfer	Unsuper-vised	
No visits	<b>8</b>	3	3	0	1	4	<i>19</i>
Center	<b>22</b>	9	3	1	6	5	<i>46</i>
Fam Super	5	1	<b>10</b>	0	2	4	<i>22</i>
Fam/Pub Transfer	4	0	0	2	2	<b>9</b>	<i>17</i>
Precinct Transfer	4	0	0	1	4	<b>14</b>	<i>23</i>
Unsupervised	2	0	1	1	1	<b>18</b>	<i>23</i>
<i>Total</i>	<i>45</i>	<i>13</i>	<i>17</i>	<i>5</i>	<i>16</i>	<b><i>54</i></b>	<i>150</i>

\*The most frequent outcome at Time 2 for each visitation condition at Time 1 is in bold.

As can be seen in Table 5, the most frequent visitation condition at follow-up was either unsupervised visits or no visits. This pattern suggests that even the arrangements that did not involve a court order to a visitation center were not sustainable for many families. The answer to the question about what happens to families having visits at a supervised visitation center when the term of the order ends appears to be that visits will most likely end unless they receive a new order to a center.

We looked more closely at the 37 cases in which visits were taking place at baseline but had stopped by the time of the follow-up interview (leaving out the eight that had no visits at baseline, also) to determine what had happened in these cases. For the most part, the father simply stopped showing up for visits (62%). In another 21%, the court dismissed the father’s

visitation petition because he didn't appear for hearings. In 16% (six cases), the court suspended the visits because the father had been out of compliance with court orders.

We also looked at those who had no court order for visitation at baseline. Of the 51 retained at follow-up, most (63%) had secured a visitation order by the time of the follow-up interview. Twelve still had no court order at follow-up, but most continued to have visitation, either unsupervised (7) or family supervised (3). In eight cases, the father stopped pursuing visitation.

## **Tests of Primary Research Questions**

The first question concerned the conformity of the court to the Model Code in regard to cases of domestic violence. The second concerned the protections offered mothers and children by the different visitation conditions. These questions – or their answers – interact: to the extent that the court imposes the most restrictions on visitation in the most dangerous cases, then the visitation conditions should be adequate to protect the victims from abuse. Therefore, the first relationships we will examine are those between severity and types of abuse in the history of the relationship and the visitation order at baseline. These associations are the primary test of the model code provision that visitation be awarded a parent who has committed domestic violence only if adequate provision can be made for the safety of the child and the parent who is the victim (Morrill, Dai, Dunn, et al., 2005). We will also look at other possible influences on the court-ordered visitation condition, including substance abuse and access to a gun, and legal representation.

The second set of relationships we will examine are the experiences of abuse and child witnessing of abuse after the visitation order was in effect. The third set of questions dealt with the psychological well being of children, as measured by administering the Child Behavior Checklist to the mothers. Specifically, we expected that the severity of history of exposure to abuse would be associated with clinical level scores on the CBCL.

For the tests of hypotheses, we created a number of compound outcome variables, as recommended by Straus, Hamby, Boney-McCoy and Sugarman (1995) when using the Conflict Tactics Scales. The categories are Minor/Moderate Physical Assault; Severe Physical Assault; Minor/Moderate psychological abuse and threats; and severe psychological abuse and threats. The items that are collapsed into these four categories are listed in Appendix B. As described in the Method section, we also adopted an injury scale and these variables were collapsed into minor/moderate injury and severe injuries for predictor and outcome variables (see Appendix B).

### **Question 1. What determines assignment to Visitation Condition?**

We examined three sets of possible predictors of court orders: the history of violence in the relationship; ongoing risk factors, including recent abuse and threats, drug and alcohol abuse and access to guns; and legal representation of the parents and child. For the outcome variable, because we were interested in the response of the court, we used court-ordered visitation condition. Therefore, we included only the 151 cases in which the court had issued a visitation order at the time of the baseline interview and excluded the 91 cases in which the visitation case was still pending or not yet filed. Because we were not using the full sample, we used three categories of visitation in order to avoid loss of power by parsing the data too finely and to avoid empty cells in analyses. The three categories we used were center supervised; family supervised;

and unsupervised visits, which included the supervised transfer/unsupervised visit conditions as well as the unsupervised transfer/unsupervised visit condition.

For these tests, we used multinomial logistic regression. This statistic is more appropriate than Ordinary Least Squares because the latter assumes a continuous dependent variable, whereas we had categorical outcome variables in our tests. Multinomial logistic regression is actually a series of binary regressions, comparing each group to a baseline category. We chose unsupervised visitation as the comparison category for most tests because it offers the least protection for the mother and child, and we wanted to see whether those with the most risk were assigned more protective conditions.

Before testing the effects of the hypothesized influences on the court orders, we examined whether demographic variables predicted visitation condition. We included race and ethnicity, education and age. None of these variables was significantly related to visitation condition ordered by the court at the baseline interview.

***A. Do batterers who appear to pose the most danger to the mother as measured by the severity of abuse in the history of the relationship receive the most restrictive visitation orders?***

In these analyses, we examined violence that occurred in the history of the relationship, excluding the three months before the baseline interview, as the predictor variable. We created models with all the factors we hypothesized might affect the court order for visitation based on the history of dangerousness to the mother: severe injuries; minor/moderate injuries; severe physical abuse; minor/moderate physical abuse; severe psychological abuse and threats; and minor/moderate verbal abuse and threats. None of these factors was associated with an order to a particular visitation condition.

An examination of the rates of minor/moderate and severe physical and psychological abuse in the history of the relationship reveals that these criteria do not discriminate among domestic violence victims sufficiently to inform judicial decision-making about visitation orders (see Table 6). Over 80% of the 151 victims who had court orders for visitation at the time of the baseline interview had experienced all these forms of abuse and had received minor injuries. However, this problem does not pertain to severe injuries: less than half (46% overall) had received severe injuries. Nonetheless, this variable was not significantly associated with visitation orders.

Table 6. Percent of Women Experiencing Different Levels of Abuse and Injury in the History of the Relationship by Court-Ordered Visitation Condition at Baseline

History of abuse (excluding last 3 months)	Court-Ordered Visitation Condition at Baseline (N=151)		
	Unsupervised (n=64)	Family Supervised (n=26)	Visitation Center (n=61)
Severe injury	39%	54%	44%
Minor/Mod Physical Assault	91%	85%	89%
Severe Physical Assault	80%	77%	82%
Minor/Mod psych abuse and threats	84%	77%	89%
Severe psych abuse and threats	84%	81%	85%

**B. Do batterers who appear to pose the most current danger to the mother and child as measured by violence and threats in the last three months, alcohol and drug abuse, and access to a gun, receive the most restrictive visitation orders?**

The problem of prevalence does not apply to *recent* violence and threats. In fact, for recent abuse and injuries, most of the frequencies were too low to detect differences among conditions. Only 8% (12) of the mothers who had court orders for visitation at baseline had received minor injuries and 16% had experienced severe physical abuse in the three months before the interview. Although there might be a slight tendency for the fathers in these cases to receive an order for supervised visitation – whether family or center supervised –, the numbers are too small for differences to be detected even in bivariate statistical tests. Only one woman whose ex-partner had a court order for visits was severely injured in the previous three months; he had an order for family supervised visits. (Including cases without a court order, seven women were severely injured in that period; of the six severely injured women whose ex-partner did not have a visitation order, four of the fathers were having unsupervised visits, and two were not having visits.)

Psychological abuse and threats and minor/moderate physical abuse were sufficiently common to detect differences in visitation orders. Nineteen women, or 13% of the sample, reported recent minor physical abuse, and their abusers were more likely to receive orders for family supervised than unsupervised visits. Severe psychological abuse and threats were surprisingly common in the three months preceding baseline, with 75% or 108 women reporting this form of abuse. Because it was a pervasive experience, it did not distinguish among the visitation conditions ordered by the court. Half the women experienced minor or moderate psychological abuse in the three months before the baseline condition. The ongoing risk of the father’s drug or alcohol abuse was reported by 57% of the women with court orders for visitation, and that of his access to a gun was reported by 27% of the women. The distribution of these forms of abuse by court-ordered visitation condition is shown in Table 7.

Table 7. Frequency of Factors Related to Father’s Current or Ongoing Dangerousness by Court-Ordered Visitation Condition at Baseline

Recent Abuse or Continuing Risk Factors	Court-Ordered Visitation Condition at Baseline		
	Unsupervised (n=64)	Family Supervised (n=26)	Visitation Center (n=61)
Minor/Mod Injury	6%	12%	9%
Severe injury	0%	4%	0
Minor/Mod Physical Assault	11%	<b>29%*</b>	9%
Severe Physical Assault	8%	16%	5%
Minor/Mod psych abuse and threats	54%	<b>43%**</b>	37%
Severe psych abuse and threats	70%	79%	79%
Alcohol/drug abuse	47%	<b>73%*</b>	61%
Access to gun	17%	31%	<b>36%***</b>

\*Significantly more likely to receive order for Family Supervised than Unsupervised visits at  $p < .05$

\*\*Significantly more likely to receive an order for Unsupervised visits than Family Supervised visits at  $p < .05$

\*\*\*Significantly more likely to receive order for Center Supervised than Unsupervised visits at  $p < .05$

When the recent abuse predictors were entered into the model, there were significant relationships with visitation condition. If a father had recently inflicted minor or moderate *physical* abuse on the mother, he was over six times more likely to receive an order for family supervised visitation than for unsupervised visitation. If he had recently inflicted minor or moderately severe *psychological* abuse, he was more likely to receive an order for unsupervised visits than for family supervised visits. (See Table 8.)

We also entered into the model whether the father had access to a gun and whether the mother reported that he abused drugs or alcohol. Regardless of the other factors in the model, the mother reporting drug or alcohol abuse by the father was significantly associated with an order to family supervision of visits. The father having access to a gun was significantly more likely to result in an order to a visitation center than to unsupervised visits. It appears, then, that the court is responding more to recent abuse and to current and ongoing dangers than to history of violence.

Table 8. Multinomial Logistic Regression Tests of Father’s Recent Abuse and Ongoing Risks as Predictors of Court-Ordered Visitation Condition

<b>Visitation Condition (outcome) Predictor</b>	<b>Odds Ratio</b>	<b>Probability</b>
<b>Family Supervised*</b>		
<i>Recent minor/moderate physical abuse</i>	6.64	<b>0.019</b>
<i>Recent minor/moderate psychological abuse</i>	0.24	<b>0.037</b>
<i>Father abuses alcohol or drugs</i>	5.01	<b>0.012</b>
<i>Father has access to a gun</i>	2.37	0.173
<b>Visitation Center*</b>		
<i>Recent minor/moderate physical abuse</i>	1.06	0.930
<i>Recent minor/moderate psychological abuse</i>	.659	0.326
<i>Father abuses alcohol or drugs</i>	1.92	0.106
<i>Father has access to a gun</i>	3.13	<b>0.011</b>

\*As compared to unsupervised visitation

#### ***D. Does legal representation predict assignment to visitation condition?***

We hypothesized that the father or mother having legal representation might confer benefits for the client.<sup>5</sup> Attorneys specializing in representing battered women in family court suggested that their clients would be more likely to get supervised visitation than women who do not have legal advocacy. One might also speculate that a lawyer engaged by the father might more effectively argue for less restricted visitation. Finally, the child being represented by a court-appointed law guardian who would investigate and make a recommendation to the judge might result in visitation orders that are more protective of the child.

Fifty-eight percent of the fathers and 69% of the mothers who had received visitation orders at baseline had lawyers at the visitation case hearings. The court appointed law guardians to represent the children in 70% of these cases. In the 105 cases in which the child had a law guardian, the law guardian interviewed the mother in 77% of the cases, the father in 69%, the child in 76%, and other individuals in 7% (most often the grandmothers). The mothers reported that in 7% of the cases, the law guardian interviewed no one about the case. In the eighty cases in which the law guardian attempted to interview the mother, two of the mothers declined to talk to the law guardian.

In fact, none of these factors had a significant relationship with an order to supervised or unsupervised visitation. There was a marginally significant relationship between the child being represented by a law guardian and an order for visits to take place at a supervised visitation center.

<sup>5</sup> In New York State, litigants can represent themselves in Family Court and frequently do, but can also hire a lawyer or ask the court to appoint a lawyer in family offense cases if they are indigent. Family Courts cannot grant divorces, however. Supreme Court, which can grant divorces, is more difficult to navigate without legal representation, there is no statutory provision for free legal assistance, and there are substantial fees for filings, starting at \$300.

Table 9. Relationship between Legal Representation of the Mother, Father and Child and Visitation Order (N=135)

<b>Visitation Condition (outcome) Predictor</b>	<b>Odds Ratio</b>	<b>Probability</b>
<b>Family Supervised*</b>		
<i>Father represented by lawyer</i>	1.09	0.534
<i>Mother represented by lawyer</i>	1.57	0.397
<i>Law guardian appointed for child</i>	1.25	0.681
<b>Visitation Center*</b>		
<i>Father represented by lawyer</i>	1.03	0.790
<i>Mother represented by lawyer</i>	0.52	0.188
<i>Law guardian appointed for child</i>	2.40	<b>0.060</b>

As compared to unsupervised visits

### Question 2: Does supervision of visits prevent abuse?

The next set of questions dealt with experiences of abuse after assignment to a visitation condition and the protections offered by restrictions on visitation. Specifically, one would expect that there would be the least abuse when visitation was taking place at a supervised visitation center, with safeguards preventing contact between the parents and a social worker observing visits, and the most abuse with unsupervised visitation. The picture with unsupervised visitation is more complex, however, because those mothers with the least to fear currently, regardless of the father’s history of abuse, are among those most likely to agree to unsupervised visitation. Supervised transfer can also offer protection, especially since the majority of supervised transfer cases in our sample took place at a police precinct.

At the outset, we did not know where visits supervised by a layperson, typically a family member, would fall on the continuum of protections. In fact, one of our research questions was whether “family-supervised visitation” would more closely resemble professionally supervised visitation or unsupervised visitation in regard to abuse experienced.

To determine the relationship between each visitation condition and abuse, we analyzed abuse experienced since the baseline interview for all those contacted for the follow-up interview, according to their visitation condition at baseline. For these tests, we included not only those families with a court ordered visitation condition, but also those families who had a visitation arrangement without a court order. Even without a court order, they may have had supervised transfer, family supervised visits, and unsupervised visits, although they would not have visits at a visitation center. We included cases even if they did not have a court order because we were interested in how well the visitation conditions worked in protecting mothers and children from further abuse or exposure to abuse; we were not testing the court’s response to abuse in ordering different conditions.

At the time of the second interview, the frequency of injuries and physical abuse was too low to conduct statistical tests comparing the conditions. The table below depicts the frequencies by visitation condition, rather than the percentage, because the percentages were below 5%.

Table 10. Frequency of Injuries and Physical Abuse at Follow-Up by Baseline Visitation Condition

T1 Visitation Condition	Abuse Experienced during Follow-Up Period			
	Minor/Mod Injuries	Severe Injuries	Minor/Mod Physical Abuse	Severe Physical Abuse
Unsupervised	1	0	1	1
Fam Sup/Public Transfer	0	0	1	0
Precinct Transfer	1	0	1	0
Family Supervised Visits	0	0	1	0
Visitation Center	1	0	1	1
No Visits	1	0	0	0
<i>Total</i>	<i>4</i>	<i>0</i>	<i>5</i>	<i>2</i>

Psychological abuse and threats did occur with some frequency, however; therefore we were able to test relative rates of these forms of abuse across visitation conditions. Fifty-eight percent of participants interviewed a second time reported psychological abuse and threats since the baseline interview. Supervision of transfer and visits is less likely to protect the mother from verbal abuse than from physical abuse (and the child from exposure to the abuse) because threats can be communicated over the phone and in writing without their being unsupervised contact between the parents, and can even be uttered in a police precinct. Accordingly, we found that no visitation condition was immune from these forms of abuse, including cases in which no visits were taking place, as shown in Table 10.

Table 11. Percentage Reporting Minor/Moderate and Severe Psychological Abuse and Threats at T2 by T1 Visitation Condition

T1 Visitation Condition	Abuse during Follow-Up Period		Total n
	Minor/Mod Psych Abuse & Threats	Severe Psych Abuse & Threats	
Unsupervised	76%	35%	29
Fam/Public Transfer	53%	29%	17
Precinct Transfer	67%	36%	22
Family Supervised	59%	36%	25
Visitation center	48%	32%	42
No visits	45%	42%	22

Although minor/moderate psychological abuse and threats were *most* common when visits and transfer of the children were unsupervised and *least* common when there were no visits or visitation took place at a center, these differences were not significant. There was a marginally significant trend for greater psychological abuse during follow-up when visitation was unsupervised, as compared to no visits, as shown in Table 11.

Table 12. Multinomial Logistic Regression Test of Experience of Minor/Moderate Psychological Abuse during Follow-up Period by T1 Visitation Condition (n=153)

<b>Minor/Moderate Psych Abuse and Threats</b>		
<b>T1 Visitation Condition*</b>	<b>Odds Ratio</b>	<b>Probability</b>
Unsupervised	2.90	<b>0.07</b>
Fam/Public Transfer	1.04	0.95
Precinct transfer	1.85	0.32
Family supervised visits	1.03	0.97
Supervised visitation center	0.84	0.73

\* Compared to no visits at baseline

Collapsing the transfer conditions (precinct transfer with family supervised transfer/public transfer) did not change the results.

Thirty-five percent of the women reported having experienced severe psychological abuse or threats during the follow-up interval, such as threats to kill her or her child or threats to kidnap the child. For severe psychological abuse and threats, multinomial logistic regression did not produce even marginally significant differences among visitation conditions: all probabilities were near or above 50%.

**Question 3. How does exposure to abuse affect children’s psychological well-being and does supervised visitation moderate those effects?**

The Child Behavior Checklist (CBCL) was used to test the impact of the history of violence on children’s mental health. At baseline, we had Child Behavior Checklist (CBCL) scores for 189 children, 58% boys and 42% girls. (The CBCL cannot be used for children under 18 months.) The CBCL problem scores were recoded into dichotomous variables, coded 1 if the child scored 60 or above (borderline), and 0 if the child scored 59 or lower. The distribution of the children’s scores at baseline is shown in Table 12.

Table 13. Dichotomized Child Behavior Checklist Scores at Baseline (N=189)

<b>CBCL Scores</b>	<b>N (%) Scoring Borderline or Above*</b>
Internalizing Score	62 (33%)
Externalizing Score	52 (27%)
Total Score	61 (32%)
Normal on all scores	110 (58%)

\*Percentages of problem scores plus normal scores add to more than 100% because children may have scored high in two or three problem areas.

There was no difference in CBCL scores by the child’s age, or race/ethnicity. As found in previous research, however, boys were more likely to score high external (Odds Ratio 4.66,

p>.05) than girls. The factors that predicted assignment to visitation condition (alcohol or drug abuse and access to a gun) were not significant predictors of the child’s CBCL score.

Multinomial logistic regression was run to test the influence on the CBCL scores of the child’s exposure to physical abuse, psychological abuse and threats, and mother’s injuries prior to the baseline interview. There were two significant relationships: if a child had been exposed to a severe injury of the mother, she or he was twice as likely than other children to score in the problem range on internalizing (withdrawn, depressed) and three times as likely to score in the problem range on externalizing behavior (aggression); and if the child had been exposed to severe psychological abuse of the mother, such as the father threatening to kill her or hurt the children, the child was more likely than other children to have an elevated internalizing score, as shown in Table 13.

Table 14. Children’s CBCL Problem Scores when the Child Was Exposed to Severe Injury of Mother or Severe Psychological Abuse

<b>CBCL Scores Borderline and Higher</b>	<b>Not exposed to Severe Injury of Mother (n=103)</b>	<b>Exposed to Severe Injury of Mother (n=86)</b>	<b>Odds Ratio</b>	<b>Probability</b>
Internalizing	25%	42%	2.18	<b>0.014</b>
Externalizing	17%	40%	3.13	<b>0.001</b>
Total	26%	40%	1.82	<b>0.058</b>
	<b>Not exposed to Severe Psych Abuse/Threats (n=51)</b>	<b>Exposed to Severe Psych Abuse/Threats (n=127)</b>	<b>OR</b>	<b>Probability</b>
Internalizing	18%	35%	3.27	<b>0.040</b>
Externalizing	18%	30%	1.17	0.768
Total	22%	34%	1.22	0.694

At the follow-up interview, we had CBCL scores on 154 children. Fifty three percent were male and 47% were female. At follow-up, boys were not more likely than girls to score high on the externalizing scale. Overall, there was a lower percentage of borderline and clinical CBCL scores at follow-up.

Table 15. Dichotomized Child Behavior Checklist Scores at Follow-Up (N=154)

<b>CBCL Scores</b>	<b>N (%) Scoring Borderline or Above</b>
Internalizing Score	50 (33%)
Externalizing Score	33 (21%)
Total Score	39 (25%)
Normal on all scores	97 (63%)

There were no significant relationships between the CBCL scores and experiences of abuse in the past three months, controlling for baseline CBCL. The impact of mother’s severe injury in the history of the relationship, which was significant at baseline, did not carry over into

the follow-up interview; this relationship was no longer significant. Still, the CBCL scores at T2 were highly correlated with their baseline CBCL, accounting for 80% of the variance. The children had a lower rate of elevated CBCL scores overall, but the patterns were difficult to interpret. Internalizing problems were evident at the same rate, but Externalizing and Total problem scores dropped at follow-up. Divergent patterns among the children, shown in Table 15, and the lack of significant relationships with most of the hypothesized variables (factors related to elevated scores at baseline and exposure to abuse during the follow-up interval) discourage reading much into these patterns, especially with small cell sizes. The one hypothesized variable that did have a significant effect on CBCL problem scores at follow-up was visitation condition, which showed effects that are difficult to interpret. With some cell sizes as low as one, the reliability of these tests is questionable. The frequencies and tests are included in Appendix B.

Table 16. Baseline Normal and Problem CBCL Scores as Compared to Follow-Up

<b>CBCL Problem Area</b>	<b>Normal T1 Normal T2</b>	<b>High T1 Normal T2</b>	<b>Normal T1 High T2</b>	<b>High T1 High T2</b>
Internalizing	77	14	17	28
Externalizing	83	23	9	21
Total	83	19	9	34

## Chapter Five

### Conclusion and Implications for Policy and Practice

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The study had a number of strengths in the design, as well as limitations. Strengths of the study include a longitudinal design; in-depth interviews with victims of domestic violence as they underwent the family court process of resolving custody, visitation and family offense issues, and as the visits proceeded; the inclusion of family supervised visitation and supervised transfers in addition to unsupervised and professionally supervised visits, and the perspective of the mothers on these visitation conditions. Another strength is that the study did not draw on a sample of shelter residents, who are a minority of domestic violence victims. In particular, most research on children using the CBCL has used shelter resident samples, conducting the interviews when there are many additional stressors on the mother and child, including removal from familiar surroundings, loss of contact with other family members, and possibly not being able to attend their regular school (Edleson, 1999b).

Design limitations include the inability to randomly sample among mothers in the different visitation conditions, nor to purposively sample to reach target numbers in the family-supervised and supervised transfer conditions; reliance on the mothers' perspective, particularly in regard to the CBCL, where mothers' reports have been found to be unreliable in some respects (Stover, et al., 2003; Morrel, et al., 2003). Further limitations stemmed from the complexity of the cases and the frequent changes in the family's situation and interaction with the courts. A related problem is that we picked up cases at different points: most already had a visitation order at baseline; many did not. For some, the first visitation order was granted by the time of the follow-up interview, but others never got a visitation order. In some of those cases, the father's visitation petition was dismissed but in other cases no visitation order was ever filed. The cases that were never assigned to a visitation condition because no visitation petition was ultimately filed or because the visitation petition was dismissed were eliminated from analyses involving visitation condition, reducing the sample size and statistical power.

#### **Major findings in tests of hypotheses**

The primary hypotheses we tested were the court's compliance with the model code in issuing visitation orders in domestic violence cases; the effectiveness of supervised visitation and supervised transfer in protecting mothers and children; and the impact on children of the history of violence and visitation conditions.

#### ***Relationship between history of abuse and ordered visitation condition***

The court orders seem not to reflect the history of abuse in the relationship. For most measures of the severity of abuse, this non-response seems appropriate. From 77% to 81% of the participants had experienced serious physical assaults or serious threats in the history of the relationship, yet not all fathers continued to pose a danger to the mother. Thus, for the most part, the father's history of abuse of the mother does not appear to offer useful distinctions among the fathers. There is one notable exception, however: At baseline, less than half the mothers with a visitation order – 46% - reported that they had been severely injured by the father in the history of the relationship. This history apparently had no influence on the court-ordered visitation condition. It could and probably should, especially in light of the fact that the mother's severe

injury at the hands of the father increased the probability that the child would have elevated internalizing or externalizing CBCL scores by a factor of two or three. These children need extra protection from witnessing further abuse and need to have visits with their father in a setting that provides them with a sense of security.

Severe physical abuse and injuries were rare in the three months before the baseline interview, but minor to moderate physical abuse (experienced by 13% of the mothers) and psychological abuse (experienced by 50%) were not. These risk factors were significantly predictive of a court order to family supervised visitation. Our tests of the amount of protection offered by the different visitation conditions indicate that family supervision of visits was generally adequate to provide mothers protection from physical abuse, but that no visitation condition provided protection from psychological abuse and threats. At the same time, despite the higher likelihood of a father's visits being supervised if he had *recently* physically assaulted the mother, 11% of these fathers were having unsupervised visits with their children.

The father's access to a gun was more likely to result in an order to a visitation center and not to unsupervised visits. A father's drug and alcohol abuse, reported in nearly half the sample, was more likely to result in an order for visits to be supervised by a family member. These protections seem appropriate. If the father is abusing drugs or alcohol, the presence of a grandparent, aunt or uncle to watch over the child should protect the child. If the father has access to a gun, however, the mother and the child need the full protection of a visitation center, preferably with a metal detector (as the Safe Horizon visitation centers have, by virtue of their location in the family court building).

We had hypothesized that legal representation of each parent and the child in visitation hearings would influence the outcome. Specifically, lawyers representing battered women in civil proceedings suggested to us that they were able to secure more restricted visitation than the mother could without legal assistance. The relationship between the mother having legal representation and the type of visitation ordered by the court was non-significant, however. We had hypothesized that the father having legal representation would result in few restrictions on visitation, but that hypothesis was also not supported. More importantly, it appears that having a law guardian represent the child may decrease the likelihood of unsupervised visitation and increase the likelihood of an order for professionally supervised visitation, and law guardians were frequently appointed.

The effect of a law guardian on the visitation order was only marginally significant ( $p=.06$ ), however. An examination of the mothers' descriptions of the interviews with the law guardians may provide an answer to the question of why this effect was not more pronounced. Most of the law guardians asked questions appropriate to an investigation related to domestic violence and child visitation, such as the history of abuse in the relationship, whether the child witnessed the abuse, what was happening in the parents' relationship currently, the father's relationship with the child and the mother's preferences for visitation and her safety concerns. A small percentage of the law guardians (8%) appeared to ask *only* questions more appropriate to a child abuse investigation of the mother or to a custody case, such as the mother's disciplinary practices, her employment, income and education. If the latter law guardians had conducted a more appropriate assessment, there might have been more recommendations for center-supervised visitation.

### ***Relationship between assigned visitation condition and abuse in the course of visitation***

At the follow-up interview, there appeared to be no difference among visitation conditions in abuse experienced. Disturbingly, there were some mothers in all visitation conditions that reported severe psychological abuse and threats. Even 32% of those who were able to avoid any contact with the father in relation to visitation because the visits were taking place at a supervised visitation center experienced severe threats. When the fathers were having unsupervised visits with the children and exchange of the children was also unsupervised, the mothers reported extremely high rates of minor to moderate psychological abuse and threats (76%), and exchange of the children at a precinct appeared to offer little protection from this form of abuse (67%).

### ***Children's Psychological Well-Being***

Forty-two percent of the children had internalizing, externalizing and total scores on the CBCL that are indicative of psychological problems. Children who were exposed to a severe injury of their mother by their father in the history of their parents' relationship were twice as likely to have internalizing problems, and three times more likely to have externalizing problems, than children who were not exposed to a severe injury of the mother. This finding only partially replicates that of Stover, Van Horn, & Turner, et al. (2003), who found that children who had been exposed to severe violence by their father against their mother had higher internalizing scores but not externalizing scores.

Children's exposure to severe psychological abuse and threats was associated with high internalizing scores; that is, the children were likely to be depressed, withdrawn and have somatic complaints. What is disturbing about this finding is that in all visitation conditions, about a third of mothers reported severe psychological abuse and threats at the follow-up interview, and there was an even higher rate among those not having visits. The challenge is how to protect children from this clearly damaging experience.

Our findings, as Stover et al.'s (2003), are based exclusively on the mother's report. There is some evidence that such reports are influenced by the mother's psychological status. A recent study by Morrel, Dubowitz, Kerr and Black (2003), utilizing a sample from pediatric clinics serving low-income families, compared children whose mothers had been physically or sexually victimized with those whose mothers did not report such a history. Although there were no questions in their survey about children's exposure to the violence against their mother, which might have occurred in the mother's childhood or adolescence, it is nonetheless telling that the mothers' reports of internalizing or externalizing behaviors were not corroborated by teacher's reports, children's own reports, nor an objective measure. Rather, the study found a link between mothers' verbal aggression and children's externalizing behaviors, and between mothers' depression and children's internalizing behavior. These findings suggest that the present findings based on maternal report should be viewed with caution.

Still, many studies have found an effect of exposure to domestic violence on children's internalizing and externalizing behavior. The current study suggests that examining the severity of the mother's injuries in the history of the relationship is important, and that particular attention should be paid to severe psychological abuse as possibly having a greater impact on children's adjustment than physical abuse, especially when the physical violence is less severe and does not cause injury. It may be more difficult to detect the seriousness of the abuse the child has witnessed when it is not physical, and the psychological fall-out for child witnesses may be overlooked.

Grych et al. (2000), building on research by Hughes and Luke (1998), examined factors related to different outcomes for children who have witnessed domestic violence. Their findings substantiate ours in that children whose responses categorized them as “multi-problem internalizing” reported feeling significantly more threatened by their father’s violence against their mothers than other children. Given this finding, it makes sense that the children in our study who heard the most serious threats against their mothers and who witnessed their mother’s severe injuries were most likely to show high internalizing problem scores.

A final note is that our effort to distinguish levels of witnessing (saw, heard, became aware) in response to criticisms lodged against previous studies of child exposure to domestic violence was not actually fruitful. It may be that any such distinctions were muted here because the forms of abuse that had an impact on the children’s CBCL scores – severe injuries of the mother and serious threats – are exactly those for which seeing, hearing and becoming aware may not be substantially different experiences.

### **Conclusions**

Overall, the system is working better than we expected when we proposed this study, and better than previous studies, including our own, would suggest (O’Sullivan, Bernal & Birns, 1995; Rosen & O’Sullivan, 2005; Silverman, et al., 2004; Jaffe, Crooks & Wolfe, 2003). Eriksson and Hester (2001) describe a familiar socio-legal universe in which domestic violence is regarded as a problem between the parents that has negative consequences for the child, and a problem for which the mother is held responsible by child protective services. When the parents separate, however, the abuser is reincarnated as concerned father – rather, as gender-neutral parent with rights that can have ‘dangerous consequences for women, child safety, and children’s welfare’ (Eriksson & Hester, 2001, p. 779; see also Evans, 2004). There have been concerns among service providers, researchers and legal advocates that the “friendly parent” bias, even if not encoded in law, works against mothers who want to limit contact with the father, compounded by the belief that the best interest of the children is served by extensive contact with the father, regardless of his history with the family.

We saw did not see much evidence of such a bias. There may have been a hint of it in the few law guardians who failed to ask the mother about the history of abuse and child exposure, instead focusing on the father’s current relationship with the child or the mother’s fitness as a parent. Perhaps there has been a gradual evolution in awareness in the justice system that lends more support to mothers and children emerging from an abusive relationship. Thirty years of increasing media coverage, social services, and criminal and civil justice reform at the state and federal level, better record keeping, and specialized courts may have effected a change in social awareness that results in lower social tolerance and more effective responses to domestic violence. Relentless pressure from battered women’s advocates on the judicial system, as well as increasingly sophisticated and pervasive examination of domestic violence in the media, can perhaps be credited with the general treatment of domestic violence cases in family court that demonstrates a better understanding of the problems and solutions.

To give a few examples in support of this explanation for the positive findings here, legislation in almost every state to incorporate consideration of domestic violence into custody and visitation decisions initially had unintended and negative consequences, as detailed by Jaffe et al. (2003), Levin and Mills (2003), and others. The reasons for these unintended consequences, the authors note, had to do with implementation and judicial discretion. As

judges become more knowledgeable (and possibly judges who are more interested in domestic violence are elected or appointed to the bench), however, the rebuttable presumption and factor statutes can be implemented to protect victims and children.

Nevertheless, this study found that not all families fared well in the family court: a few women experienced severe physical abuse during visits; children were exposed to physical abuse and especially to psychological abuse; resources were scarce; and there were many visits that concerned mothers because of the people, places and media to which their children were exposed. Silverman, Mesh, Cuthbert, et al. (2004), using a human rights approach, documented egregious failures of the Massachusetts judicial system in child custody litigation between fathers and their abused former partners. There is definitely room for improvement in implementation of visitation plans for non-custodial parents who have a history of intimate partner violence. Analysis of specific problems and recommendations in specific areas are provided below.

## **Visitation Centers**

### ***Scarce resource; needed commodity***

The most pressing issue with supervised visitation centers is simply an undersupply to meet the demand for centers that can handle domestic violence cases, with the appropriate safety protocols. The undersupply is directly linked to a lack of funding and intermittent funding.

One way to address the funding issue is to charge a fee for visits. Fees have to be fairly high to cover the costs of security, separate waiting rooms, child-friendly environments, and professional staff. The families who use the family courts in New York City do not have financial means, on the whole. In addition, the parents have split up and there may be two households to maintain. In one of the cases in our sample, visits were canceled because the father was sleeping in his car with the child. Payment for supervised visits in domestic violence cases can also create additional complications. We spoke to one mother who had been paying for supervised visits, with great resentment, because she was employed and her husband was not; although she complied with the court order, she felt she was a three-time loser – first she was abused, then she was forced to make her children available for visits according to an inconvenient schedule, and then she had to pay for the children to see their father, even though she had no positive feelings about him. – At the time she was interviewed, the father was having visits at a free supervised visitation center, but her resentment was unabated.

Funding for the visitation centers in this study came primarily from state sources, but also from city and federal sources. There appears to be no clear mandate on any particular entity or agency to take responsibility for maintaining visitation centers. We propose that the court system assume at least part of the responsibility for securing funding or at least acting as a conduit for funding. Whether the court should also provide oversight to make sure that centers to which families are referred are operated in a safe manner is a matter of debate. Whatever the court's subsequent role in regard to the centers, it would seem that there is an inherent interest in visitation centers being available.

Another problem with the way centers are funded is that funding streams seem to be erratic. Two centers in our study opened, closed and re-opened in the course of the study, requiring restaffing each time; one of these centers had been in operation with one funding source for 20 years, and was closed for only a month before it received funding from another source; another center opened briefly, had to find qualified Spanish-speaking staff, then closed

and reopened a year later. Another center received refunding at a reduced level and closed. Mothers complained about the inconvenience if they lived in a borough without a center and had to go to another borough. The rhythm of visits and re-establishment of relationships was disrupted.

***Term limits: What next?***

An issue related to inadequate funding is that visits at a free supervised visitation center are typically a short-term solution. After three to six months, visitation arrangements usually change. In our sample, of those we were able to reach at follow-up, the visits most often stopped altogether. Next most common was a renewed court order to a supervised visitation center. Thus, two-thirds (67%) the fathers who were having visits at a center at baseline were either still using a visitation center or were not having visits at all at follow up. Twenty percent moved onto some form of supervision of the transfer of the children or of the visits. About 11% were having unsupervised visits without supervised transfer.

Of great concern to service providers is how the assessment is made to grant visits with less or no supervision. Under the eyes of a social worker, the father may display no hint that he poses a danger to the child. Moreover, if the issue is danger to the mother, center visitation arrangements are specifically designed to eliminate that risk and to eliminate contact. There is no way to assess changes in risk to the mother through observation of visits between the father and child. Oddly, the topic of what next, after a term at a supervised visitation center, is one that has not been addressed much in the literature, and it is a topic that is missing from McMahon and Pence's (1995) noteworthy primer on running a safe visitation center that meets the needs of victims and children of domestic violence.

***Visitation Centers as a vehicle for delivering therapeutic and educational interventions***

Some advocates propose that it is the role of visitation centers that serve families with a history of domestic violence also respond to the harm done to children and mothers by the violence they have experienced (cf., McMahon & Pence, 1995; Jaffe et al., 2003). This sort of domestic-violence specialized therapeutic model is beyond the means or knowledge of many existing visitation centers developed under the family reunification model and will require extensive education or the development of more centers designed specifically for domestic violence cases. With the acute need simply for more exchange and visitation programs that meet the safety and security needs of victimized parents and child witnesses, this model may be a good idea but should not siphon funds from creating more programs.

Increasingly, courts and visitation programs are recommending or even requiring training for divorcing parents about children and divorce. Similarly, there are recommendations that fathers who have been determined to be batterers be required to attend educational sessions on the impact of domestic violence on children. The Family Violence Prevention Fund has developed such a program that is being implemented at visitation centers. The Model Code suggests that such education be offered to but not required of victims, as well.

The accumulation of research on the efficacy of batterer programs in regard to long-term behavioral change suggests the implementation of and reliance upon these brief interventions must be regarded with extreme caution (Feder & Wilson, 2005; Davis, Taylor & Maxwell, 2000). The denial so often found among batterers also suggests that such interventions may meet resistance from the intended targets. Requiring fathers with a history of abuse to attend a batterer program as a condition of unsupervised access, as recommended in the Model Code and

by other experts (cf., Jaffe, Crooks & Wolfe, 2003), also seems ill advised in light of recent research findings. A critique of this practice with examples of failures is described by Evans (2004), in an article entitled, “Can a leopard change his spots?”

### ***Practice Standards?***

According to Field (1998), Kansas has statewide standards for visitation centers; Praxis has produced guidelines for visitation centers in domestic violence cases, based on the Duluth model; and the National Supervised Visitation Network has guidelines – although these do not necessarily set out best practices for domestic violence cases in particular. The Office on Violence Against Women has also funded implementation projects for supervised visitation centers for domestic violence cases and is evaluating visitation centers funded under this initiative. The latter initiative can bring attention to visitation centers, lend important support, and foster needed best practice guidelines.

### **Supervised Transfer**

A problem in New York City, at least, is that agencies that could supervise transfers, especially in a more child-friendly setting and with safeguards built in, are not open on week-ends. Week-ends are preferable for parents who work and for children in school, especially if parents no longer live near each other. Exchange of the children at a precinct and transfer of the children between parents by a relative do not suffer from these scheduling limitations. Family members may grow weary of shuttling the children, but precinct transfer represents a free and plentiful solution. However, the problem most frequently reported by mothers with precinct transfers was that the father did not show up. Practitioners – including judges – have expressed concerns that a police precinct is not a pleasant environment for a child (nor for the parents) and may cause an aversion to visits (Field, 1998). Another problem with supervised transfer is that it gives the abuser certain knowledge of a location and time when he can access the victim, especially dangerous when she has moved to an undisclosed location to avoid contact. Although we did not find in our sample any cases when this knowledge was used to inflict injury on the ex-partner, several femicide cases that have received media attention involved supervised transfer. In addition, precinct transfer seemingly offers no protection from verbal abuse and threats. It is important that these exchanges be more closely monitored by the police.

### **Family Supervised Visitation**

Assigning a family member to supervise visits is an appealing solution in many ways: it is free, it keeps the child within the family rather than requiring the child to go to a strange place for visits or exchange, it is flexible, and it has no term limits. Compared to unsupervised visits (whether or not transfer was supervised), mothers had fewer complaints and concerns in regard to activities during the visit.

We found that the supervisor is usually father’s relative, but was usually chosen by the mother. There remain some concerns. As Field (1998) notes, families are not trained in safety planning. Especially when the supervisor is the father’s relative, she or he is probably reluctant to report violations. Not only would relatives of the father be loath to get their loved one in more trouble with the legal system, any problem that might disrupt visits could also threaten the a

grandparent's access to their grandchild. Other relatives are more likely to tire of the arrangement.

As recommended in the Model Code, clear guidelines should be furnished to family supervisors specifying the conditions on visitation. There should be compliance hearings to ensure that the guidelines are being followed, particularly in cases where family supervision is a last resort due to lack of availability of professionally supervised visitation – whether because the family cannot afford a professional or because there is no free facility or no space in a free facility. Another issue that is worth mentioning is that there may be no available supervisor who speaks the same language as the parents and child except another family member.

A primary recommendation of this report is that there should be educational programs for lay supervisors, to give them an understanding of the dynamics of domestic violence, the importance of following the court order in regard to their own responsibilities, the impact of domestic violence on children, and what to do if problems arise. Another possibility is screening of the family supervisor.

### **Unsupervised Visitation**

We found extremely high levels of threats and verbal abuse (and among those without a court order, some severe injuries) when visitation wasn't supervised. Fourteen percent of the mothers also said the father was drunk or high when he was caring for the child. Monitoring of unsupervised visits and a mechanism for enforcement of orders that does not put the burden on the mother to return to court and file a petition could reduce the risk to mothers and children of unsupervised visits.

### **No Orders**

The inconvenience of going to court sometimes motivated study participants to decide to arrange visits with fathers privately. Jaffe, Crooks and Wolfe (2003) also note that custody and visitation hearings become more drawn out when domestic violence is introduced, with the inclusion of criminal records, hearings on protection orders and investigations. The delays, they note, “often force victims into...unsafe visitation plans, which may endanger abused women and their children.” A few women in our sample expected the fathers to have court-ordered visits ultimately when we recruited them, but ended up allowing the father to have visits with the children without orders. Women who made this choice often felt that it was not an ideal situation but it was a better alternative than spending days in court. Sometimes it was the only option for women who were not able to take the days off work required to resolve issues in family court without losing their jobs.

Another reason that cases resulted in no visitation order was that the case was dismissed (usually without prejudice, meaning the father could refile later) because the father did not show up for hearings on his visitation petition. Many participants expressed frustration with the court – not necessarily because of how the court was deciding their cases, but because the process was long and drawn out. Hearings were adjourned two or more times if the father didn't appear. In such cases, the court should consider dismissing the case with prejudice, to prevent fathers who are not interested in visitation from using the family court to harass their former partners (Jaffe, Crooks, & Wolfe, 2003).

## **Legal Representation; Law Guardians**

We found that law guardians were somewhat effective in securing more protective visitation conditions for the mother and child. Most interviewed the mother, father and, when age-appropriate, the children. A very few interviewed others. It is difficult to judge from the data collected here whether few collateral sources were interviewed because the parents were often in agreement about the desirability of visits and the risks did not require further exploration. One wonders, though, whether some of the cases in which unsupervised visitation was ordered and severe abuse occurred could have been avoided if additional sources were used more often to ascertain the safety of unsupervised visits. We also note that better training of all law guardians in regard to domestic violence, or emulation of model programs operating in some places (including Brooklyn) that pair lawyers with social workers to conduct investigations and interview children, might result in more recommendations for supervised visits.

## **Violations and Problems during Visitation**

The Model Code recommends several restrictions, including the non-custodial parent refraining from alcohol and drug use before and during visits. Several mothers in our study complained that the father was drinking during visits and was unable to care for the child properly, particularly if visits were unsupervised. Supervised visitation centers can monitor intoxication and report violations to the court. A number of participants whose children were seeing their father at a visitation center mentioned that supervised visitation was ordered pending drug tests, and the director of Safe Horizon's Queens Supervised Visitation program notes that courts order random drug screens with visitation supervised pending the outcome. The complaints from mothers about intoxication during visits were primarily about unsupervised visits, however, and primarily about alcohol use during visits, which is more difficult to determine through urine screens. In conditions other than agency supervision, court orders do not specify how intoxication will be monitored and reported, leaving the burden on the victim to report violations to the court, as Field notes (1998). There are no definitive consequences for violation, except to impose more restrictions on visitation or, in extreme cases, to suspend visitation.

Nadkarni and Shaw (2002) recommend that mechanisms be built into visitation orders for monitoring compliance and ensuring consequences. Rather than leave it up to the victim to monitor and report non-compliance to the court by filing a petition, they recommend a case management approach, with monitoring provided by professionals from law, social work, psychology and domestic violence; building in periodic court reviews to assess progress. They also recommend structured consequences for noncompliance, developed with input from batterer program professionals.

## **Child Exposure to Abuse**

We found that exposure to serious verbal abuse and threats had an impact on children that exceeded exposure to physical abuse except for severe injury. There is growing interest in counseling services for children exposed to domestic violence, and increasingly, programs are in place specifically to serve these children. Our results suggest that particular attention be paid to the child's exposure to threats against the child and mother, and that a careful history be taken

from the victimized parent of the abuse she experienced in order to target services to those children most in need. Also needed are longitudinal evaluations of the impact of interventions with children.

### **Is Visitation with a Batterer Father a Good Idea? If So, How Much?**

Aside from the legal issues of parental rights, the field is divided about the benefits to children of visitation with a father who is a batterer. On the one hand, Bancroft and Silverman (2002) argue that children deprived of such contact are likely to idealize the absent father to negative effect. On the other, it has been argued that batterers are not good role models. Depending on the father's current relationship status, the severity of his violence against their mother, and other factors, there may be additional arguments for and against maintaining regular contact. We were not able to test the impact of current visitation condition on the child's mental health status because the baseline CBCL score – that is, exposure to severe injury of the mother or not – overwhelmingly determined the CBCL score at follow-up. We would need a larger sample of different visitation conditions to detect the influence on the child's adjustment of visits with the father under different conditions, and possibly additional measures.

Stover, et al. (2003) also were unable to assess the relationship between visitation conditions and children's mental health, but they were able to measure the impact of frequency of contact with the father and children's CBCL scores. Generally, they found that children who saw their father less frequently had higher internalizing and externalizing scores. There was an important exception: children who saw their father more frequently and had witnessed him committing severe violence against their mother had higher externalizing scores. With a small sample (n=50), Stover's study is hardly definitive but does suggest that there can be benefits for many children in having a relationship with their father, but only if he has not been severely abusive or threatening.

### **Future Research**

The primary focus of this study was the safety of the mother under different visitation conditions; data on children's exposure to abuse and the impact on the child relied on maternal report. Future research should interview children directly and assess the impact on the child of past violence and current visitation conditions. It should also examine child abuse that so often accompanies partner abuse, and the mother's mental health as a mediating variable. Exposure to community violence can also be a mediating factor and should be examined, as it is likely to increase a child's need for counseling.

Another area that needs additional scrutiny is what information is available to judges about the history of physical and psychological abuse in a family, how the children have experienced that abuse and the impact on their psychological health, and their attachment to each parent. Further information is needed on how judges are making decisions about parental access by abusers, and especially how the determination is made about the most appropriate form of visitation following a term at a visitation center.

Additional research on the courts and visitation might take two different approaches. One would take a smaller sample and follow the cases more closely to track the frequent changes in visits and the motives and concerns of the parents in making these changes. Second, in this study, we were prohibited by safety concerns of our parent agency and its IRB from

interviewing the fathers in the cases we were studying. Other investigators may be able to find a safe way to include fathers in a study of visitation, perhaps by taking a second sample of fathers who are not the ex-partners of the mothers in the study.

### **Implications for Policy and Practice: Summary of Recommendations**

- ***Supervised visitation centers: More centers, more hours, longer terms, more funding***

Supervised visitation centers are the safest option and offer the opportunity to deliver services to the child as well as interventions for the victimized parent and the abusive parent. Centers need to be educated about domestic violence and have policies and protocols specifically related to safety in domestic violence cases. There is an insufficient number of supervised visitation centers, however, and even fewer that operate on week-ends. Longer terms at visitation centers are needed. Funding is inadequate and intermittent. No government agency or branch has taken responsibility for ensuring that these essential services are available as needed by the court. We recommend that the judicial system become involved in ensuring the funding of visitation centers, which are probably best run by domestic violence agencies.

- ***Supervised transfer: Need for more child friendly, safe and accessible facilities; better monitoring of the exchange at police precincts***

Similarly, there is a need for more supervised transfer locations that are child-friendly, follow safety guidelines, and are open on week-ends. Recommendations for the visits themselves follow those of unsupervised visits. If transfers take place at a precinct, they should be closely monitored and arrivals and departures of the parents should be staggered for the safety of the mother.

- ***Family-supervised visits: Need for guidelines/education for supervisors, monitoring of compliance, and consequences for violations***

Family-supervised visitation is a better alternative to unsupervised visitation (with and without supervised transfer) in regard to the child's exposure to inappropriate or unsafe situations. To protect mothers better, family supervised visits might be combined with supervised transfer. The family member should not provide supervision of the transfer; it should take place at a precinct or be supervised by an agency. There should be clear guidelines for supervisors who are family members, even education or training before they take on the role. The guidelines should make clear possible consequences for violation of the conditions, and these consequences should be imposed when violations occur. There should also be a mechanism for monitoring compliance with the order.

- ***Unsupervised visits: Need for investigation before granting and independent monitoring after implementation***

Unsupervised visitation is the least onerous option for all involved and allows the father to maintain a full relationship with the children. It can work well; it can also be dangerous. There needs to be more careful investigation before a father is awarded unsupervised visits. Law Guardians need to ask questions related to domestic violence dangerousness and risks. To protect children and their psyches, fathers should not be granted unsupervised visits if they have severely injured the mother or seriously threatened the child or mother. If unsupervised visits are appropriate, monitoring should be incorporated into the plan – perhaps by a professional

associated with the court (as suggested by Nadkarni and Shaw, 2002). Monitoring would allow violations to be reported by someone other than the mother. Violations need to be taken seriously and additional conditions on visitation applied when they occur.

- ***Need to facilitate and expedite the process of securing visitation orders: dismissing visitation petitions with prejudice for no-show repeat petitioners; permanent orders when the respondent does not appear for hearings***

Moreover, something needs to be done to make the process of securing a visitation order less onerous. Severe injury was most common during the follow-up period when the father was having unsupervised visits without a court order. Parents cannot be forced to use the family court to adjudicate visitation, and sometimes victims inaccurately assess the risk of their ex-partner's potential for violence. Another reason that mothers give up on the courts, though, is the time it takes to file an initial petition (or a petition on a violation of an order) and then to return for hearings. It appears that court involvement in visitation does provide a measure of safety. Thus, the process should be streamlined. Also, to prevent the father from using the family court to harass the mother, if a father petitions for visitation and repeatedly fails to follow through, the petitions should be dismissed with prejudice.

- ***Law Guardians: Training, minimal requirements for investigations, and recommended issues to be explored***

Some law guardians apparently need training on domestic violence and on interviewing children, victims and abusers. Questions for the mother should explore the history of physical abuse and injury and child exposure not only to physical violence but also to psychological abuse and threats. Judges might impose requirements as to which persons are to be interviewed and require more interviews with collateral sources.

- ***Protections for children who have been exposed to severe injury and threats***

Children who have been exposed to a severe injury to their mother at the hands of their father and to serious threats by their father appear to suffer the most mental health consequences. If these results are supported by other studies, particularly those that use sources other than the mother to assess the child's psychological status, interventions should be targeted to children with these experiences. Law guardians or other investigators should assess children's exposure to threats and levels of fear, and make recommendations for visitation arrangements that will ensure that the children feel safe. Visitation orders should also take into account not only the mother's history of severe injury but also the impact of this history on the child.

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*Appendix A*  
*Baseline Interview*  
*English*

**CASE ID**

*Baseline Questionnaire*  
**Intimate Partner Violence During Visitation Study**

**A. Interview Information**

A1. Interviewer ID \_\_\_\_\_

A2. Date \_\_\_\_\_

A3. Site

- Bronx Family Court
- Kings Family Court
- NY Family Court
- Queens Family Court
- Staten Island Family Court

- Brooklyn Visitation Center
- Queens Visitation Center
- IDV Bronx
- Staten Island Criminal Court
- Staten Island Community Office
- Other \_\_\_\_\_

A4. Interview session

- Baseline
- Follow up 1
- Follow up 2

**B. Participant Demographics:**

*First, I would like to get some background information from you. This will take just a minute.*

B1. How old are you and what is your date of birth? AGE \_\_\_\_\_ DOB \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Declined

B2. What is your current employment situation? **(Check all that apply)**

<input type="checkbox"/> Employed, full-time	<input type="checkbox"/> Unemployed
<input type="checkbox"/> Employed, part-time	<input type="checkbox"/> Student
<input type="checkbox"/> Homemaker	<input type="checkbox"/> Disabled
<input type="checkbox"/> Seasonal/temp worker	<input type="checkbox"/> Declined to answer
<input type="checkbox"/> Looking for work	

B3. What is the highest level of education you have ever completed?

<input type="checkbox"/> 8th grade or less	<input type="checkbox"/> College graduate (BA/BS)
<input type="checkbox"/> Some high school	<input type="checkbox"/> Some graduate or professional school
<input type="checkbox"/> High school graduate/GED	<input type="checkbox"/> Advanced degree (MA, PhD, EDD, JD)
<input type="checkbox"/> Some college or vocational school	

B4. Were you born in the U.S.?  Yes  No  
 If no, where were you born? \_\_\_\_\_

B5. How do you identify yourself in terms of race or ethnicity? **(Check all that apply)**

<input type="checkbox"/> African American/ African descent	<input type="checkbox"/> South Asian (India, Pakistan, Bangladesh, Nepal, Sri Lanka, Burma*)
<input type="checkbox"/> Latina/Hispanic	<input type="checkbox"/> American Indian or Alaskan native
<input type="checkbox"/> White/European descent	<input type="checkbox"/> Biracial/Multiracial
<input type="checkbox"/> Asian/Pacific Islander (China, Thailand, Philippines, etc.)	(Specify): _____
<input type="checkbox"/> Middle Eastern (Arab, Israeli, Iranian)	<input type="checkbox"/> Other (Specify): _____
	<input type="checkbox"/> Declined

B6. How many children do you have who are under 18? \_\_\_\_\_

B7. How many (under 18) live with you? \_\_\_\_\_

B8. How many children do you have in common with him? \_\_\_\_\_

B9. Could you give me the age and sex of all children living with you, starting with the oldest? **(Record age and sex of each of her children living with her; mark for each child if he is the father)**

	Age	Sex		Is he the father?	
		Female	Male	Yes	No
First child (oldest)					
Second child					
Third child					

Fourth child					
--------------	--	--	--	--	--

B10. *What is your legal marital status in relation to him?*

- |   |  |
|---|--|
| <input type="checkbox"/> Single                       | <input type="checkbox"/> Estranged husband (Not legally separated, but not together) |
| <input type="checkbox"/> Married                      | <input type="checkbox"/> Divorced  |
| <input type="checkbox"/> Legally separated            | <input type="checkbox"/> Ex-boyfriend/Ex-common law husband                          |
| <input type="checkbox"/> Boyfriend/Common law husband |  |

B11. *Have you ever lived with him?*  Yes  No  
 If yes, for how long? \_\_\_\_\_  months  years

B12. *When did you stop living with him? (even if still romantically involved)*  
 \_\_\_\_\_  weeks  months  years ago

B13. *When did the relationship end? (not romantically involved; not living together)*  
 \_\_\_\_\_  weeks  months  years ago

C. Demographic information on father of child(ren)

*Now, I'm going to ask you some questions about the father of your child(ren).*

C1. *How old is he?* \_\_\_\_\_  DK

C2. *What is his current employment situation? (Check all that apply)*

- |   |  |
|---|--|
| <input type="checkbox"/> Employed, full-time  | <input type="checkbox"/> Unemployed            |
| <input type="checkbox"/> Employed, part-time  | <input type="checkbox"/> Student               |
| <input type="checkbox"/> Homemaker            | <input type="checkbox"/> Disabled              |
| <input type="checkbox"/> Seasonal/temp worker | <input type="checkbox"/> Declined to answer/DK |
| <input type="checkbox"/> Looking for work     |  |

C3. *What is his income approximately?*  
 \$ \_\_\_\_\_ per  Week  Month  Year  None  DK

C4. *What is the highest level of education he has ever completed?*

- |  |   |
|--|---|
| <input type="checkbox"/> 8th grade or less                 | <input type="checkbox"/> Some graduate/professional school        |
| <input type="checkbox"/> Some high school                  | <input type="checkbox"/> Advanced degree (MA, PhD, EDD, JD, etc.) |
| <input type="checkbox"/> High school graduate/GED          | <input type="checkbox"/> DK                                       |
| <input type="checkbox"/> Some college or vocational school |   |
| <input type="checkbox"/> College graduate (BA/BS)          |   |

C5. *Was he born in the U.S.?*  Yes  No  
**If no, where is he from?** \_\_\_\_\_

C6. *What is his race or ethnicity?*

- |  |  |
|--|--|
| <input type="checkbox"/> African descent/African American                            | <input type="checkbox"/> South Asian (Indian descent, Pakistan, Bangladesh, Nepal) |
| <input type="checkbox"/> Latino/Hispanic   | <input type="checkbox"/> American Indian or Alaskan native                         |
| <input type="checkbox"/> European descent/White                                      | <input type="checkbox"/> Biracial/Multiracial (Specify): _____                     |
| <input type="checkbox"/> Asian/Pacific Islander (China, Thailand, Philippines, etc.) | <input type="checkbox"/> Other (Specify): _____                                    |
| <input type="checkbox"/> Middle Eastern (Arab, Israeli, Iranian)                     | <input type="checkbox"/> Decline/DK  |

#### D. Level of Physical Violence & Children's Exposure

*Now I'm going to ask you 3 sets of questions about his abuse and whether, as far as you know, the child heard, saw, or became aware of the abuse.*

**Remind participant that the following questions refer to target child. If she has more than one child, restrict questions to the child about whom you will be asking visitation questions, i.e., his child, he has visitation with the child, and the oldest child under 14.**

D1. *When was his first incident of violence against you? Was it... (read list)*

- When you were dating
- When you first became pregnant
- When you had a child
- After being together for a while; for how long? \_\_\_\_\_

D2. *When was the most recent incident of violence? (Include verbal threats/abuse)*

- \_\_\_\_\_  Days     Weeks     Months ago  
*Did the child witness (see or hear) the violence?*  Yes     No

D3. *What was the most serious act of violence he EVER committed against you?*

- Strangling, rape, or serious threats to kill you or your child(ren) (e.g., threatening with a weapon)
  - Physical abuse (e.g., punching, hitting, kicking, slapping)
  - Verbal abuse (e.g., swearing, yelling, calling you names)
- Did the child witness (see or hear) the incident?*  Yes     No

D4. *Does he abuse alcohol or drugs?*

- Yes     No **(If not, skip to D6)**

D5. *How often would you say the violence takes place when he uses alcohol or drugs? (Read list)*

- |                                    |                                   |
|------------------------------------|-----------------------------------|
| <input type="checkbox"/> Usually   | <input type="checkbox"/> One time |
| <input type="checkbox"/> Sometimes | <input type="checkbox"/> Never    |

D6. Does he have access to a gun?

- Yes  
 No  
 DK

**E. Conflict Tactics Scale (Revised) – Modified to 3 months**

For the next set of questions, please tell me how many times the father of your child(ren) did the following things in the past 3 months. If he has not done it in the past 3 months, but has done it before, please tell me.

- 0 = This has never happened.  
 1 = Once in the last 3 months.  
 2 = Twice in the last 3 months.  
 3 = 3 times in the last 3 months.  
 4 = 4 or more times in the last 3 months.  
 7 = Not in the past 3 months, but this happened before.

For each affirmative answer indicate if the target child saw, heard, or was aware of the violence

- S** = Child saw the violence  
**H** = Child heard the violence  
**A** = Child was aware of the violence, but did not see nor hear it

	Never	Once	Twice	3 times	4 or more times	Yes-but not in past 3 months	Child Saw, Heard, or was Aware?
E1. He insulted or swore at you	0	1	2	3	4	7	
E2. He threw something at you that could hurt	0	1	2	3	4	7	
E3. He twisted your arm or pulled your hair	0	1	2	3	4	7	
E4. He pushed or shoved you	0	1	2	3	4	7	
E5. He used force (like hitting you, holding you down, or using a weapon) to make you have sex	0	1	2	3	4	7	
E6. He used a knife or gun on you	0	1	2	3	4	7	
E7. You passed out from being hit on the head by him in a fight	0	1	2	3	4	7	
E8. He punched you or hit you with something that could hurt	0	1	2	3	4	7	
E9. He choked you	0	1	2	3	4	7	
E10. He shouted or yelled at you	0	1	2	3	4	7	
E11. He insisted on sex when you did not want to, but did not use force	0	1	2	3	4	7	
E12. He beat you up	0	1	2	3	4	7	

E13. He grabbed you	0	1	2	3	4	7	
E14. He slapped you	0	1	2	3	4	7	
E15. He burned or scalded you on purpose	0	1	2	3	4	7	
E16. He kicked you	0	1	2	3	4	7	
E17. He hit you in your face, breasts or genital area	0	1	2	3	4	7	
E18. He hurt or injured you in another way: (please specify): _____	0	1	2	3	4	7	

**F. Threats & coercion**

Now I want to know if he has threatened you in the following ways in the past three months or previously.

For each affirmative answer indicate if the target child saw, heard, or was aware of the violence or threat.

*S = Child saw the violence or threat*

*H = Child heard the violence or threat*

*A = Child was aware of the violence or threat, but did not see nor hear the incident*

	Never	Yes, in the last 3 months	Yes, but not in the last 3 months	Child Saw, Heard, or was Aware of the incident?
F1. He threatened to report you to child protective services, immigration or other authorities	0	1	2	
F2. He threatened to hurt you	0	1	2	
F3. He threatened to kill you	0	1	2	
F4. He threatened to take your child(ren) away	0	1	2	
F5. He threatened to hurt your child(ren)	0	1	2	
F6. He threatened to kill your child(ren)	0	1	2	
F7. He threatened to hurt or kill someone you care about (for example; relative, friend)	0	1	2	
F8. He destroyed something that you or your child(ren) cherish (for example; pictures, mementos, favorite toys, clothes)	0	1	2	
F9. He took your child(ren) when you did not want him to	0	1	2	

**If yes, for how long?**

F10. He blamed you for his problems	0	1	2	
F11. He prevented you from having contact with your family or friends or he tried to damage your relationships	0	1	2	
F12. He told your child(ren) bad things about you, whether they were true or not	0	1	2	

F13. <i>He refused to leave your home even after you asked him several times</i>	0	1	2	
--	---	---	---	--

### G. Injury Index

Please describe any injuries the father of your child(ren) has ever inflicted on you, including the incidents you described before. I want to know if it happened in the past 3 months or before.

	Never	Yes, in the last 3 months	Yes, but not in the last 3 months
G1. Have you gotten a scratch, a bruise, or a cut from a fight with him?	0	1	2
G2. Have you been sore due to a fight with him, even though there may not have been any visible injuries?	0	1	2
G3. Have you had a sprain from a fight with him?	0	1	2
G4. Have you had a broken bone because of a fight with him?	0	1	2
G5. Do you have an impairment or disability, such as loss of hearing, sight, or difficulty walking because of a fight with him?	0	1	2
G6. Have you suffered internal injuries to vital organs because of a fight with him?	0	1	2
G7. Have you ever lost consciousness due to him choking you?	0	1	2
G8. Have you lost consciousness for more than an hour due to head injuries from a fight with him?	0	1	2
G8. Have you lost so much blood that you had to receive a transfusion because of a fight with him?	0	1	2
G9. Have you needed surgery to treat an injury from a fight with him?	0	1	2
G10. Have you been hospitalized or in rehab because of injuries from him?	0	1	2
G11. Did you ever suffer a miscarriage because of a fight with him?	0	1	2
G12. Did you ever suffer complications during pregnancy because of a fight with him?	0	1	2

### H. Court Orders

Now I'm going to ask you about any legal cases you may have in any court and your experience during this process

H1. Have you had any of the following types of legal cases in relation to him? **(Read list)**

- |  |   |
|--|---|
| <input type="checkbox"/> Criminal            | <input type="checkbox"/> Visitation                       |
| <input type="checkbox"/> Family offense (OP) | <input type="checkbox"/> Legal separation (Supreme Court) |
| <input type="checkbox"/> Paternity action    | <input type="checkbox"/> Divorce (Supreme Court)          |
| <input type="checkbox"/> Child support       |   |
| <input type="checkbox"/> Custody             |   |

**Write down each case participant has had, the court where it was filed, and ask participant to tell you the current status of each case. Please explain any outcomes (e.g., custody, Family, disposed - she got custody). For criminal cases, please give type of crime - e.g., assault, kidnapping, violation of protection order, etc.**

a) Type of case: \_\_\_\_\_

Court \_\_\_\_\_

Civil/Family Courts Status

- Dismissed
- Withdrawn
- In progress - no orders
- Disposed/resolved, please explain (e.g., orders granted):  
\_\_\_\_\_

Criminal/Supreme Cts Status

- Pending
- Dropped
- Convicted
- ACD or CD  
Condit: \_\_\_\_\_
- DK

b) Type of case: \_\_\_\_\_

Court \_\_\_\_\_

- Dismissed
- Withdrawn
- In progress - no orders
- Disposed/resolved, please explain \_\_\_\_\_

- Pending
- Dropped
- Convicted
- ACD or CD  
Condit: \_\_\_\_\_
- DK

c) Type of case: \_\_\_\_\_

Court \_\_\_\_\_

- Dismissed
- Withdrawn
- In progress - no orders
- Disposed/resolved, please explain \_\_\_\_\_

- Pending
- Dropped
- Convicted
- ACD or CD  
Condit: \_\_\_\_\_
- DK

d) Type of case: \_\_\_\_\_

Court \_\_\_\_\_  
 Dismissed  
 Withdrawn  
 In progress – no orders  
 Disposed/resolved, please explain: \_  
 \_\_\_\_\_

Pending  
 Dropped  
 Convicted  
 ACD or CD  
 Condit: \_\_\_\_\_  
 DK

e) Type of case: \_\_\_\_\_

Court \_\_\_\_\_  
 Dismissed  
 Withdrawn  
 In progress – no orders  
 Disposed/resolved, please explain \_\_\_\_\_

Pending  
 Dropped  
 Convicted  
 ACD or CD  
 Condit: \_\_\_\_\_  
 DK

f) Type of case: \_\_\_\_\_

Court \_\_\_\_\_  
 Dismissed  
 Withdrawn  
 In progress – no orders  
 Disposed/resolved, please explain \_\_\_\_\_

Pending  
 Dropped  
 Convicted  
 ACD or CD  
 Condit: \_\_\_\_\_  
 DK

**If participant filed for an Order of Protection in Family Court, proceed to H2.  
 If she has only received an Order of Protection in Criminal Court, skip to H7.  
 If she has never filed nor received an Order of Protection from any court, skip to H8.**

H2. How many times did you file for an Order of Protection in Family Court? \_\_\_\_\_

H3. Have you received a temporary Order of Protection from the Family Court?

Yes  No

**If yes, how many times** \_\_\_\_\_

Term of most recent (effective start and end dates – if she doesn't know exact dates, get approx – e.g., 2 yrs ago): \_\_\_\_\_

*If yes to H3, ask*

**H4. Did you return for a Permanent Order of Protection? (Last case only)**

**If no, why not?** \_\_\_\_\_

Yes  No  Not yet

**If yes, Term (effective start and end dates):** \_\_\_\_\_

H5. What information did you give to the family court, in oral testimony or in your petition, during your Order of Protection hearing? (Check all that apply)

- |  |   |
|--|---|
| <input type="checkbox"/> Incidents of violence in the past | <input type="checkbox"/> Child(ren)'s awareness of violence (Even if child did not see him hurting you, she/he knew about it) |
| <input type="checkbox"/> Severity of violence in the past  | <input type="checkbox"/> Other (Specify) _____  |
| <input type="checkbox"/> Extent of violence in the past    | <input type="checkbox"/> NA   |
| <input type="checkbox"/> Violations to OP (if any)         |   |
| <input type="checkbox"/> Violence witnessed by children    |   |

H6. Did anyone assist you with obtaining an Order of Protection in Family Court?

- Yes  No

**If yes, who?**

- Attorney/lawyer  
 Advocate/counselor  
 Law student (CAP program)  
 Social worker  
 Relative or friend  
 Other (Specify) \_\_\_\_\_

H7. Has the criminal court ever granted an Order of Protection?

- Yes  No

Term of most recent: Start date: \_\_\_\_\_ Expiration date: \_\_\_\_\_

H8. Has the father of your child(ren) ever filed for a protection order against you?

- Yes  No

**If yes, Was he ever granted a protection order against you?**

- Yes  No Term of most recent (start & end dates): \_\_\_\_\_

H9. Has the Administration for Children's Services (ACS) ever been involved with your family?

- Yes

- No

**If no, skip to Section I.**

**If yes, ask: In what way?** \_\_\_\_\_

H10. Is there currently an open ACS case?

- Yes  No

## I Custody Petitions

**Ask Section I only if participant has a custody case.**

I1. Did you ever file an emergency custody petition?  Yes  No

**If yes, when?** \_\_\_\_\_

What was the status of your relationship at that time? \_\_\_\_\_

I2. Did you ever file a petition for permanent custody?  Yes  No

**If yes, when?** \_\_\_\_\_

13. Did the father of your children ever petition for custody?  Yes  No

**If the answers to I1, I2 and I3 are all no, skip to section J.**

14. Did anyone assist you with filing the custody petition?  Yes  No

**If yes, who?**

Attorney/Lawyer

Advocate/counselor

Law student

Social worker

Other (Specify) \_\_\_\_\_

15. Did he contest your custody petition?  Yes  No

**If participant has filed for custody but the case has not yet gone to trial, skip to section J.**

16. At the hearing, did he have an attorney?  Yes  No

17. Did you have an attorney?  Yes  No

18. Were allegations made about your violence toward the father of your child(ren)?

Yes  No

19. Did the father make allegations about your fitness as a parent? (For example, did he say that you don't take good care of the child(ren), that you have unsuitable friends or male partners, that your family's influence is negative?)

Yes  No

**If yes, what were the specific allegations he made?**

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I10. Did he complain that you do not give him adequate access to the child(ren)?

Yes  No

I11. Did he or his lawyer complain that you were trying to turn the child(ren) against him?

Yes  No

## **J. Visitation Order**

**Ask only if participant has court ordered visitation, otherwise skip to section K**

J1. What information did you (or your lawyer or other witnesses) give to the court in oral testimony during the visitation case?

- Incidents of violence in the past
- Severity of violence in the past
- Extent of violence in the past
- Violations of OP (if any)
- Violence witnessed by children
- Child(ren)'s awareness of violence (That is, even if child(ren) did not see him hurting you, she/he knew about it)
- Other (Specify) \_\_\_\_\_
- NA

*If yes, who?*

J2. Did anyone assist you in regard to the hearing on the Visitation Order?  Yes  No

- Attorney/Lawyer
- Advocate/counselors
- Law student
- Social worker
- Other (Specify) \_\_\_\_\_

J3. Was the father of your child(ren) represented by a lawyer at the hearing on visitation (or Protection Order that included visitation conditions)?

- Yes  No

J4. Did the court appoint a law guardian to represent your child?

- Yes  No (If no, skip to J6)

**If yes, did the law guardian interview... (Read list)**

- You
- Father of child
- Your child
- Other
- No one

**If she was interviewed, ask:** What questions were you asked?

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J5. Do you know the law guardian's recommendation to the court?

- Yes  No

**If yes, what was recommended? Did the judge follow the recommendation?**

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J6. Were there other witnesses in the visitation hearing? (Include her relatives, his relatives, ACS, etc.)

Yes  No

**If yes, ask: Who testified? Give relationship to participant and mark for each one whether testified on her behalf or on father's behalf.**

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### K. Visitation Condition

#### **Family supervised visits**

K1. Did the court assign someone – a family member, for example, to supervise the visits?

Yes  No

**(If yes, ask K2 to K4. If no, skip to K5)**

K2. Who is the supervisor? **(Note relationship to participant and abuser)**

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K3. Who proposed the supervisor? Was it you, the father, both you and he, your lawyer, his lawyer, the judge, or someone else?

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K4. How well did the child know the supervisor before?

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**-- Proceed to Section L --**

#### **Visitation at a Center**

K5. Did the judge order that visits take place at a Visitation Center?  Yes  No

**(If yes, ask K6 to K10. If no, skip to K11)**

K6. How did you identify the Visitation Center? \_\_\_\_\_ Did you have to find it?  Yes  No

K7. Were you placed on a waiting list or were you able to enter the program right away?

Entered right away  Put on waiting list for \_\_\_ weeks or \_\_\_ months

K8. How long is your term of visits at the Visitation Center? \_\_\_\_\_ months

K9. When do you return to court for a modification of the visitation order? Date \_\_\_\_\_

K10. What is the schedule of visits?

**-- Proceed to Section L --**

Unsupervised Visits

K11. *Is the father having unsupervised visits with the child?*  Yes  No

K12. *Is transfer of the children supervised? That is, when you exchange the children with him, is there someone there to supervise?*  Yes  No **If yes, who supervises?** \_\_\_\_\_

K13. *Does transfer of the children take place at a public setting or a precinct?*  Yes  No

**L. Visitation Experience**

*Now I'm going to ask you some questions about your experience with the visits. I want to know what is happening during the visits even if it is different from what the court said in your visitation order (or protection order that includes visitation).*

L1. *During the last 3 months how often has he been seeing your child? (Mark all that apply)*

Regular visitation

Number of visits: \_\_\_\_\_ per  week  month

Duration of visit \_\_\_\_\_  hrs.  days  weeks

Overnights?  Yes  No

Occasional visitation

Vacation

Holidays

Special occasion (e.g., birthday)

Irregular visits

NO VISITS in last 3 months: *Why not?*  Visits suspended  Other reason

**If visits have been suspended, ask:**

*For what reason?* \_\_\_\_\_

*For how long have they been suspended?* \_\_\_\_\_

*Has the father refiled?*  Yes  No

*How long has it been since the child(ren) had a visit with their father?* \_\_\_\_\_

**If some other reason, ask:**

*What is the reason for no visits in last 3 months?* \_\_\_\_\_

*Is the court aware that there are no visits occurring?* \_\_\_\_\_

*How long has it been since the child(ren) had a visit with their father?* \_\_\_\_\_

L2. What type of visitation did you have before the current visitation arrangement?

Supervised at a center; *When* \_\_\_\_\_

- Family Supervised; When \_\_\_\_\_
- Unsupervised; When \_\_\_\_\_
- None, since \_\_\_\_\_
- Other, Explain \_\_\_\_\_

**NOTE: These questions refer only to incidents that have occurred during the visits or exchange of child for visits.**

	Never	Yes, in the last three months	Yes, but not in the last three months	NA
L3. Has he threatened to take your child some place so that you could not see him/her?	0	1	2	9
<b>If yes, do you know where he planned to take him/her?</b>	<input type="checkbox"/> Out of town <input type="checkbox"/> Out of state <input type="checkbox"/> Out of the country Other _____			
L4. Has he ever actually taken the child away so that you couldn't see him/her?	0	1	2	9
<b>If yes, where did he take him/her?</b>	<input type="checkbox"/> Out of town <input type="checkbox"/> Out of state <input type="checkbox"/> Out of the country Other _____			
<b>If yes, for how long?</b>	<input type="checkbox"/> Days <input type="checkbox"/> Months			
L5. Has he exposed the child to things you thought were not good for him/her or inappropriate, such as movies that were too mature or violent, adult situations, people you don't trust?	0	1	2	9
<b>If yes, please explain:</b>				
L6. Has he taken the child to places you did not want him to?	0	1	2	9
<b>If yes, where?</b>				
L7. Has he taken or watched the child when he was drunk or high and not able to take care of him/her properly?	0	1	2	9
L8. Has he violated the visitation order in any of the following ways?				
a) Kept child longer than he was allowed to	0	1	2	9

<i>b) Did not show up for one or more visits</i>	0	1	2	9
<i>c) Showed up at times when he was not supposed to</i>	0	1	2	9
<i>d) Visited when supervisor was not present (only for supervised visitation)</i>	0	1	2	9
<i>e) Has he violated the order in any other ways? (Specify)</i>	0	1	2	9

**M. Order of actions and other pertinent information**

**Give participant set of 9 cards**

M1. *Now, please look at this set of cards and tell me the order in which any of these actions took place.*

**(Write 1 for the first action, 2 for the second, etc.)**

- \_\_\_\_\_ Separation/termination of relationship
- \_\_\_\_\_ Participant filed for protection order
- \_\_\_\_\_ Father of child(ren) filed for protection order
- \_\_\_\_\_ Participant filed for child support
- \_\_\_\_\_ Participant filed for custody
- \_\_\_\_\_ Criminal case filed
- \_\_\_\_\_ Father of child(ren) filed for visitation
- \_\_\_\_\_ Visitation modified
- \_\_\_\_\_ Last incident of violence or stalking

M2. *How do you feel about how the family court handled your case? Do you feel safer because of family court actions? Do you feel the court adequately protected you? Your child(ren)?*

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M2. *Do you feel the court was too punitive toward the father of your child(ren), or too lenient toward him? Do you feel they granted him too little visitation, too much visitation, or the right amount?*

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M3. *Please comment on whether you are satisfied with the visitation arrangement. Is it convenient/inconvenient? Safe/unsafe?*

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M4. *Do you want the father to have a relationship with his child? How do you feel he should be involved in your child's life?*

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M5. *How does the child seem to you after visits? Is there any change in his/her demeanor?*

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M6. *How involved does the child want to be with his/her father?*

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**Tell participant that the first and longest part of the interview is complete. Let her know that you just need to ask some questions about her child, which will take only 10 minutes.**

**After completing the CBCL, remind participant that you need to make copies of/review her court documents. Thank her for her time and tell her that she will be receiving a money order within 2 weeks. Remind her that a researcher will be contacting her in 3 months for the follow-up interview.**

## Appendix B. Supplemental Tables

Table B1. Demographic Characteristics of Sample

	<b>T1 Respondents (N=242)</b>	<b>T2 Respondents (N=168)</b>
<u>Racial/Ethnic group</u>		
African descent/Black	35%	33%
Latina/Hispanic	43%	44%
European descent/White	10%	12%
Other racial/ethnic groups	12%	11%
<u>Foreign born</u>	37%	37%
<u>Education</u>		
Less than high school	23%	20%
High school diploma/GED	23%	27%
Some college or vocational school	35%	33%
College degree	19%	20%
<u>Employment status</u>		
Full time	36%	39%
Part time	11%	10%
Homemaker	7%	7%
Seasonal/temporary worker	3%	4%
Looking for work	6%	6%
Unemployed	27%	25%
Student	9%	8%
Disabled	1%	1%
<u>Relationship to abuser</u>		
Married	24%	26%
Legally separated	2%	2%
Divorced	11%	10%
Estranged husband	5%	4%
Boyfriend/common law husband	1%	1%
Ex-boyfriend/ex-common law	57%	57%
Age (mean)	31.6	31.5
Number of children (mean)*	2.0	2.0
Age of oldest child (mean)	7.8	7.7

Table B2. Items in Compound Variables – Conflict Tactics Scale (CTS)

**Table 2. Items in Compound Variables**

**Physical Abuse (Conflict Tactics Scale):**

*Minor to Moderately Severe*

Threw something at you that could hurt  
Twisted your arm or pulled your hair  
Pushed or shoved you  
Grabbed you  
Insisted on sex but did not use force

*Severe*

Used force to make you have sex  
Used a knife or gun on you  
Punched you or hit you with something that could hurt  
Choked you  
Beat you up  
You passed out from a blow to the head

**Psychological Abuse (Coercion) and Threats (Conflict Tactics Scale)**

*Minor to moderately severe*

Insulted or swore at you  
Shouted or yelled at you  
Blamed you for his problems  
Threatened to hurt you  
Threatened to report you to authorities  
Destroyed something you or children cherish

*Severe*

Prevented contact with family and friends  
Told the children bad things about you  
Refused to leave your home  
Threatened to kill you  
Threatened to take the children  
Threatened to hurt the children  
Threatened to kill the children  
Threatened to hurt or kill someone you care about  
Took your children

**Table B3. Items in Compound Variables – Injuries “because of a fight with him”**

**Injuries**

***Minor to Moderately Severe***

Scratch, cut  
Bruise  
Sore – no visible injuries  
Sprain

***Severe***

Broken bone  
Impairment or disability  
Internal injuries to vital organs  
Lost consciousness due to choking  
Lost consciousness for more than an hour due to head injuries  
Lost so much blood you needed a transfusion  
Needed surgery to treat an injury  
Hospitalized or in rehab because of injuries  
Miscarriage  
Pregnancy complications

**Table B4. Children’s Problem CBCL Scores at Follow-Up by Baseline Visitation Condition**

<b>Baseline Visitation Condition</b>	<b>Percent CBCL Scores in Problem Range (n)</b>		
	<b>Internalizing</b>	<b>Externalizing</b>	<b>Total</b>
No visits	36% (9)	20% (5)	24% (6)
Unsupervised	38% (10)	23% (8)	31% (8)
Fam Sup/Pub Transfer	6% (1)	6% (1)	6% (1)
Precinct Transfer	43% (10)	13% (3)	26% (6)
Family Supervised visits	40% (8)	35% (7)	30% (6)
Visitation Center	29% (12)	26% (11)	29% (12)

Table B5. Multinomial Logistic Regression of Children’s Problem CBCL Scores at Follow-Up by Baseline Visitation Condition (N=136)

<b>Problem Area at T2 Visitation Condition at T1*</b>	<b>Odds Ratio</b>	<b>Probability</b>
<b>Externalizing</b>		
<i>Baseline Externalizing</i>	18.44	0.000
<i>Unsupervised</i>	1.12	0.893
<i>Fam Sup/Public Transfer</i>	0.54	0.631
<i>Precinct Transfer</i>	0.66	0.665
<i>Family supervised visit</i>	9.68	0.016
<i>Center</i>	3.82	0.109
<b>Internalizing</b>		
<i>Baseline Internalizing</i>	12.77	0.000
<i>Unsupervised</i>	0.88	0.860
<i>Fam Sup/Public Transfer</i>	0.06	0.022
<i>Precinct Transfer</i>	1.44	0.614
<i>Family supervised visit</i>	1.90	0.419
<i>Center</i>	1.22	0.764
<b>Total</b>		
<i>Baseline Total</i>	19.99	0.000
<i>Unsupervised</i>	0.88	0.874
<i>Fam Sup/Public Transfer</i>	0.14	0.109
<i>Precinct Transfer</i>	1.24	0.796
<i>Family supervised visit</i>	3.57	0.167
<i>Center</i>	2.69	0.215

\* As compared to no visits at baseline